children in Transylvania attend Hungarian sections, and less 35 percent attend Hungarian sections in the high schools in general. The percentages are shrinking year by year. On the university level the number of Hungarian students expanded only 20 percent in the last 15 years as compared to about 200 percent for Romanians.

Hungarian bilingual signs are unknown outside of the three counties of the "Székely area" and even there they are sparse. Despite the constitutional guarantee of the use of the mother tongue in official correspondence and contacts, no such opportunities exist except in the purely Hungarian villages. Many of the towns and cities with Hungarian majority or substantial Hungarian majority or substantial Hungarian minorities have mayors who do not speak Hungarian. The once flourishing Hungarian theaters are also merged with Romanian ones except in Cluj (Kolozsvár) and Sfintu Gheorghe (Sepsiszentgyörgy).

The situation could be described in similar terms of systematic and forced retrenchment of any Hungarian culture in other fields. The history of the province has been falsified not only according to Marxist-Leninist dogma, but sometime in contravention of it in the spirit of Romanian chauvinism. Most of the Hungarian history of the province is completely ignored, the few instances quoted are completely distorted to stress "Romanian contribution." The questionable "Daco-Romanian theory" has become a matter of creed which Hungarians have to parrot admitting that the Romanians and not they were the autochtonous population despite their incredence of the theory.

The newest assault on the Hungarians is the systematic plan to dilute the last Hungarian bloc of about 750,000 in southeast Transylvania. Ending economic neglect the area is now being industrialized. But the workers brough in are not from the neighboring' villages but from the Romanian parts of Transylvania and often from outside Transylvania. The plan has not yet succeeded in its objectives but the gleichschaltung has already begun in the Szekely area toward the permanent local minority status of the Hungarians.

Atrocities also occur. A professor in the *lycée* at Brasov was either killed or driven to suicide in 1977 for opposing the abolition of the Hungarian section in his school (Szikszay). Arrests and persecutions are not uncommon and the leading dissenter, former member of the Communist Party's presidium, Károly Király, was severely harrassed upon publically criticizing the policies toward the nationalities in 1978.

THE INTERNATIONAL AND NATIONAL ISSUE OF OPPRESSION IN ROMANIA

The Kiràly letters which were also published in the West were not the only sign of resistance of the Hungarian leadership in Transylvania. Former Rector of the Bólyai University, Professor Lajos Takacs formulated the demands of the minority within the framework of Communist ideological principals but fearlessly as far as Romanian chauvinism is concerned. Memorandum was sent by 63 Hungarian intellectuals in Transylvania to their Romanian colleagues asking for improvements and the leading Hungarian writer Andras Sütö also addressed an appeal to the party organs.

The Western press, especially since the Kiràly letters, is also taking note of the continued persecution of the Hungarian minority. Articles were published in leading American, British, Swedish and German newspapers and magazines in the period of 1977–1979.

The American Hungarian Federation has addressed the problem ever since 1963 to the members of Congress and the Administration. We are not against the principle of foreign trade, nor against the principle of most favored nations treatment to Romania. But in our opinion, granting the concessions rewards a country where human rights violations are daily occurring against all citizens, where free emigration does not exist and where the autochtonous Hungarian minority of 2.5 million is cruelly oppressed. We do not believe that Congress should renew the most favored nations treatment of Romania at this time until guarantees for improvements have not been received by the President and Congress that the provisions of the Helsinki Agreement on human rights will be observed and the national minorities assured the rights they enjoy under the Helsinki Agreement and the International Covenant on Political Rights.●

YE OF LITTLE FAITH

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 1979

● Mr. SYMMS. Mr. Speaker, the July 22, 1979, Idaho Statesman contains an editorial commenting on President Carter's order imposing temperature regulations on heating and cooling of nonresidential buildings. I feel that the Statesman editorial makes some very good points.

Further, I strongly suspect that the energy savings—specifically oil—resulting from these regulations will be minimal. One gets the feeling that the real reason for the regs is to create a public psychology of "crisis."

The editorial reads as follows:

YE OF LITTLE FAITH

The Department of Energy's program to enforce restrictions on heating and cooling non-residential buildings in an affront to the American people and a waste of money.

The department has announced that Idaho might receive approximately $52,000 to enforce the regulations, which require all nonresidential buildings to be cooled no lower than 78 degrees in summer and heated no higher than 65 degrees in winter. The money would be used by the state to monitor compliance with the regulations. Those found in violation could be subjected to fines up to $10,000 a day.

How incredibly small-minded of Washington. President Carter tells us it is our duty as citizens to sacrifice so our country might overcome the energy crisis. Then, the first thing the federal government does is seduce state governments with federal money and beat the people about the head and shoulders with threats of what will happen if they don't comply.

That's like saying, "You ought to be patriotic, but we don't think you have it in you. We have no faith in you."

Idaho ought to refuse the money and ignore the threats. The people of Idaho do have it in them, as citizens of the nation, to respond without threats. Idahoans will respond because they understand the gravity of the situation. They will heed to call of their president and the regulations passed by Congress without being threatened into it. True, some will cheat under any circumstances. But we predict more cheating will result from the heavy-handed federal threats than would otherwise be the case. Intimidation is counterproductive: it begets rebellion.

In his speech last Sunday, President Carter spoke of Washington as an island. This attempt to muscle the American people certainly shows how much of an island that city on the Potomac has become. The carrot and stick approach is entirely inappropriate to the tenor of the day. The people just do not need federal intimidation. They are ready to respond. They may grumble a bit, but they are ready to sacrifice. Just treat them like sensible human beings, not like naughty children.

The human animal normally performs to expectations. Expect little and you will get little. Expect much and so shall you receive. If it is true, as we believe, that Americans must regain a sense of self-confidence and faith in their nation, it follows that the government must risk a demonstration of that same faith, Programs such as this are a poor way to start.●

SENATE—*Monday, July 30, 1979*

(Legislative day of Thursday, June 21, 1979)

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

PRAYER

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

O Lord whose grace is sufficient for all our need, grant to each of us an abiding sense of Thy presence that we may have Thy correction, Thy wisdom, and Thy support.

We pray for all persons in places of authority, the President, his counselors, the Members of Congress, all judges, all diplomats, and those who make and execute national policies. May they have a vivid sense of ruling under Thy providence, and a holy remembrance that where there is no vision the people perish.

In Thy holy name, we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 30, 1979.

To the Senate:

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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

WARREN G. MAGNUSON,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

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

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator from Nebraska (Mr. EXON).

SENATE RESOLUTION 206—SET-ASIDE PROGRAM FOR 1980 WHEAT CROP

Mr. EXON. Mr. President, I rise this morning to ask for the immediate consideration of Senate Resolution 206, which the Senator from Nebraska introduced last week. Before proceeding, if the majority leader will yield, I would like to ask him a question regarding procedure.

Mr. ROBERT C. BYRD. Mr. President, I will be glad to answer the Senator's question.

Mr. EXON. Mr. President, by unanimous agreement on both sides, as the majority leader knows, the ranking member of the Agriculture Committee and the chairman of the Agriculture Committee in consultation on the floor on Friday last, about 6 p.m., agreed that the committee would be discharged. I ask the question: Would it not be proper at this time to move for the discharge of the committee before I move adoption of the resolution?

Mr. ROBERT C. BYRD. Mr. President, I hope the distinguished Senator will not press his request at the moment. If he would wish to have some time to speak, I will be glad to yield.

Mr. EXON. Mr. President, let me proceed with my remarks and we can work out the matter in the meantime.

Mr. ROBERT C. BYRD. Yes.

Mr. EXON. Mr. President, let me begin by expressing my gratitude to the distinguished chairman of the Agriculture Committee and the distinguished ranking minority member of the committee for their expeditious action on this resolution. In light of the fact that the administration will be announcing its decision in the next few days, it is critical that we in this body have the opportunity to send the Secretary of Agriculture a message. This resolution is such a message expressing the desires of the U.S. Senate.

Mr. President, when I first learned that the administration was contemplating a decision which would eliminate the voluntary wheat set-aside for the 1980 crop year, I was shocked. For the last 2½ years, the U.S. Department of Agriculture has been the target of criticism from virtually every segment of the agriculture industry for what was believed to be a shortsighted agriculture program which was doing little to address the immediate needs of our farmers. In recent months, this stagnation appears to have broken and we have seen a decided improvement in market prices brought on by improved export demand and the policy of reduced planting; namely, the set-aside.

It is too soon, Mr. President, to take the steps the Secretary of Agriculture is contemplating in the elimination of the voluntary set-aside for wheat and later this year for feed grains. The Nation's harvest reports are indicating that when the last bushel of wheat is harvested, this Nation's wheat farmers will have produced some 2.15 billion bushels, much of which will certainly go into our surplus. To eliminate the set-aside, in my opinion, will put this Nation's farmers on the road to a fence-row-to-fence-row planting policy which will only serve to end the current market price improvements and force prices to decline. This will, once again, put our food plant in a state of stagnation and further the continued evolution of the international cheap food policy.

Mr. President, the time to act is short and the importance of this action is undisputed. The U.S. Senate, should it approve this measure, will go on record in support of the continued voluntary set-aside for the 1980 wheat crop and by this action show its continued support for our food plant.

Mr. President, this completes my remarks at this point. I ask for the early consideration of the resolution as presented.

Before I yield back to the majority leader, I do want to point out that I will offer a technical amendment to correct a typographical error, an amendment which is now at the desk. During the drafting of this resolution, a minor error occurred in paragraph 3. The figure of 215 million should read 2.15 billion.

I will offer that amendment at the appropriate time as a technical correction.

Mr. ROBERT C. BYRD. Mr. President, as I understand the distinguished Senator, he will seek to discharge the Committee on Agriculture from further consideration of the resolution, Senate Resolution 206.

Mr. EXON. The Senator is correct.

Mr. ROBERT C. BYRD. And he would wish to proceed to its immediate consideration.

Mr. EXON. The Senator is correct.

Mr. ROBERT C. BYRD. And then he would wish to offer an amendment which would correct a typographical error.

Mr. EXON. The Senator is correct.

Mr. ROBERT C. BYRD. It will have to be cleared on the other side before we can proceed. Have I any time remaining.

The ACTING PRESIDENT pro tempore. The Senator has 4½ minutes remaining.

Mr. ROBERT C. BYRD. I thank the Chair. I will reserve that time in the event that I wish to yield to the Senator.

Mr. BAKER. Will the distinguished majority leader yield to me?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. Mr. President, I have asked the majority leader to yield to me only long enough to say that I believe this matter has been cleared by our ranking member on the Agriculture Committee, the distinguished Senator from North Carolina (Mr. HELMS). If the Senator would forbear just for a moment, I would like to touch one or two other bases and then I think we will be prepared to go forward.

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

Mr. President, there was a conversation on the floor, I believe last Friday, involving Mr. TALMADGE, the chairman of the committee, Mr. HELMS, the ranking member, Mr. EXON, and myself. I think the matter was cleared at that time. But we will not pursue the matter until the distinguished minority leader has further cleared the matter.

Mr. EXON. If the Senator will yield, I am glad to wait as requested by the majority leader.

Mr. President, I ask unanimous consent at this time that Senator BOSCHWITZ be made a cosponsor of the resolution.

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

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. BAKER. Mr. President, are there special orders this morning?

The ACTING PRESIDENT pro tempore. There are special orders, yes.

Mr. BAKER. Mr. President, am I included in that list?

The ACTING PRESIDENT pro tempore. The Senator is included.

Mr. BAKER. Mr. President, I have no need for more than the time provided by the special order, and I am willing to yield back my time under the standing order. If I could suggest the absence of a quorum or otherwise utilize that time in order to gain just a moment to complete my check, I would be willing to try to dispose of the matter offered by the Senator from Nebraska.

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

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

The second assistant legislative clerk proceeded to call the roll.

SENATE RESOLUTION 206—SET ASIDE PROGRAM FOR 1980 WHEAT CROP

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

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

Mr. BAKER. Mr. President, I might say for the benefit of our colleague from Nebraska and the majority leader that this item, it now appears, is fully cleared by the ranking minority member of the Committee on Agriculture, the distinguished Senator from North Carolina (Mr. HELMS). We know of no other problems with the measure, and I am prepared at this time to proceed to agree to the Senator's request.

Mr. EXON. Mr. President, I ask unanimous consent that the Committee on Agriculture be discharged from consideration of Senate Resolution 206 and that it be immediately considered.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to the immediate consideration of the resolution.

The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 206) relating to the set aside program for wheat for the 1980 crop.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

UP AMENDMENT NO. 470

The ACTING PRESIDENT pro tempore. Does the Senator wish to submit his amendment?

Mr. EXON. Mr. President, I have sent to the desk a minor corrective amendment that I should like to have incorporated in the RECORD. I referred to it in my remarks a few moments ago, a typographical error changing the words "215 million bushels" as originally inserted to "2.15 billion bushels." I ask unanimous consent that that corrective language be made part of Senate Resolution 206.

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

The legislative clerk read as follows:

The Senator from Nebraska (Mr. EXON) proposes an unprinted amendment numbered 470.

In the third paragraph of the preamble strike all after "harvest" and insert in lieu thereof: "which includes a 20 percent set-aside, produced some 2.15 billion bushels of wheat which will add to this nation's current domestic surplus".

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment was agreed to.

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

The resolution (S. Res. 206) was agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble as amended, is as follows:

S. RES. 206

Whereas the Secretary of Agriculture has been given the responsibility by law to establish crop set-aside programs for the 1980 crop year for certain agricultural commodities; and

Whereas the Secretary of Agriculture will be making his decision on the wheat set-aside program for the 1980 crop year on or before August 15, 1979; and

Whereas the 1979 wheat harvest, which includes a 20-percent set-aside, produced some 2.15 billion bushels of wheat which will add to this Nation's current domestic surplus.

Whereas a decision to not have a wheat set-aside for the 1980 crop year can only result in fence-row-to-fence-row planting practices similar to those that occurred in the mid-1970's and resulted in excessive surpluses during a time of reduced world demand and in financial ruin for a large segment of this Nation's wheat producers; and

Whereas official Department of Agriculture estimates indicate that seventy-eight million acres will be planted to wheat in the absence of a set-aside program, an estimate by industry of eighty-two million acres is far more realistic; and

Whereas eighty-two million acres of wheat production in 1980, a substantial increase over the estimate of the Department of Agriculture, would drive market prices down from their presently improved level and result in significant savings only to foreign buyers at the expense of domestic producers; and

Whereas it is the responsibility of the Secretary of Agriculture to use the authority granted him by law to protect the Nation's agriculture sector through the formulation of policies designed to improve production practices and ultimately eliminate the cheap food philosophy which has permeated our Federal Government for too many years: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Secretary of Agriculture should, and is hereby urged and requested to, establish a minimum wheat set-aside for the 1980 crop year of not less than 5 per centum of the 1980 wheat acreage.

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

Mr. EXON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

Mr. BAKER. Mr. President, I ask unanimous consent that time allocated to me under a special order for this morning may be assigned to the distinguished Senator from New York, so that he can maintain control of an orderly colloquy on this important subject.

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

Under the previous order, the Senator from New York is recognized for not to exceed 15 minutes.

THE REPUBLICAN ECONOMIC PROGRAM

Mr. JAVITS. Mr. President, my purpose in addressing the Senate this morning is to detail the elements of an economic program just adopted by all 41 Republican Members of the Senate for presentation to Congress and to the country. The economic program is designed to offer the American people alternatives to the economic proposals of the administration. We felt it our duty, if we were going to be critical, to offer positive alternatives ourselves. This is what we shall be presenting this morning.

These statements were released late last week. My presentation will be followed by that of Senator DANFORTH of Missouri and other Republican Senators who will present a package of bills implementing part of this program. Other bills will be forthcoming in due course. In addition, there are measures already introduced which deal with the implementation of elements of the program.

Mr. President, the ideas which we present and which we shall endeavor to implement by legislation, both in original measures and amendments to bills which may be brought in here by committees and to recommendations which may be made by the President, are based upon a number of fundamental concepts. These are four, and they are as follows:

One, that the control of the present double-digit inflation, which we all agree is critical to the long-term health of the economy, depends upon the adoption of the following policies: To foster improved capital investment, productivity, research and development, personal savings, and personal investment in order to expand the productive capacity and efficiency of our economy; and, two, to bring the Federal budget into balance as soon as possible as an integral component of stable monetary and fiscal policies.

Second, the present and prospectively worsening problems of unemployment, which bears so heavily on youth and on minorities and those newly entering the labor force, can be best remedied by placing greater reliance upon the private sector of our economy through expanded use of tax credits for employers who give jobs, the issuance of vouchers by Government making that program easier to administer, and especially adapting to the problems of the structurally unemployed.

Third, that a crisis of confidence having arisen in our country, which is reflected in a crisis of confidence in the health of the U.S. dollar, which has been battered by our inability to deal with a new wave of inflation and by a fundamental erosion in the overall economic position of the United States and the world, its restoration requires better control of domestic inflation and a massive export development drive.

We also urge the establishment of a means for moving capital for productive purposes to developing countries

which are willing to cooperate in the foreign trading system of the world.

Fourth, and last, the U.S. tax system should not operate to reduce the real standards of living of the American people.

Accordingly, we Republicans support substantial phased reductions in Federal income taxes to encourage incentives for economic growth and job opportunities without inflation and to limit the growth rate of Federal spending.

Mr. President, these themes are incorporated in the Republican economic policy statement which has already been printed in the RECORD, but which, for the purpose of unified reading, I ask unanimous consent it may again be printed in the RECORD.

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

REPUBLICAN ECONOMIC POLICY STATEMENT

INTRODUCTION

Today, a lack of confidence in the ability of the present Administration to develop consistent and reliable economic policies has bred a climate of uncertainty about the health of the U.S. economy and even about the position of the U.S. in the world.

Controlling inflation, cutting taxes, and increasing our national productivity are the main economic concerns of the American people. Senate Republicans are prepared to furnish fresh, optimistic, and decisive leadership to accomplish these objectives.

Our program for balancing the federal budget, reducing personal and business taxes to increase incentives for investment and improved productivity, curtailing regulatory excesses, and other measures to increase investment and job opportunities is in sharp contrast to current economic policies.

In recent months, economic uncertainty has yielded to genuine concern about the danger of a severe recession because:

(1) Inflation has reaccelerated to double-digit levels in this year,

(2) Unemployment has remained very high, and

(3) There is an almost total absence of a coherent national economic strategy and energy policy.

Inflation is eroding the value of savings and wiping out recent increases in personal incomes, while simultaneously increasing the tax burden by forcing Americans into higher tax brackets. Unemployment has persisted in the range of 6 percent for the last year and shows no signs of improvement any time soon. Indeed, it is now expected to worsen considerably. And youth unemployment continues at intolerable levels, particularly in the older cities.

Compounding the problems of worsening inflation and unemployment are the continuing weakness of the U.S. dollar; very high interest rates; the sharp fall-off of R & D investment; and the virtual stagnation of U.S. productivity growth—the key to jobs, rising standards of living and stable prices.

The economic danger before us is very real, therefore, but the Administration seems to lack either the ability or the will—or both—to deal with it. Instead of formulating the needed economic initiatives—to restrain inflation by increased productivity and enterprise; reduce unemployment; reduce the trade and payments deficits; increase the real GNP by bringing the national books into balance; and restore domestic and world confidence in the dollar—the Administration has seemingly chosen a policy of papering over the basic economic illness by market manipulation of the dollar, wage and price exhortation and surrendering on energy policy.

The Administration continues to rely principally upon an almost unintelligible, already unsuccessful program of half-mandatory/half-voluntary wage and price controls and a series of energy programs by which, even if approved, little will be gained in energy sufficiency. The economic history of the world proves the folly of continuance of wage and price controls which distort the economy and incur ultimately greater inflationary pressures. The imposition of wage, price or credit controls cannot be justified except in a time of true national emergency.

Clearly the loss of confidence in the leadership of the U.S. has its roots in a fundamental skepticism about the effectiveness of U.S. leadership.

Senate Republicans believe action is needed now, to avert what could be a major domestic and world economic disaster early in the course of the next decade. There is a need to put before Congress and the people an action program which would be directed to: securing the living standards of the people; reducing unemployment by providing permanent private sector jobs, particularly among minorities and youth; restoring confidence in the U.S. dollar; stimulating capital formation and U.S. productivity as the only enduring approach to stable prices and full employment; reducing the burden of unadjusted federal tax brackets on individuals and corporations; balancing the federal budget; and reducing our dependence on foreign energy sources.

Accordingly, Senate Republicans put forward this "Economic Program for the Decade"—an action program to begin to make right what is so wrong with the U.S. economy.

BUDGET AND TAXES

1. It is vitally important that the tax system not operate to reduce the real standard of living of the American people. Therefore, we support substantial phased across-the-board reductions in federal income taxes to encourage incentives for economic growth and job opportunities without inflation and to limit the growth rate of federal spending.

2. Our objective must be to bring the federal budget into balance and to curb future deficits.

3. There should be a mandatory limit on federal spending. A policy of no "real" growth in federal spending through FY 1982 is desirable. The spending limit needs to be sufficiently flexible to allow for national economic and other emergencies.

4. The excessive burden of the national debt must be reduced. Budgets must provide surpluses for this purpose. Receipts from the sale of certain federal assets such as oil leases and surplus federal properties could help accomplish this goal.

5. A thorough review of all federal entitlement programs is necessary to help reduce the rapid growth of federal spending.

6. It is of the utmost urgency that the Social Security system be reviewed and revised so as to ensure the continuation of our financial commitment to our older citizens, the solvency of the trust fund, and to be fair to our younger workers, with particular regard for eliminating fraud and abuse in the disability program and providing relief from escalating payroll taxes.

7. Federal accounting precedures must be changed. The hidden spending of "off-budget" agencies through loans and credits should be highlighted in the Congressional budget.

8. There should be a thorough review of federal budgetary and accounting procedures, with consideration given to applying the accounting procedures of the private sector to the operation of the federal government, to obtain a more accurate picture of the federal budget in terms of capital assets as well as outlays. In this connection, a Task Force on the Federal Budget should be formed to review and make recommendations to Congress and the people on federal budgetary concepts, procedures and standards.

9. To further reduce federal indebtedness, the U.S. should be more vigorous in the collection of its debts, domestic and foreign.

CAPITAL FORMATION AND PRODUCTIVITY

1. Personal savings and investment should be encouraged by incentives, rather than penalized through taxation. There should be universal eligibility for Individual Retirement Accounts of up to $1,500/year. By saving for their own future, Americans would be investing in a stronger, healthier economy.

2. As an incentive for greater savings and investment, a savings interest exclusion should be provided and the present dividend exclusion from federal personal income taxes should be expanded.

3. Government at all levels should revise regulatory systems which presently divert investment capital away from productivity and job creation and divert business enterprise into non-productive purposes.

4. Improved levels of productivity in the private sector are paramount if the United States economy is to make progress in winning the inflation battle. Business incentives toward increased capital formation and investment must be encouraged through business tax reductions, tax credits, and accelerated depreciation allowances. Realistic tax incentives spur investment. Depreciation allowances for plants and equipment, including equipment to meet evironmental regulations, should be accelerated and adjusted for inflation, in order to permit depreciation allowances to approximate more closely the true replacement costs rather than historical costs of capital equipment.

5. To increase productivity, the United States must recover its former place as the world's leader in industrial research and development. Tax credits for new R & D expenditures would provide a significant incentive for improved research and development spending. The United States must increase properly conceived federal expenditures for accelerated research and development in order to replenish the nation's reservoir of technology and energy alternatives.

6. Sunset legislation for all federal regulatory agencies should guarantee the periodic review and, if necessary, adjustment of their scope and purpose.

7. The Congress should exercise effective but practicable control over proposed federal regulations to ensure that they carry out the intent of Congress. On the federal level, every proposed regulation should be subject to cost-benefit analysis to ensure that potential benefits are not outweighed by its economic impact.

EMPLOYMENT AND UNEMPLOYMENT

1. Full encouragement should be given to the highest priority need for work-study programs in high schools and colleges to attack the basic problems related to the high levels

of unemployment among several groups, i.e., those lacking the training, education, and the desire to achieve the needed skills for productive employment.

2. Targeted tax credits for hiring the structurally unemployed—similar to the Targeted Jobs Tax Credit enacted last year—provide an important incentive to employers to hire the economically disadvantaged. Full use should be made of these and similar tax credit incentives to reduce unemployment among those segments of the labor force—youth—with disproportionately high unemployment.

3. Cash bonuses for employers should cover part of the costs of bringing jobless Americans into the productive economy. In this regard, CETA's voucher demonstration project, helping the private sector hire trainees most in need of jobs, should receive a greater percentage of CETA funds.

4. Labor and management should cooperate to strengthen and expand training and apprenticeship programs in the skilled crafts, especially in small businesses, and measures to improve productivity with appropriate participation by each in the avails of such improvements.

5. Labor-management councils, bringing employers and employees together to improve working life conditions, should be encouraged.

6. The Private Sector Initiative Program (Title VII of CETA) should be expanded, so that persons trained in this program can have better opportunities for career development.

7. The charter of the U.S. Employment Service should be revised to foster better coordination with other federal activities, especially those conducted under CETA.

8. Part-time and flexi-time work schedules deserve greater use to accommodate workers and their families with special economic and domestic situations.

9. A youth differential in the Minimum Wage, with appropriate safeguards against displacement and only for a limited period of time, could have a significant impact on youth employment.

10. Regulation and paperwork requirements must be simplified for all business and construction activities in order to increase employment opportunities through reduced overhead costs.

INTERNATIONAL TRADE AND MONETARY POLICY

1. The Federal Government, with active participation by leadership from the private sector, should develop and implement a comprehensive national export policy to promote aggressively the export of U.S. goods and services and to defend U.S. trade interests.

2. Export licensing procedures should be simplified, streamlined, and better defined. There should be a firm commitment to control the export of advanced technology to non-market nations in accordance with the provisions of the Export Administration Act. We remain committed to the principles of free emigration before Most Favored Nation Status can be extended.

3. A broad effort should be launched to assist smaller businesses to participate in exporting, beginning with reform of the Webb-Pomerene Act.

4. We advocate elimination of export subsidies through international negotiations, acknowledging the impediments to this process. Until such subsidies are eliminated, we should take appropriate steps to support American industry in world markets through organizations such as the Export-Import Bank and the Commodity Credit Corporation.

5. Improved trade relations within the Americas are urgent and necessary for our mutual well-being. Therefore, the United States must begin to emphasize the importance of hemispheric trade. To that end, we urge the creation of a Western Hemispheric Economic Commission to study ways and means of joining together with our neighbors to ease and facilitate such trade to our mutual benefit.

6. The U.S. must work actively with Japan and other surplus countries to check continued undisciplined trade surpluses and also to remove nontariff barriers to trade. Failure to resolve this problem may cause political pressure for protective measures to become irresistible.

7. The DISC tax incentive for U.S. businesses should be retained, and other tax incentives for exports should be provided, as long as our overseas competitors maintain similar export subsidies. Special provision for U.S. citizens working abroad is essential to maintain our competitive position.

8. The Federal Government should systematically monitor imports to anticipate future trade problems before they cause the shutdown of American plants and the loss of jobs. To this end, we recommend trade adjustment assistance to provide more timely and equitable relief to labor and industry.

9. U.S. monetary policy must be based on a firm commitment to a strong and stable dollar. This means money supply growth based upon the real growth in the economy. A strong dollar requires improvement in our economic fundamentals: a lower inflation rate, an improved trade balance, and a significant reduction in oil imports through domestic production, conservation and effective measures to deal with the OPEC Trust.

10. In protecting the dollar from sudden or severe fluctuations on foreign exchange markets, we should support vigorous intervention in the operations of the foreign exchange markets. High interest rates are a direct result of inflation with its excess money supply growth. A strong dollar will mean lower interest rates and less inflation. To this same end, the desirability of gold sales by the Treasury and the policy of "demonetization" of gold should be reevaluated.

11. The International Monetary Fund should exercise more effective surveillance of surplus economies and should work more closely with commercial banks.

12. The transactions of U.S. banks in the Eurocurrency markets should be more closely evaluated.

13. The U.S. should resume its leadership role in the international monetary system. We should convene world financial leaders to develop a long-term plan for the evolution of the present monetary order into a true multi-currency reserve system characterized by stability in exchange rates and minimal world inflation.

Mr. JAVITS. Mr. President, the statement, which is backed by individual analyses of the individual subject heading made by task forces which functioned in this matter on our behalf, is available at the policy committee office of the Republican minority in the Senate.

The subject headings appear as follows:

Budget and taxes, for which Senators BELLMON and DOLE were responsible.

Capital formation and productivity, for which Senators DANFORTH and PERCY were responsible as a task force.

Employment and unemployment, for which Senators HATCH and CHAFEE were responsible as a task force.

International trade and monetary policy, for which Senators ROTH and GARN were responsible as a task force.

The first heading, Budget and taxes, the highlights there are really three concepts.

One, that we believe that the American people will be best served right now, not as their demand or their consumption of goods and services is built up.

We have been through that phase and we have reaped nothing but what can only be described as a deplorable or galloping inflation because our productivity has not kept pace.

So we consider the highest priority of the United States, even including the energy problem, to be an improvement in its productivity.

This can only be obtained through greater modernization of the American industrial plant, which in terms of newer industrial nations, like Japan and Germany, and even Britain and France, is getting seriously obsolescent.

They are the ones who built, after the destruction of World War II. We have not built a steel plant in this country since the Fairless works in 1947. That is the only one. Hence, we are being beaten in world competition for very good reasons.

The only way in which this can be corrected is by giving real benefits for capital growth. That means giving a tax benefit to savers on some part of their interest, a tax benefit to investors on some part of their dividends, greater than they get today, and what they get today is very small.

The encouragement of research and development, in which we are falling behind. Almost two-thirds of the patents granted last year in this country were granted to foreigners, not Americans, an unheard of situation.

We are in the cellar in terms of saving in this country. The President pointed that out in his address about a week ago, or 10 days ago, and he is absolutely right. He did not know what to do about it. We do, in terms of making it attractive to save by making some of our savings interest tax free.

We also seek an investment retirement account with a maximum of $1,500 a year for everybody. Today, many may have it due to certain provisions in the ERISA law, of which I am one of the two authors, but we propose it be made universal, again in order to encourage saving.

So that is one. Then we feel that the depreciation rate in American plant and

equipment is completely archaic and needs to be advanced by being cut at least in half.

The general rubric which that goes by is 3, 5, and 10. That is, 3 and 5 for different types of machinery, in terms of years in which the cost may be written off, and 10 years for structures.

There is no slavish adherence to those terms, but it expresses the concept.

The second element which we propose, which we think is critically important, is a readjustment of income tax brackets in order to reflect the fact that dollar incomes made larger by inflation incur very much higher tax rates because of the progressive income tax, without any improvement in the standard of living, or any real gain on the part of the taxpayer.

This is a minimum upon which we Republicans agree. There is some difference in our ranks over whether there should be a major tax cut now, generally put in terms of a 30-percent tax cut over 3 years, or whether there should not.

So we have arrived at a consensus among ourselves to go for a substantial phased across-the-board reduction in Federal income taxes, leaving the number of years to be determined by conditions, and the percentages to be determined by conditions, and we will deal with that as we go along in this year.

But, basically, committing ourselves, certainly, to a readjustment of brackets, and to whatever else we can do and agree on in terms of reductions in our income tax burden.

The third aspect of our recommendations deals with the Federal budgetary and accounting procedures.

We believe that our Federal Government is not picturing for itself its true economic situation because we treat all expenditures for capital assets as outlays. This is completely archaic. It is not business practice and it tends to distort very materially our whole budgetary operation and the amount of our deficit.

We also urge reduction of the national debt through more vigorous collection of our debts, both domestic and foreign, and through applying on our national debt some of the avails of the sales of U.S. assets.

For example, offshore oil leases, or sales of Federal real estate.

We suggest that the avails be directed to the reduction of the national debt, and we strongly commend that to our colleagues and the country.

I have already dealt, in the main, with what we recommend under capital formation and productivity. I pass now to employment and unemployment.

Mainly, there, we are committed to targeted tax credits for hiring the structurally unemployed as an incentive to employers, the hiring and training.

We are also willing to see cash bonuses given employers for the cost of bringing jobless Americans into the production economy, particularly as to private sector involvement in the CETA program, which is the Government employment and training program, in order to help with serious unemployment.

We are also committed to labor-management councils, picking up the experience of World War II, as a means of bringing employees and employers together to improve working life conditions, to deal with absenteeism and drug addiction and a general slackening of morale and productivity as they relate to the individual.

We are committed to part-time and flexi-time work schedules to pick up the working ability of men and women who cannot devote the traditional 8 hours in a consecutive way to employment. We think this can employ very many more people and also increase the productivity of the American industrial machine.

Finally—although personally I differ with my fellow Republicans on this, but I join them because I go with the whole statement—we are for a youth differential in the minimum wage. But they have agreed that there must be appropriate safeguards against displacement of adult workers and that this differential should obtain only for a limited period of time.

Under the heading of international trade and monetary policy, our main effort is directed toward retaining those elements of our law which favor exports. That is the only way in which we effectively can balance the tremendous amount of national resources which is devoted to payment for imported oil.

Indeed, it is the key to how we deal with the energy situation, in the sense of making ourselves more able to seek substitutions and more able to engage in conservation.

We are very strong for an export trade drive and for retaining the reforms which help small business in exporting, with respect to the Webb-Pomerene Act, which affects our antitrust laws, and the so-called DISC program, which deals with making it beneficial taxwise to engage in exports in which one might otherwise not engage.

Also, we urge, as a basis for greater economic unity in the Western Hemisphere, the establishment of a Western Hemisphere Economic Commission, in order to determine how we may best proceed to reduce tariff barriers and facilitate trade in this hemisphere.

This picks up the experience of Europe for seeding the European Common Market, which also effectuated this great advance through the economic cooperation for Europe. So we suggest a comparable economic commission for the United States.

Second, and most important, we come out very strongly for using all means for a strong and stable dollar. I consider that one of the most important elements of our program. That sounds trite. One does not think anybody could differ with the idea that the U.S. dollar should be strong and stable in value. But our dollar has suffered a tremendous buffeting and probably is worth half what it was worth a year ago. If we calculate the period before Warld War I, we are talking about 10 or 15 cents on the dollar. The reason, we believe, is that the country has not watched what makes the dollar strong. What makes the dollar strong is not only a balanced budget and decent Government finance—and we have suggested ways in which that can be done, including a reformation of the way in which we calculate whether we have a balanced budget, in which, as I say, we are completely obsolescent in the whole world—but also in terms of keeping a very strong watch on the productivity of the American business machine, which has deteriorated catastrophically, and by fighting in world markets for our share of the exports of the world, in which we have lost an enormous amount of ground, as well as by protecting the dollar from activities by speculators and by others who would bring down its value, through our own and international action, such as we had to take on an emergency basis last November 1.

We think this is a critically important aspect of our national life, that it has been much neglected by the administration, and that the time has come for us in the minority to take this as a cause which deserves to rank in all our priorities.

Finally, we pledge ourselves to work actively with the surplus countries in the world, with particular reference to Japan, which has an enormous trade surplus with us, to check continued, undisciplined trade surpluses, and to further remove nontariff barriers to trade as a matter of the highest importance, both for economic and for political reasons.

Mr. President, no one Republican Member agrees with this entire program, and I already have expressed some of the areas in which I disagree. But we are together as a party here in the Senate on what we know must be accomplished in order to save our country economically and how to accomplish it.

While one or another detailed measure may not be particularly agreeable to me or to some other Member—and we certainly have not met as a caucus; we no longer do that here on either side of the aisle—we are committed to this total program as the way to bring about a result. When you want to bring about a result, you often have to swallow hard and take a little medicine with it.

This country is very sick. That is one thing on which the President and we agree. We believe that in the way we have prescribed to deal with its illness, we are following not just traditional American values—the President can claim he is doing that, too—but we also are building upon traditional American strengths, and that is the way we see this picture.

If we are going to change the economic direction of our country, it is going to be changed only if we build upon the

things in which we are strong. We are strong in innovation. We are strong industrially. We are strong in young and vital and virile people, if given a chance. We are strong in the best articulated and most efficient private sector in the world. We have not built upon those strengths. On the contrary, we have torn them down.

So we, as Republicans, pledge ourselves now to a program for building them up.

Mr. President, for me, this is one of the greatest developments I have seen in all the years I have served in the Senate, and the most helpful for our country.

I should like to give very great credit, among ourselves, to our minority leader, who has led in this effort, as he should, as in his duty; to the chairman of our Republican conference, Senator PACKWOOD; to the chairman of the Policy Committee, under whose auspices I have worked, Senator TOWER; to my own committee, which is the Subcommittee on Economic Policy of our Republican conference, of which I am the chairman; and to stalwarts such as the Senator from Missouri (Mr. DANFORTH), the Senator from Oklahoma (Mr. BELLMON), the Senator from New Mexico (Mr. DOMENICI), and many others in our ranks, including the task forces I have described.

They took very scarce time and, under great pressure, the necessary time and energy and intelligence in order to draft what I feel is a major contribution to the constructive development of the economy of the United States.

Mr. President, I pledge myself, so long as I am here, to keep our feet to the fire on the Republican side and to see that we do these things in which we believe.

I am delighted to be able to say that Senator DANFORTH, who will succeed me in the special orders, will be proposing a number of measures in which many of us have joined in order to implement at least part of this program.

As I said when I began, other measures are pending.

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

Mr. JAVITS. I yield.

Mr. BAKER. Mr. President, I thank the Senator from New York for yielding.

I begin by paying to him special tribute for his leadership in serving as chairman of the subcommittee for the Policy Committee to draft this statement.

I do that so often that there is risk that it may sound less genuine or less heartfelt than it really is.

I have an extraordinary respect not only for the Senator from New York as a person but for his consummate skill and extraordinary ability in legislative draftsmanship and political judgment.

I wish to express to him my thanks for his initiative and leadership in bringing this economic statement, this policy statement, to the floor of the Senate as a unanimous statement of the Republicans in this body, 41 strong.

I have often said, Mr. President, that it is no small measure to try to bring together a group as divergent and energetic as Senate Republicans are today. The ability to do that has depended to a large extent on the good faith efforts, the dedication and diligence of men like the Senator from New York, particularly in the case of this economic policy statement. Senator JAVITS has spent an enormous amount of time on this project, and he has brought us a historic document.

Mr. President, I say, parenthetically, that it may be of interest to legal scholars or political scientists only, but I rather think it is worth remarking that this is not a parliamentary system in the United States. We are a constitutional system, and in terms of the lawmaking responsibility in this country we are a presidential-congressional system, and unlike party systems in a parliamentary arrangement we do not attempt to impose party discipline.

That has proved to be a good thing and a bad thing. It is a good thing in that it permits the flowering and flourishing of initiative and individuality. It permits us to have two broad-based national parties which synthesize diverse views into powerful and efficient instruments of public policy. Sometimes this system seems confused and in disarray, and we despair that the constitutional or presidential-congressional system can truly perform in times of crisis or meet the great challenges of our time.

But statements of this sort, I believe, give the lie to that concern. We have published a unified statement of policy by the entire body of Republicans in the Senate. Notwithstanding that every Member did not agree with every aspect of that statement, as the Senator from New York points out, we have adopted a unanimous statement of fundamental importance.

In its most basic form, it is a reiteration in our belief in the free enterprise system and a rededication to the idea that we must embellish and extend the strengths of this free enterprise system, this market system, in order to free ourselves and our economy from the stultifying effects of too much government, too many taxes, and too much regulation.

This is not an exercise in futility. It is a practical statement. It is not an idealistic exercise. It deals with particularity, with the questions that command our national attention.

Mr. President, this statement, is the latest in a series of statements of position adopted by Senate Republicans beginning in March 1977. It is an important statement of an alternative course available to this country. It is an exercise of the highest responsibility of a political party, not merely to oppose but to suggest alternatives. In making this effort in good conscience and good faith, we have made the Republican Party, I believe, a cohesive and effective political force in this city and in this Government.

I believe this description of our effort is not an overstatement, and I believe its importance is not overdrawn. And I believe our debt of gratitude to the Senator from New York for making it possible today is impossible to overestimate.

So, Mr. President, I pay my special respects to the Senator from New York and to all who participated. Every single Republican in this group demonstrated willingness to subordinate his or her own particular views and to come together with a statement of economic principles that we can and do support unanimously.

There is a step beyond this, Mr. President, and that is the old saying that the proof of the pudding is in the eating. It would not do to simply make this statement and leave it there for the country to consider and for scholars to examine. It is important to implement it, and following on in this course this morning will be the first step in the legislative implementation in the bill that is about to be introduced by the distinguished Senator from Missouri, and may I point out that there are 41 cosponsors of that bill, all Republicans.

Mr. President, this is a statement of the Republican Party's sense of responsibility, of our prescription for the future, of our restatement of our confidence in ourselves and our system, and it is the exercise of the highest sort of responsibility in a constitutional system. I believe it is little short of historic, and again I pay my special respect to the Senator from New York for his leadership efforts in that respect.

Mr. JAVITS. Mr. President, I thank Senator BAKER for his eloquence and thank him for his support.

The ACTING PRESIDENT pro tempore. The time of the Senator from Tennessee has expired.

Mr. BAKER. Mr. President, might I inquire what is the sequence of special orders remaining?

The ACTING PRESIDENT pro tempore. The next special order is a special order to the Senator from Oregon; the next is a special order to the Senator from Kansas; and the next is a special order to the Senator from Missouri.

Mr. BAKER. Mr. President, if I might interrupt the Chair at this time, I ask unanimous consent that the time allocated under the special orders for the Senator from Oregon, and the Senator from Kansas be combined and the allocation of that time for the purpose of further colloquy be given to the Senator from New York.

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

Mr. JAVITS. I thank the Chair and I thank my colleague.

Again, may I say I thank him for his eloquence and I thank him for his leadership here on our side. Without that fundamental overarching leadership nothing is possible in doing our work

here in this economic policy statement. And I thank him for his personal friendship.

But as he says and as we all know, this is attributable to the totality of our party here in the Senate.

I, also, just as he, take enormous gratification in our ability to come together on so important a document. I think it has very great potential for help to our country, which is our sole consideration.

Mr. President, I yield 2 minutes to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, first I thank my good friend from New York for yielding to me to indicate to the Senator from Missouri that I must return to the Energy Committee where we are going to confirm the new Secretary of Energy. I do not know that I can be here when the Senator introduces, with 41 cosponsors, one of whom will be this Senator, an important part of this economic package. I commend him for it, and I am totally committed to its adoption.

I say at the beginning that I compliment our leader, Senator BAKER, with reference to this second economic package of the Republican Senate. I vividly remember immediately after he was elected to be our leader that he and I discussed the fact that we should move ahead with an alternative and put something positive on record that spoke for our concern for our country, its economy, and basically its economy's ability to help and supply its people with a standard of living second to none.

Because of the suggestion, he and his distinguished leadership immediately started the process which brought us a package of proposals in 1977, as he clearly indicated, March 1977, and then today finds us here again with a superb analysis of an alternative for the continuation, the revitalization and progression of the free enterprise system as the basic economic tool for prosperity in America. I commend him for that. And, obviously, with that commendation I commend all those who have worked so hard to bring it about.

From my standpoint—and I will not talk long this morning because I must return to the committee—we spend too much time in the U.S. Congress, and national leaders spend too much time, telling the American people what the Government is going to give them.

If you look back on the last 25 years, each time we have told them what the Government was going to give them, we have said to the private sector of the productivity of our people that somehow or other that is going to supply us with all that magic resource that we seem to think will solve the American problems.

In the process we have insulted, in my opinion, the free enterprise system without even knowing it. I do not mean insulting it, as my good friend from Illinois would be angry at me if I said something about him, but what I mean is we continue to detract from its ability to produce for us without taking cognizance of some basics.

I think that is what our economic package is, a reanalysis of the basics that make the free enterprise system work, and then saying what have we done to them? Where are they? Where has our policy detracted from them?

In our proposal we are attempting to put them back into the mainstream of policy: Capital formation, savings by the American people, involvement in growth and in Government concerns, and in productivity concerns, research and development, the cornerstone of America's progress over the decades.

This policy is saying to those concepts that to the extent that our tax laws, our Government policies have ignored or deflated them as impactors on our growth, we want to reinstate them legislatively and, in that respect, it is genuinely a far, far-reaching document that we must pursue, and that ultimately will, we predict, become the law of the land, whether it is under our leadership, under our auspices, or new people coming in and out of the White House, who will find the truth of it, the reality of it, to be something we must confront and we must proceed with.

So I thank you for yielding, my good friend from New York. I commend you for pulling these ideas together. I commend all of those who worked on the committee and, in particular, our Republican leader, for seeing the wisdom of encouraging this kind of activity by the U.S. Senate Republicans.

Mr. JAVITS. Thank you very much, Senator. Without you and the other members of the task force, two of whom are on the floor, Senator PERCY and Senator DANFORTH, this would simply have been impossible. I thank you for the volitional cooperation which brought this result, and for your support of it, and for the fact that you will, like the others, move heaven and Earth and get done what we think needs to be done economically for the United States of America.

Mr. DOMENICI. I thank my friend.

Mr. JAVITS. I would like to now yield 5 minutes to the Senator from Illinois (Mr. PERCY), and to yield the remainder of my time, for such disposition as he may deem desirable, to the Senator from Missouri (Mr. DANFORTH). I ask unanimous consent that I might be able to do that.

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

Mr. PERCY. I thank my distinguished colleague.

While the minority leader is here on the floor I would just like to make the statement that in the some 30 years I have worked as a Republican and had occasion to work with the U.S. Senate in many different capacities, with all of the discussions we have had around the country of dissension in Washington and dissension between the executive branch and the legislative branch, and the dissension in the Congress over policy, energy, and so forth, in my own experience I have never seen more unity among Republican Senators than right today.

This is not the first time under the leadership of our distinguished minority leader, HOWARD BAKER, we have come together on a policy. We came together on a policy on military strategy and foreign policy. To have JESSE HELMS, JACK JAVITS, BARRY GOLDWATER, and LOWELL WEICKER agree on policy in the field of military strategy and foreign policy was a remarkable and unique thing, but a tremendous example to the country that men of good will, with common objectives and goals, can carve out areas of agreement.

Now we have rampant inflation runing 13.4 percent, unemployment running deeper than we would want, energy prices zooming up, people worried about the value of their savings, their insurance and their whole future, particularly elderly people living on fixed income. In having 41 Republicans under the leadership of our minority leader, HOWARD BAKER, and JACK JAVITS, as chairman of the Subcommittee on the Economy, working with the Policy Committee under the leadership of JOHN TOWER, once again grappling for months now on the problems of inflation, the problems of productivity, the problems of balance of trade, the problems of a weakening dollar, we have demonstrated that though we do not each agree with every single provision or sense of priority we can come together on a statement of policy that can be supported by every single Republican.

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

Mr. PERCY. I am happy to yield.

Mr. BAKER. Only for just a moment.

I wish to express my appreciation to the Senator from Illinois and the Senator from New Mexico for their remarks.

This is the product, however, of a unified Republican party in the Senate, and I am proud to see this result today and to have some small part in it, and it is just a small part to play in it. But it is men like the distinguished Senator from Illinois, who brought the sense of urgency and the spirit of understanding, to this subject that permits us to bring unity to the party, and I am grateful for his remarks.

Mr. PERCY. I express appreciation for that, and I will just recall from the memory books that in 1957, when President Eisenhower asked me to head a committee called the Committee on Program and Progress of the Republican Party, which led then to my chairmanship of the Platform Committee in the 1960 convention, the whole concept was to get Republicans of varying ideologies together. The distinguished father-in-law of the minority leader, Senator Everett Dirksen of Illinois, served on the committee at that time, as did Bob Taft, as did many, many other Republicans: Governors, Senators, Congressmen, and State legislators. Forty-five Republicans pulled together and wrote a report called Decisions For A Better America, published by Doubleday in a paperback edition. We cordially invited the Democrats to orbit ideas, to contest our ideas, to

see if they could do a better job of thinking through ways of having the economy grow, ways to have our national security insured, ways for us to better carry out our foreign policy. I think it is in that spirit we now have a rejuvenation of the idea that political parties should orbit ideas.

It was just not the idea of getting and gaining office; the question is what do you do, as the candidate, when you get that office? You can act individually, as many of us have. Senator DANFORTH has, Senator DOLE has, Senator SCHMITT has, Senator BAKER has, in an individual sense; but I think it is the greater spirit of the two-party system when the party comes together and unites on a policy and presents a solid front and says, "This is the direction in which this country ought to go."

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

Mr. PERCY. I just simply feel the country ought to know that spirit is so deep and so strong in the Republican Party in the Senate of the United States that we intend by that spirit and that thrust and the power of those ideas to carry forward and become the majority party here in the Senate of the United States.

I am happy to yield.

Mr. BAKER. Mr. President, I would only remark a little further on one point made by the Senator from Illinois. It is the responsibility of a political party to orbit ideas, and that is a very special and descriptive way to put it. It is fortunate that we arrive at this place to make an economic statement unanimous, as we have, and we are all proud of it. But it is something else, too. It is the further evolution and development of the two-party system in our country, because we are still trying to define in many ways how a party should perform, how we should make that balancing judgment between party discipline, on the one hand, and a party position, on the other, or the individuality of a Senator or Governor or Congressman, still on the other.

I believe that in the cutting and fitting and trying for special efforts to reach accommodation, to publish detailed statements, as the Senator from Illinois has done in years past, in the 1960 convention, those efforts have contributed to the growth and development of a unique American system, the two-party system within the framework of the constitutional Government. I think what we have done here is the best of all worlds; that is, a statement of party position with the maximum opportunity for individual contribution. I thank him for making that point.

Mr. PERCY. I thank the Senator.

In conclusion, I woud like to turn to Senator DANFORTH.

The PRESIDING OFFICER (Mr. DECONCINI). Under the previous order, the Senator from Missouri (Mr. DANFORTH) is recognized for not to exceed 15 minutes.

Mr. DANFORTH. Mr. President, I yield 1 minute to the Senator from Illinois.

Mr. PERCY. I thank my distinguished colleague. I would like to say that having worked with Senator DANFORTH on parts of this package, I was extraordinarily pleased when we approach the problem of taxation. We had sort of a blanket approach from the administration, that taxes cannot and should not be cut. I think here again Senator DANFORTH and I tried to demonstrate that we can find a way to cut taxes in a way that will be stimulative to the economy, to reducing inflation, to increasing productivity, and to generating savings. Giving individuals an incentive to save by reducing taxes on dividend income and savings income, is a way to cut taxes for the individual that stimulates the economy in the right way. Increasing amortization and depreciation allowances will increase also the productivity of America, reduce inflation, lower our selling costs, and increase our shipments abroad.

I expect and hope that the new Secretary of the Treasury, Mr. Miller, will be supportive of those concepts and ideas. I thank my distinguished colleague for his great leadership in this field.

Mr. DANFORTH. Mr. President, I appreciate the comments of the Senator from Illinois.

Mr. President, today the American economy is in a recession. This was admitted by the chairman of the Federal Reserve Board and the nominee for Secretary of the Treasury, William Miller, before the Senate Finance Committee last week.

The question is, What are we as a country going to do about it?

S. 1597—SAVINGS AND INVESTMENT ENCOURAGEMENT ACT OF 1979

The Republicans in the Senate have some ideas. They are not new ideas. The bill that I have introduced this morning with 41 Republican Senators as cosponsors is actually a composite of three other bills which have been introduced: S. 1542, introduced by Senator PERCY, relating to personal savings; S. 1435, introduced by Senator NELSON, with respect to depreciation, and my own bill, S. 700, with respect to tax credits for research and development.

As a matter of fact, Republicans in the Senate have been talking about these concepts of encouraging savings, of encouraging more investment in new plants and equipment, and more investment in research and development for the past 2½ years. Although we are just now entering a recession, the economy has been suffering through a prolonged period of what has been called stagflation.

The present administration has opposed virtually every proposal advanced to lay the groundwork for sustained, broadbased economic growth. It has looked instead toward "quick-fix" solutions like passing out $50 bills to to all Americans, or increasing the ranks of public service employees. These ideas have been soundly rejected by the Congress, and they have also diverted our attention away from the long-range needs of the economy and of our people.

The private enterprise system will be the source of jobs, income, and a rising standard of living in the future. Yet, since the mid-1960's, there has been a gradual erosion of the vitality and independence of the private sector. We are now paying a terrible price for past policy failures. It is our hope, and the intent of the legislation we are introducing today, that we can reverse this trend and help set the economy back on a course of productive growth.

The strategy to be employed is the creation of a policy of savings and investment. The combination of high inflation and current tax policy encourages people to spend all their income, and borrow more. That is a perverse—no, a dangerous—result. We must change it.

Perhaps the nomination of G. William Miller to be the Secretary of the Treasury signals a change of heart by the administration. We hope so. The widely respected Mr. Miller, the current chairman of the Board of Governors of the Federal Reserve System, has consistently advocated a policy of savings and investment during his tenure at the Fed.

We encourage President Carter to embrace Chairman Miller's philosophy, and join with the Congress in a dialog aimed toward the development of a new economic policy course.

Mr. President, I am heartened by the developments of the past week where there have been some indications that the designation of William Miller as Secretary of the Treasury is more than just a change of faces in that Department, but is, instead, a change in economic policy on the part of the administration.

A week ago today a number of administration officials, including Stewart Eizenstat and Alfred Kahn, met with maybe a half dozen or more Republican Members of the Congress, both Senators and Representatives, to talk about the economy. During that meeting the administration officials asked the Republican Members of Congress who were present what the reaction of the Republicans in the Congress would be to a change in economic policy, particularly a change relating to depreciation.

The response that we gave at that time was encouraging. The response that we give today is that 41 Republican Senators would enthusiastically endorse such a change in the administration policy.

Then it was reported in the press that last Thursday morning the President met with certain Members of the Congress and himself at least hinted at the possibility of a change in tax policy. Again, it is the hope in this bill to encourage such a change in the administration's policy, and to let the President know that if he joins us in such an effort we would be more than supportive.

There is nothing wrong, Mr. President, with changing your mind. If you are convinced that the present economic policies of the country, of the administration, do not work—and they do not work—there is nothing wrong with changing

your mind and adopting new policies which will work. Therefore, it is the hope of the Republican Members of the Senate, 41 strong, unanimity in endorsing this bill and cosponsoring this bill, to encourage such a change, such a reversal, such an about face, in the administration's economic policies and tax policies.

The President will have 41 Republican allies along with many of our Democratic colleagues.

What we are proposing, and why? The legislation we are introducing today represents only a piece of the total strategy, but a piece which is aimed directly at reversing several very disturbing economic trends—namely, first, a very slow rate of growth in real GNP, second, a decline in productivity, third, inadequate savings by individuals, and fourth, a low rate of corporate investment in future growth.

(1) SLOW GROWTH OF GNP

Between 1962 and 1977, our GNP grew 3.5 percent as compared with 8.3 percent in Japan, and 4 percent in West Germany. In 1978 our GNP grew 3.9 percent. In the first quarter of 1979 it increased at an annual rate of only .8 percent. Preliminary indications are that real GNP declined slightly in the second quarter.

(2) DECLINE IN PRODUCTIVITY

Between 1962 and 1977 productivity in America grew 2.7 percent compared to 8.4 percent in Japan, 5.5 percent in West Germany, 2.7 percent in the United Kingdom, and 5.7 percent in France. In 1978, our productivity grew only 1.1 percent. In the first quarter of 1979 it fell at an annual rate of 3.5 percent.

(3) INADEQUATE PERSONAL SAVINGS

As individuals, Americans are consumers, not savers. Americans save a meager 6.5 percent of disposable income compared to 25 percent by the Japanese, 15 percent by the West Germans, and 13 percent by the British.

(4) LIMITED INVESTMENT IN FUTURE GROWTH

From 1966 to 1976, America invested 13.5 percent of its GNP in plant and equipment compared to 26.4 percent in Japan, 17.4 percent in West Germany, 14.9 percent in the United Kingdom, and 16.7 percent in France. In 1978, we invested only 10.6 percent and in the first quarter of 1979, 10.8 percent (annual rate.) We are spending a smaller percent of GNP on research and development than we have historically. We now spend 2.25 percent on R. & D. compared to 2.84 percent in 1968.

These are by no means the only problems facing our economy. With a 13.2-percent inflation rate since January, unemployment expected to go to 7 percent or higher by next year, and a Federal deficit of over $30 billion annually, action on a variety of fronts is called for.

Last week Senate Republicans released an economic policy statement with a program for the future. This bill would implement an important piece of that economic program—capital formation, increased personal savings, and increased productivity.

The Savings and Investment Encouragement Act of 1979 would do three things:

First. Encourage individuals to save more money for the future through tax incentives;

Second. Encourage corporate investment in new, more efficient plants and equipment by providing a liberal, streamlined method of accelerated depreciation; and

Third. Encourage corporate investment in research and development by providing a tax credit for such spending.

The three titles of the bill would do the following:

Title I would provide a tax exclusion for interest earned in a savings account. The amount excluded would be $100 per person and $200 per return—the same as the existing exclusion on dividends. In addition, up to $400 additional would be excluded for interest and dividends if the amounts are reinvested.

Title II would create a simplified, accelerated depreciation method for recovering capital costs in which there is a 10-year writeoff for buildings, a 5-year writeoff for equipment, and a 3-year writeoff for limited investment in cars and light trucks.

Title III would provide a tax credit equal to 10 percent of all research and development spending by business.

We are encouraged by statements made by Secretary of the Treasury nominee William Miller. He has consistently advocated an accelerated depreciation scheme similar to the one in title II of our bill. He has also talked about the chronic problems of low levels of personal savings and lagging productivity growth.

If, in fact, his nomination signals a new direction in this administration's thinking about the future course of the economy, we invite the President to work with us in designing an economic program oriented toward savings and investment—the kind of program Republicans have been talking about for the past 2½ years. But we are not inflexible. We are open to suggestions and willing to modify our proposals.

The key thing is that we start moving in this new direction. The country is looking for leadership. We intend to provide it.

Mr. SCHMITT. Will the Senator yield?

Mr. DANFORTH. I yield to the Senator from New Mexico.

Mr. SCHMITT. Mr. President, I congratulate the Senator from Missouri and others of my colleagues who have joined together in this innovative, hopefully successful effort. It is not my feeling that there is any malaise across this land. There is concern—clearly, there is concern. But Americans are always concerned about their future and their children's future. I think the only thing we can say for sure is that there has been a lack of commonsense in Government policy, particularly those policies addressed by the Senator from Missouri and others this morning, policies related to the economics of this great land.

There is also a lack of confidence in leadership, and it is with an understanding of that lack of confidence that Republicans today and in the future will continue to try to restore confidence by policies such those being articulated here this morning.

The basic question that we face economically in the immediate future is how to create deflationary pressures in an economy that has gone from less than 4 percent inflation at the beginning of the Carter administration to one now estimated to be running at about 13 percent inflation, and rising.

There are a number of ways to create deflationary pressures. We can decrease the money supply, which has not worked too well with a high rate of increase of Federal spending. We can increase goods and services, or we can increase productivity. All of those would serve us very well.

Research and development by the Federal Government in many areas can be inflationary, and we must remember that as we attempt to cut the Federal deficit. But research and development in the private sector has been and should be the principal foundation by which we work toward creating deflationary pressures in our economy; for the private sector is the sector that can most rapidly increase goods and services. It is the sector of our Nation that can most rapidly increase productivity. But the regulatory and tax policies of recent times have inhibited this effort by the private sector. It is the intent of the Senator from Missouri and certainly the intent of all his cosponsors to see that that changes.

The Republican economic policy and the bills which are being introduced to implement it, now and over the next several weeks, will provide a vehicle to change the adverse trends now causing inflation.

Most importantly, the policy will restore flexibility to the American people in the use of their disposable income. Increased tax reductions over a period of time, tax incentives for savings, tax incentives for employment and investment, new plans and techniques, all are designed to accomplish that purpose of increasing Americans' ability to use their own income and the fruits of their labor. The policies we are talking about this morning and will continue to talk about are designed to rapidly reduce inflationary pressures by creating new goods and services that can use up the money supply that is in excess. This can be accomplished by an increase in savings, increased productivity of the American worker and industry, and by decreases in the rate of growth of Federal spending. Tax reductions phased to avoid inflationary pressures can be instituted so that we can reduce the budget deficits over the next several fiscal years.

As related actions, it is clear we must also gain control over energy supply and energy economics. This is going to be addressed by the Republicans in the near future. It is an extremely important part of this total picture. Production and energy efficiency must go hand in hand as we approach the economic policies of this country.

Mr. President, during the last session

of the Congress and the 1st session of the 96th Congress, the Commerce Committee conscientiously fulfilled its responsibility for science and technology oversight by holding a probing series of hearings on the state of research and development and innovation in the United States.

During the 20 years following World War II, American technology contributed to an annual rate of productivity increases of 3.4 percent. Since 1966, that rate of increase has been cut in half. While America is still the most productive country in the world, it is clear that our leadership is being challenged. Other countries are spending higher percentages of their gross national product on research and development, and they are gaining the benefits of greater innovation and high productivity increases.

The hearing records developed by the Commerce Committee to date has clearly pointed to excessive regulation and inappropriate tax policies as the major impediments to innovation. We have only begun to recognize the role that R. & D. plays in our economy and what effect productivity has in this regard.

Testimony in previous subcommittee hearings cited various indications of lagging U.S. industrial innovation. Most of these indicators reflect only a part of the innovation process—for example, R. & D. expenditures—are subject to very different interpretations—for example, international patent "balances" or are influenced by many factors other than technological innovation—for example, productivity growth and trade balances. However, two recent trends are more directly related to innovation and are disturbing from the point of view of U.S. economic growth, productivity, and international trade competitiveness:

First. There has been an astonishing drop in the formation of new small high-technology companies which have been responsible for a disproportionate share of innovations. Several years ago, 200 to 300 new venture companies entered the market with new issue underwritings each year; in 1975 there were four.

Second. Existing first in R. & D. intensive leading industries have shifted their investments from major new product and manufacturing innovations to relatively minor product and process improvements promising short-term returns. Not only has there been a shift from research to development, although total industrial R. & D. spending has generally kept pace with inflation, but there has also been a decline in investments in new plant and equipment which may incorporate new technology.

Both trends represent reduced risk taking on the part of investors and corporate managers in the face of slow economic growth, inflation, and general economic uncertainty. Witnesses have asserted that various Government policies and changing Federal R. & D. priorities create a new disincentive to industrial R. & D. and innovation; but we have taken relatively little action to try to alleviate some of the roadblocks currently hindering innovation.

Mr. President, I believe we are finally beginning to recognize some of the factors that contribute to our Nation's economic well-being. Productivity and innovation are concepts that are being talked about, and we must now make a conscious effort to offer incentives to spur innovation so that the 1980's will not be a time of living off of past achievements but a time of creatively dealing with current and future situations.

Mr. President, I ask unanimous consent to have printed in the RECORD an article dated January 16, 1978, by Louis Harris describing a poll that was taken on what Americans feel makes America great. I think it is extremely important in the context of this morning's discussion. The first three items at the top of the list are rich natural resources, a hard-working people, and scientific research; then such other factors as technological genius, industrial know-how, and a government that responds to people's needs. Those are in fact what made America great. It is clear that the American people understand that.

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

[From the Washington Post, Jan 16, 1978]

CHANGES AHEAD IN FACTORS THAT MAKE AMERICA GREAT

(By Lou Harris)

Americans believe the combination of factors that will make this country great in the future is somewhat different from the one that made it great in the past.

In order of importance, the public attributes America's present greatness to "rich, natural resources," "a hard working people," "scientific research," "industrial knowhow" and "technological genius." As they look ahead, people are convinced the United States will depend more on scientific research, industrial know-how and technological genius, and work.

Also gaining importance as factors in the future are "government that responds to people's needs," "giving every race and creed an equal chance to get ahead," and "a free, unlimited education to all qualified."

Of 20 major factors tested in a Harvard Survey of 1,520 adults nationwide, six are projected to be more important over the next 25 years than they were in the past. The shifts:

At the top of the list is "scientific research." While 89 per cent think this was an important factor in past greatness, 91 per cent believe it will be a major factor in America's future success.

"Technological genius" is felt to have been a key element in America's past greatness by 75 per cent. Seventy-eight per cent believe it is a key to future national greatness, while 80 per cent continue to think that industrial know-how will also be crucial.

"A government that responds to people's needs" is named by 61 per cent as having made a major contribution to the country's greatness in the past. Seventy per cent think this will play a more important role in the future.

While 59 per cent believe the "giving every race and creed an equal chance to get ahead" has been a major contributor to this country's greatness in the past, 70 per cent think that this will be a key factor in the future.

In the past, according to 72 per cent, a major contributor to the country's greatness was a "free, unlimited education to all qualified." In the future, 75 per cent think it will be important.

Mr. DANFORTH. Mr. President, I thank the distinguished Senator from New Mexico for his comments. They are exactly on the point. Today the President has opposed any kind of tax cut on the theory that any kind of tax cut is a revenue loss.

The effect of this has been to artificially stunt the natural growth and development of the private sector of our economy.

It is a maxim of taxation that for every point of increase in the rate of inflation, Federal income taxes go up 1.5 points. Therefore, the effect of the high rate of inflation has been a rapid growth in tax receipts by the Federal Government and, with that, an increasing share of the gross national product that is consumed by Federal taxation.

It is our view, and it is a view which is consistent with the position taken by the Joint Economic Committee in a report that was issued several months ago, that in battling inflation we must pay attention to what is called the supply side of the economy and encourage growth and productivity.

If people's wages go up 10 percent and productivity goes up 10 percent, there is no inflation. What we have had, though, is a decline in productivity and, with the decline in productivity, inflation has gone up.

What we are suggestingg today is a reversal of economic policy by the administration, a reversal of economic policy in a way which inspires and encourages growth in the private sector, growth of gross national product, growth in the economic pie, growth in productivity.

With that, we believe we can restore economic health to this country.

Mr. SCHMITT. Will the Senator yield for 30 seconds?

Mr. DANFORTH. Yes.

Mr. SCHMITT. I agree completely with what the Senator said, but add that the exciting thing about the policy that is contained in these three bills, that are the three titles he has introduced, is that it instantly, if passed into law, will create the incentive to increase research and development, increase productivity and increase job creation.

At the same time, it phases in any effect of a tax reduction.

So it is an exciting concept and I think it will work.

Mr. DOLE. Mr. President, will the distingiushed Senator from Missouri yield to the Senator from Kansas for 5 minutes?

Mr. DANFORTH. I am happy to yield to the Senator from Kansas as much time as he needs.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, as others have indicated, I certainly extend my appreciation to the distinguished Senator from New York for his work on the Republican economic policy statement. There is no doubt that does give credence to the way Republicans can operate as a party.

More specifically, the proposals of Senator DANFORTH and all the other Republicans give us an alternative to consider.

I commend the distinguished Senator from Missouri, who is recognized on the Senate Finance Committee as the tax expert on the Republican side—and I

expect we could even extend it to include the entire committee.

After a great deal of thought and a great deal of work, as the distinguished minority leader said earlier, 41 Republicans have come together on proposals which can be supported together. The introduction of a bill which provides faster depreciation, extends the investment credit for certain research and development expenditures, and increases incentives for saving is a step in the right direction.

These three major proposals indicate a degree of support and commitment on the Republican side.

Some will ask how much revenue loss will be incurred if, in fact, we might pass these Republican proposals. It is a legitimate question and one I am certain can be answered satisfactorily.

Without doubt, the economy of the country is at a critical crossroad. It is not enough for us on the Republican side or, for that matter, on the Democrat side, to stand up and find fault at every turn with the President, the administration, or some Cabinet official.

It is, as the distinguished minority leader (Mr. BAKER) pointed out earlier, our responsibility to provide alternatives, to provide leadership as a party.

It is my opinion that the American people right now are not concerned with Republicans, Democrats, or Independents. They are looking for someone, or some group, to provide some leadership, particularly in the economic field.

There is great interest in this Republican proposal. The press, I'm sure will give it the attention it deserves. That, however, does not make policy. Policy is made in the committees, policy is made on the Senate floor, and policy is made in the Congress.

With 41 Republicans in agreement, and like-minded Democrats searching for leadership, we can find our way out of the current economic morass.

The Congress, through bold action, can make sure we choose the road to recovery.

Mr. President, the ills which besiege the American economy are chronic and severe. The inflation rate has almost tripled in the last 3 years. Currently prices are increasing at an annual rate of nearly 14 percent. As a result, Americans are finding it increasingly more difficult to meet the necessities of everyday life. Budget deficits plague the Federal Government and distort the economy. The Federal Government has not balanced its budget in this decade and seems to run a deficit regardless of the prevailing economic conditions. The value of the dollar has diminished in the international market. The stock market is sluggish, the price of gold, which reflects the instability and lack of confidence in our economy, has hit record levels. American productivity has been sorely lagging, especially compared to other industrial competitors. Our productivity increased by 3.3 percent a year from 1948 to 1967, but from 1967 to 1977 the increase was only 1.8 percent a year.

Productivity in the last several years has not even been that high.

The savings rate, previously addressed by other Senators, in this country is one of the lowest in the world. Consequently, we do not have the capital that industry needs to modernize, expand, and compete internationally.

It seems to this Senator and, I am certain to other Senators on both sides of the aisle, Mr. President, this country can no longer afford to pursue the worn-out economic and regulatory policies of the past, whether in the current administration, a Republican or Democratic administration, or the next administration. It is evident that polices of increasing Government regulation and manipulation have thwarted the spirit of free enterprise in this country.

Mr. President, the program launched in the Senate today is a first move toward restoring America to its rightful position as the world's greatest economic power.

Mr. President, as the ranking member of the Senate Finance Committee, I certainly support what the Senator from Missouri specifies in reference to increases in the depreciation allowances. Increased capital recovery will be a useful tool revamping and upgrading American businesses. Increased depreciation is particularly needed in these times of inflation because historical cost recovery is inefficient to cover replacement costs.

America has fallen behind as the leader in technological advancement. Our research and development expenditures, for both pure and applied research, as a percent of national product has steadily eroded.

It seems to me these proposals are but the first step. Increased savings is a critical step. We should and will provide, more incentive through the tax system.

I do not know when the next tax cut will occur. It is a question I am not sure anyone can answer. However, I would not want this discussion to end without some mention of the distinguished Senator from Delaware (Mr. ROTH). He has been a pioneer and the leading advocate of tax cuts to promote economic growth. It has been his leadership and his efforts, together with the efforts of a distinguished Member of the House, JACK KEMP, who have put the Republicans in the forefront of across-the-board tax cuts.

The distinguished Senator from Delaware (Mr. ROTH) has provided leadership in the past and will provide leadership in the future in this vital area.

There is one additional area the Senator from Kansas wishes to address. I recall the distinguished Senator from New York speaking about tax indexing and the effects of inflation. I am not certain whether the Senator from New York really believes tax indexing is the answer. But, again, his words are a demonstration of the give and take involved in working out the policy statement.

Many Americans are disturbed by the fact that if they receive a cost-of-living adjustment, they do not have any more purchasing power, because they end up in a higher tax bracket.

A taxpayer earning $15,000 a year in an economy with an 8-percent inflation rate, with a cost-of-living adjustment, will receive $16,200 per year. The worker might think, as he went home that day, after that pay raise, he is keeping up with inflation. The truth is the taxpayer has been pushed into a higher tax bracket. The taxes are going to be $258 more than the previous year. There is no increase in buying power. In fact, there is a loss because of taxing the American people on inflation.

I do not suggest tax indexing is solely a Republican idea. It is an idea whose time has come.

The distinguished Senator from Colorado (Mr. HART) has been working on indexing, on the Democratic side. A number of Republican Senators who previously were in the Senate, such as Senator GRIFFIN, Senator BROOKE, and Senator BUCKLEY, has supported indexing. In fact, Senator BUCKLEY pioneered the idea of indexing the tax system.

I have introduced S. 12, with 19 cosponsors, which attacks the question of whether or not we should tax the American people on inflation.

Six States now have some form of indexing their State income taxes: Colorado, Arizona, Iowa, Minnesota, Wisconsin, and California. Two years ago, not one State had indexing in any form.

So indexing is happening on a State level. It is going to happen on a Federal level one of these days, if we can find strong bipartisan support.

Mr. President, I ask unanimous consent that a statement on the Tax Equalization Act be printed in the RECORD.

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

TAX EQUALIZATION ACT

QUESTIONS AND ANSWERS

(1) What is taxflation?

As inflation increases the cost of living, a taxpayer's income must also increase to enable the family to buy the same amount of goods and services. But, as the nominal income level rises, the taxpayer is pushed up into higher and higher tax brackets—thus, paying a larger tax bill—despite the fact that no gain in purchasing power has been realized. Because of our progressive tax system, the taxpayer is required to pay a higher percentage of his earnings in taxes. Thus, although the taxpayer is earning more money, his real standard of living may actually decline.

(2) How does taxflation affect a typical family?

Consider the dilemma of a typical family of four who earns $15,000 in 1979. Being conservative, assume an inflation rate of 8 percent in 1979. The family will have to earn $1,200 more in 1980 or $16,200 just to stay even with inflation. But, the family does not really stay even. While their income increases by 8 percent, their income taxes actually increase by $258 or about 12.6 percent.

The impact of tax inflation becomes even more dramatic as the taxpayer continues to climb the economic scale. A family with a $30,000 a year income in 1979 will have to earn $2,400 more in 1980 to keep pace with an 8 percent inflation rate. But, at an income of $32,400 the family tax bill will rise about $888 or 14.2 percent.

(3) What is the Tax Equalization Act?

The Tax Equalization Act is designed to insulate taxpayers from the tax impact of inflation by automatically adjusting tax liabilities each year to reflect increases in the

cost of living. The Tax Equalization Act would adjust the personal income tax rates, the personal exemption, and the zero bracket amount (i.e., the standard deduction) to reflect increases in the cost of living during the previous year as measured by the Consumer Price Index. The Tax Equalization Act is effective beginning with taxable year after 1980, and will remain in effect through December 31, 1983, at which point Congress will have an opportunity to review and determine whether to continue the indexing adjustments.

(4) How will indexing ease the impact of taxflation?

The Tax Equalization Act corrects automatically the income tax system to prevent inflation from pushing taxpayers into higher and higher tax brackets. It establishes a procedure that widens all tax brackets by a proportion equal to the rate of inflation. It also adjusts the personal exemption and the zero bracket amount. This has the effect of holding the real value of the tax rates constant and prevents taxpayers from being pushed up from one bracket to another, unless their real incomes have increased. The hypothetical family of four that earns $15,000 in 1979 with an 8 percent increase in earnings in 1979, will be saved about $94 in the first year by the Tax Equalization Act. The family earning $30,000 would save about $498.

(5) Does the Government have a vested interest in inflation?

The Federal treasury is the prime beneficiary of inflation. Many economists have stated that when the cost of living goes up by 10 percent, the increased taxes flowing into the Federal treasury go up by as much as 16 percent. According to the Joint Committee on Taxation, in 1978 taxes were increased by nearly $9 billion. Indexing is not a real tax cut but denies the government this yearly windfall tax bonus.

(6) Will indexing be inflationary?

Tax indexing will not cause nor will it cure our inflationary problems. However, indexing may help keep wage increases down. Without indexing, a worker realizes that a wage increase that just keeps pace with inflation will push him into a higher tax bracket. In order for him to achieve a real gain, his wages must rise faster than the cost of living. The inflation penalty inherent in the present tax structure is one of the basic causes for inflationary wage demands, since workers must receive inflationary wage increases in excess of the cost of living increase simply to maintain the actual value of their take-home pay.

(7) Didn't Congress just pass a tax cut?

Because of inflation, Congress has passed tax cuts in each year since 1975. The Revenue Act of 1978 provides an $18.5 billion in tax reduction. However, because of inflation and other factors, 80 percent of our 88.5 million taxpayers will experience a tax increase in 1979.

(8) Does indexing preclude the Congress from changing the Tax Code?

Indexing the personal income tax is not intended to be a correction for all the inequities in the income tax law. Adoption of tax indexing does not prevent any other changes which the President wishes to propose or which the Congress wishes to enact. Even with indexation, the Congress could still change the degree of progressivity in the tax system or the amount of income tax revenues collected. The Tax Equalization Amendment simply guarantees that taxpayers will not be subject to non-legislated tax increases.

(9) Has indexing been tried anywhere else?

A number of other countries have already adopted some form of indexing their individual income tax rates. These countries include Canada, France, Luxembourg, Denmark, Israel, Brazil, the Netherlands, and recently, Australia. Under the Canadian approach—which took effect in 1974—the personal exemptions in the tax bracket are adjusted annually by the rate of charge in the Consumer Price Index for the year ending the previous September. As a result, the Canadians have adjusted their tax system by 6.6 percent for 1974, 10.1 percent for 1975, 11.3 percent in 1976, and 8.6 percent in 1977.

In the United States, Colorado, Arizona, Iowa, Minnesota, Wisconsin, and California have initiated indexed systems for the collection of their state income tax.

(10) Does the public favor indexation?

The Roper Organization, in a study released to the Senate Finance Committee in July of 1978, indicated that the public would prefer an annual inflation adjustment factor built into the tax system by a fairly wide margin. According to the study, 57% of the American public preferred indexation to the periodic tax cuts that the government has made from time to time to keep taxes in line with inflation. Only 32% of the public preferred the periodic tax cuts.

(11) Why does the tax equalization amendment index only individual income taxes?

The Tax Equalization Act is designed to establish a simple and modest approach which will offer both the Congress and the American people an opportunity to evaluate indexing on its merits. Indexing for capital gains, depreciation and debt involves more complex indexing procedures and would require substantial changes in the present law. The Tax Equalization Act is simple and equitable. It would not require any changes in the present tax form. For these reasons, the Tax Equalization Act is the first step that needs to be taken for indexing.

(12) Does indexing represent a change in fiscal policy?

Fiscal policy since the early 1960's has focused on reductions of the personal income tax rates. Congress has legislated tax reductions in personal income taxes in 1962, 1964, 1969, 1975, 1976, 1977, and 1978. However, since 1965, the Congress has not cut taxes enough to offset the inflation-based tax increases that have occurred over that period.

(13) Some economists have stated that a progressive tax system acts as an automatic stabilizer on the economy during periods of high inflation. Would indexing remove this automatic stabilizer?

The automatic stabilizer theory is based on the assumption that inflation is the result of an excess aggregate demand. This requires full employment and the sum of all our individual demands will be greater than the available supply of goods. The aggregate demand theory, however, ignores the fact that inflation may be caused from other sectors of the economy, for example, food and energy.

In addition, if inflation and unemployment are occurring simultaneously, the automatic stabilizer becomes a destabilizer. It would be counterproductive during periods of high unemployment, to reduce purchasing power that might be used for investment or consumption. Indeed, the failure to index the tax system made the sharp recession of 1974–1975 far more severe than it otherwise would have been.

The PRESIDING OFFICER. The time of the Senator from Missouri has expired. Under the previous order, the Senator from Alaska (Mr. STEVENS) is recognized for not to exceed 15 minutes.

Mr. BAKER. Mr. President, I ask unanimous consent that the time allocated to Senator STEVENS under the special order be given to the Senator from Missouri, for his control, for a continuation of this colloquy.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Missouri is recognized for not to exceed 15 minutes.

Mr. DANFORTH. I yield to the Senator from Kansas.

Mr. DOLE. As inflation increases the cost of living, and everyone understands that this is happening, the taxpayers' income has to increase to keep up, to buy the same amount of goods, the same amount of gasoline, the same amount of anything, just to stay even.

As I have indicated through the example, as you receive more money just to stay even, because of the tax system, you are driven into a higher tax bracket and pay a higher marginal rate. That is the nature of our progressive tax system. Because the taxpayer may be earning more money, his standard of living actually is going down because of this concept of "bracket creep."

For a typical family of four earning $15,000 if their income increases by 8 percent, their income taxes increase by about 12.6 percent.

The impact of tax inflation becomes even more dramatic as the taxpayer continues to climb the economic scale. A family of four with a $30,000 a year income in 1979 will have to earn $2,400 more in 1980 to keep pace with an 8 percent inflation rate. But, at an income of $32,400, the family tax bill will rise about $888, or 14.2 percent.

It seems that even though we are off to a good start with the proposal, introduced today, there are other areas should be addressed.

As the distinguished Senator from New Mexico mentioned, other bills will be introduced by other Members, with widespread support, to put meat on the bones of the Republican economic package.

There is no quick and easy solution. Where possible, you will find Republicans for the most part supporting the efforts of the President to get a handle on inflation. Inflation is not a partisan matter. It affects Republicans, Democrats, and independents. Inflation will stop by the efforts of the American people, along with Congress and the executive branch. It will be stopped by businessmen, working men and women, professional people, and farmers. It is going to take a united effort, and it will not be easy.

We are at the crossroads; we are at a very important point in American history. I hope that the signal that may go out as a result of the efforts of the task force of Senator JAVITS and the leadership of Senator BAKER and the leadership of Senator DANFORTH and every other Republican will be that the Republicans are ready, willing, and able to provide alternatives and to cooperate with this administration and this Congress.

So I conclude as I began, by suggesting that this is a positive effort. It is an effort in which I believe every Republican has had a hand. The distinguished Senator from North Carolina (Mr. HELMS) made an excellent contribution to the task force economic package.

The point is that the statement cuts across philosophical lines on the Republican side. Moderates have had input, liberals have had input, and conservatives have had input. The final package is a Republican package, a balanced package, and a package that the Senator from Kansas believes deserves support.

I thank the Senator for yielding.

Mr. DANFORTH. Mr. President, I appreciate the comments of the Senator from Kansas. They are typical of the kind of leadership he has provided in the Senate Finance Committee.

The Senate Finance Committee truly is a major committee. It deals not only with tax policy but also with such other important matters as hospital cost containment, health insurance, and welfare reform.

For the past half year, the Senator from Kansas has served as the ranking minority member on that committee and has provided real leadership for us. He has put together a first-rate staff. He has worked with other Republican members of the Finance Committee to weld us together into an effective working unit. Now he has characteristically provided leadership with respect to economic policy.

There is today, I regret to say, a vacuum of economic leadership in this country. What we have said, as Republican Members of the Senate, is that we are willing to fill that vacuum; and by the introduction of this bill and by the release of our policy statement last week, we are filling that vacuum.

It would be easy, in a partisan setting, simply to attack the administration for lack of leadership, simply to rejoice in the catastrophes that befall us, to criticize the high rate of inflation and the decline in productivity, to be negative.

But we are not being negative. We are being positive. We are being affirmative. We are making specific proposals for change in economic policy. We are filling the leadership vacuum.

We would hope that the administration would join us. We would hope that the administration would reverse the present trend or lack of trend and would endorse and embrace the kind of concepts which we are presenting today and which have been presented by the nominee for Secretary of the Treasury, William Miller, in many speeches, including one made in San Francisco on the day on which he was nominated, where he proposed exactly the kind of thing that is in this bill.

If the administration changes its view and reverses its position, we are all with it. In introducing this bill and in making the proposals we did last Thursday, it is our hope that there will not be such myopic attention to each specific detail of each bill and each proposal that they will be torn apart.

This bill that has been introduced today is simply the embodiment of three concepts with respect to capital formation, savings, and investment in the future.

The specific points in the strategies of the bill are, of course, open to negotiation and change. But what we say to the administration is let us get off dead center. Let us not stay fixed in the current spot we are in. Let us end the drift in economic policy. Let us get moving. Let us get the country moving. Let us join together in a bipartisan effort, and if the leadership in joining together in a bipartisan effort is not going to be furnished anywhere else, then we, although we are the minority in the Senate, are willing to assume such leadership and we do so today.

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

Mr. DANFORTH. I yield to the Senator from New Mexico.

Mr. SCHMITT. Mr. President, I think the remarks of the Senator from Missouri and those of the distinguished Senator from Kansas are an appropriate capstone for this discussion this morning.

It is clear that by the proposals being made that the Republicans recommend a positive economic policy to get away from wringing our hands about inflation. And let us do something about it. Let us create the incentives that we know work for this country to increase goods and services and to increase productivity. If we do that we are starting to cut away at the fundamental causes of inflation. There are other causes of inflation. But if we really get down to fundamentals, it is a lack of goods and services to use up the available money that people are being forced to spend and it is a lack of productivity that further increases the costs of those goods and services. So we must do that.

The Senator from Kansas is entirely right about the need for the tax cut, either as an indexing proposal or as an across-the-board tax cut. This is unlike the proposals of the Senator from Missouri that we cosponsored that would require and must require a simultaneous reduction in Federal spending. Whereas in the proposals that we are talking about this morning, in addition to those tax cuts, it is not clear at all that there is any net revenue loss, as the Senator from Kansas mentioned earlier. In fact there probably will be a net revenue gain.

I think it is clear from historic measurements that there will be such a gain. But we must do these things.

Private investment in R. & D. has been high, but most of that investment is brought on by requirements the Federal Government has placed on the private sector on what normally would be done to increase goods and services and productivity.

So again I congratulate the Senator from Missouri.

I see the distinguished minority leader is here again. In my earlier remarks I failed to pay proper attention to his great leadership role in this effort and that of Senator JAVITS and others who have joined together today in what I think is clearly the right thing and positive thing for the country.

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

Mr. DANFORTH. I yield.

Mr. BAKER. Mr. President, I thank the Senator from New Mexico who is a special talent in the Senate and he brings special freshness of insight and ability, and I am especially grateful for his remarks today.

I listened with great interest to the remarks of the distinguished Senator from Kansas (Mr. DOLE). He, also, is a special talent in the Senate and especially so as the ranking minority member of the Finance Committee, which probably is more directly involved in the effort and undertaking that is described now by the Senator from Missouri than any of the remainder of us. And we could not have better leadership on the Finance Committee than we do in the distinguished Senator from Kansas. His vitality, his energy, and his understanding of complex issues will do us a great service in the months ahead as we consider these proposals and as we continue with our effort to implement a Republican plank.

I wish to thank him now for what he has done and in advance for what I am sure he will do in this and in other fields in the days to come.

Mr. President, it is a special privilege for me to see these happenings this morning in the Senate. In particular, I am delighted to see the presentation by the distinguished Senator from New York (Mr. JAVITS) of another in a series of comprehensive policy statements and adopted unanimously, in this case, by Republicans on a major concern of this Nation, our economic policy. It is especially encouraging now to see the followon, the proposal for specific statutory enactment of a program to implement a part of that undertaking, introduced by the distinguished Senator from Missouri and cosponsored by every one of the Republican Members of the Senate.

That is truly an astonishing thing. It has become the rule, I believe, rather than the exception, that in the last 2 or 3 years Republicans try to get together on general policy statements, and we have done so with remarkable unanimity. But I cannot recall a single time when we have unanimously cosponsored a particular precise piece of legislation to carry out those proposals. In the past it has been my privilege to introduce bills to try to implement a general range of objectives but usually that has been in my role as floor leader and without the endorsement or cosponsorship of many, sometimes not any, Republican Senators.

Heretofore, we have placed our show of togetherness on the policy statement. But this is quite different.

I commend the Senator from Missouri for what he has done in drafting this piece of legislation, in dealing with the problem with great particularity, and in translating the universal Republican support for a policy statement to unanimous Republican backing for a specific statutory proposal.

Mr. President, this bill goes far beyond the commonplace efforts to administer a quick fix to America's economic distress. Instead it represents, as we have come to expect from the Senator from Missouri, a thoughtful, imaginative approach to solving both the short-term and the long-range causes of our economic distress.

The PRESIDING OFFICER. The time

controlled by the Senator from Missouri has expired.

Mr. BAKER. Mr. President, I inquire of the Chair what time remains under the series of standing orders?

The PRESIDING OFFICER. Under the previous order the Senator from Texas (Mr. TOWER) is recognized for not to exceed 15 minutes.

Mr. BAKER. Mr. President, I ask unanimous consent that the time allocated to the distinguished Senator from Texas (Mr. TOWER) be assigned instead to the Senator from Missouri and under his direction and control.

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

Mr. BAKER. Mr. President, will the Senator from Missouri yield now so I may complete this statement?

Mr. DANFORTH. I yield to the Senator from Tennessee.

Mr. BAKER. I thank the Senator.

This legislation holds the promise of beginning a new era of economic vitality and stability in the United States, unleashing the powerful forces of private enterprise, making capitalism more than the exclusive preserve of the well-to-do, making it instead a functioning and rewarding economic security program for the average American citizen.

I recommend that my colleagues on both sides of the aisle pay particular attention and give special consideration to the proposals being made today by the distinguished Senator from Missouri. I hope they will contribute to a new national economic policy which will serve this country in good stead in the months and years ahead.

Mr. President, if the Senator from Missouri will permit me just another moment, I pay my respects to those Republican Senators who engaged in this colloquy this morning, first, under the leadership of Senator JAVITS and now under the leadership of Senator DANFORTH. It has taken most of the morning. But I think it has been worthwhile, not just to celebrate the political unity and togetherness of Republicans in the Senate, but also to identify our particular proposals, and to reiterate our faith in our system and our country. Our program offers Americans a clear choice in the formulation of future public policy in the field of economic affairs.

I commend all of my colleagues on this side of the aisle for their willingness to cooperate, to concur in the statement of principles, and so cosponsor proposals made by the Senator from Missouri.

May I express my appreciation to the majority leader for arranging the schedule of the Senate this morning so that we could have a rather extended period for presentation of this Republican initiative.

Mr. President, I thank the Senator from Missouri for yielding.

Mr. DANFORTH. I thank the minority leader. He has provided the kind of leadership for the Republicans in the Senate that has encouraged exactly the kind of initiative we have had today. I join with him in expressing our appreciation to the majority leader for arranging this schedule.

We have taken a great deal of time, most of the morning, in expressing our views, but I think they could really be summed up in a single question which the American people are going to have to answer, and that question is: Do we still believe in growth? Do we believe in the growth of this country? Do we believe in the growth of our economy? Do we believe in future opportunity for people or instead do we believe that our best days as a country are behind us, that we have stopped growing, and that the role of Government should be increasingly larger and acting as an arbiter, a referee, as Americans fight among each other and muscle each other aside in an effort to pick over the bones of a once great country?

I think what we have indicated this morning is that 41 of us believe in growth, 41 of us believe in the future, 41 of us believe that Government policy can do more than act as a referee, that it can provide the kind of framework which will permit the growth and the expansion of the rest of the country, of the private sector. It is such growth that is so important to the future of our people.

● Mr. DURENBERGER. Mr. President, the program we have proposed today is an important step in the development of a sound, stable economic policy of growth for this country. This Republican initiative eschews the wornout Keynesian theory that promotes economic growth through deficit public spending and inflationary stimulation of demand. Instead, we are advocating a real growth policy based on capital formation, improved productivity through research and development, and greater rewards for savings and investment.

For too long, we have based economic policy on increasing demand. This policy has resulted in inflation and a distorted business cycle. Consequently, the 1970's have been a period of stagflation. As this country enters a new recessionary period with double-digit inflation, it is time to set a new course for our national economic policy.

The proposals we are introducing today represents the second phase of the new tax policy which the Congress adopted last year. The Revenue Act of 1978 included the first real deduction in the tax on capital formation since the mid-1960's. It was a recognition of the fact that the economic and tax policies that we had been pursuing during this decade were wrong. Our economic policy was based on theories designed to fight the depression of the 1930's. The problems today are quite different from those of the 1930's. Our economic policy has to be revised to reflect contemporary problems.

A new approach is being developed. It is based on the supply side of the economy. Supply economics argues that only through increased savings and improved productivity will we have sustained economic growth in a stable environment. The bill I am cosponsoring today is not the ultimate answer. There are other approaches we should also look at such as capital cost recovery accounting, capital gains rollovers, higher exemptions and tax credits for savings, and eliminating the tax bias in favor of consumption through a value added tax.

I include with my remarks an editorial from today's Wall Street Journal which provides an interesting insight to our current economic problems.

The editorial follows:

SNAPPING BACK

Anyone who might be wondering about the effects of last year's reduction in capital gains tax rates would do well to look at the venture capital revival that has since occurred. We particularly urge a look by those who argued then—and still do in some cases—that you can't improve capital formation by lightening the tax burden on it.

Venture capital is money raised by entrepreneurs whose only assets are their new ideas. Even if they turn out to be successful, investors must expect their capital to be locked up for 5 or 6 years. A decade ago venture capital was thriving. But along came the Tax Reform Act of 1969 which together with its subsequent revisions raised the maximum tax on capital gains from 25 percent to 49 percent, reduced the write-off of capital losses by 50 percent, and sharply curtailed the deduction of interest expense on borrowed funds used to make an investment. All in all, the rewards for success were cut in half, and the penalties for failure were doubled.

The effect on venture capital was devastating. The ability of small companies to raise equity capital by public stock issues declined drastically, and by 1973 small company issues had practically ceased. In 1977 when the maximum tax on capital gains hit 49 percent, equity capital from all sources dried up.

The tax reformers who sold this bad bill of goods to the Congress said the purpose of it was "to make the rich pay taxes." Congress expected to score some easy political points, not to dry up important wellsprings of economic progress. New small companies account for a disproportionate amount of new products and technologies, and they contribute substantially to the growth of the economy as a result of their own rapid growth and the productivity gain that they introduce into the economy.

By 1978 Congress realized what it had done, and Rep. Bill Steiger found majority support in both houses for his proposal to reduce the capital gains tax. In November the rate was reduced to 28 percent.

The response from venture capital was instantaneous and began in May before the law was passed when Senator Hansen rounded up 60 Senate cosponsors of the Steiger bill. By the end of the year venture capital raised by firms specializing in the activity rose eleven-fold over the previous year. In 1979 venture capital is back where it was 10 years ago.

The snapback is easy to understand. In 1969 Congress began adding to the costs of failure on risky new ventures, while reducing the rewards of success. With risk taxed at the same rate as corporate salaries, fewer people left comfortable employment to go off on their own with the ideas they couldn't sell to their employers. Those still willing could find few financial backers. In 1978 Congress restored incentives for assuming risk, and people began assuming risk once more.

There is evidence that lowering the capital gains tax rate had wider ripple effects. The Dow Jones Industrial average rose 130 points from March to August last year as it became evident that there were enough votes in Congress to cut the capital gains rate. The market has since lost some of that exurberance but still is well above March 1978 despite rampant inflation and a recession threat.

Equally impressive, in light of recession fears, is the fact that corporate expenditures

for new plant and equipment and for research and development are once again showing signs of life after a long period of stagnation. Shareholders can once again look with favor on managers plowing back earnings rather than paying them out in dividends.

These signs that the economy would like to get back on its growth track are encouraging challenges to the gloomy predictions that the growth era is over. They indicate that the economy responds to incentives, and is not in the clutches of some inexorable process of decline. More encouragement of its inclinations to grow would no doubt produce further benefits.

We have in mind cutting tax rates on personal income in order to lower the high marginal rates on real income that a decade of inflation has brought about, altering taxes on interest and dividend income in ways to lessen the tax bias against saving and passing something like the Jones-Conable Capital Cost Recovery Act so that businesses can recover their investment capital before inflation eats up their depreciation allowances. A little good tax law and the economy as a whole will snap back as rapidly as venture capital.●

ORDER FOR ALL NOMINATIONS TO REMAIN IN STATUS QUO DURING AUGUST RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all nominations currently being considered by the Senate or received by the Senate be considered as remaining in status quo during the recess of the Senate from August 1979 until September 1979.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the remaining time under all orders for the recognition of Senators be yielded back, including my own.

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

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business of not to extend beyond the hour of 12:30 p.m. with statements therein limited to 5 minutes.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there morning business?

There being no morning business, morning business is closed.

RECESS UNTIL 12:30 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 12:30 p.m. today.

There being no objection, the Senate, at 11:59 a.m. recessed until 12:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. NELSON).

MILITARY CONSTRUCTION AUTHORIZATIONS, 1980

The PRESIDING OFFICER (Mr. NELSON). Under the previous order, the Senate will now proceed to the consideration of S. 1319, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 1319) to authorize certain construction at military installations, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Debate on this bill is limited to 2 hours, to be equally divided and controlled by the Senator from Colorado (Mr. HART) and the Senator from South Carolina (Mr. THURMOND), with 1 hour on any amendment, with the pending question to be the Williams amendment, with no other amendment to be in order, except an Exon amendment, and any germane amendment thereto, and with 30 minutes on any debatable motion, appeal, or point of order.

AMENDMENT NO. 322

The PRESIDING OFFICER. The pending amendment will be stated.

The legislative clerk read as follows:

The Senator from New Jersey (Mr. WILLIAMS), for himself, Mr. JAVITS, Mr. RANDOLPH, Mr. PELL, Mr. KENNEDY, Mr. CRANSTON, Mr. RIEGLE, Mr. HART, Mr. MELCHER, Mr. MOYNIHAN, and Mr. LEVIN, proposes an amendment numbered 322.

On page 49, strike lines 5 through 13.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time not be charged against either side.

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

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HART. 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. HART. Mr. President, let me summarize briefly for the Senate where we stand at this point in time on the military construction bill.

On July 12, 1979, the Senate considered this bill and completed work on all amendments except those relating to the Davis-Bacon issue. A unanimous-consent agreement was reached which sequentially referred the bill to the Committee on Labor and Human Resources for the purpose of reviewing the Davis-Bacon question only. On July 26, 1979, the Committee on Labor and Human Resources reported the bill back to the Senate recommending against any revisions to Davis-Bacon Act provisions.

The bill is now before the Senate under a time agreement of 2 hours on the bill and 1 hour each on two amendments. Those two amendments are: First, an amendment by Senator WILLIAMS to strike section 810 from the bill, and second, an amendment by Senator EXON, to revise the threshold of coverage of the Davis-Bacon Act from contracts costing $2,000 or more to contracts costing $50,000 or more. Under the unanimous consent agreement, those are the only amendments that will be considered.

The PRESIDING OFFICER. The present amendment is not directed to section 810. It strikes lines 5 through 13 on page 49.

Mr. HART. I stand corrected, Mr. President. I was just trying to get the factual situation clarified.

I remind the Senate that this is an important bill, containing nearly $4 billion in new authority to provide for the construction program of our Armed Forces. I would hope to complete action expeditiously.

I yield to the Senator from New Jersey.

Mr. WILLIAMS. Mr. President, I send a technical amendment to the desk, so that the pending amendment is directed at the lines of the bill as it is now before us.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 49, strike lines 19 through 25, and lines 1 and 2 on page 50.

The PRESIDING OFFICER. The amendment is so modified.

Mr. WILLIAMS. Mr. President, I yield myself such time as I may use, within my allotted time.

The question of whether the Davis-Bacon Act should continue to be applied to direct Federal construction activities of the military departments was referred to the Committee on Labor and Human Resources by the Senate on July 12, 1979, for its consideration.

Our committee has done its work in connection with this bill promptly and completely. In the brief 2 weeks which the Senate gave us, we have had hearings on this issue, and we have studied it closely. We have issued a report, which has been filed with the Senate, and which is available to all members.

Based on the committee's examination of this important question, I believe that we must continue to apply the Davis-Bacon Act to these contracts. I am pleased that I am joined by 12 of the 15 members of the Committee on Labor and Human Resources in this conclusion.

It is our recommendation that section 810 of the pending bill be deleted—and that the direct Federal contracts authorized for the military departments continue to be subject to the requirements of the Davis-Bacon Act.

Mr. President, the committee's recommendation is based on a number of considerations.

Primarily, however, we believe that waiving the Davis-Bacon Act's requirements for these contracts would result in tremendous hardship for the workers in this highly volatile and unstable industry, and in distinct disadvantage to employers, especially small employers, in the construction industry.

The purpose of the Davis-Bacon Act is to prevent the exploitation of laborers by Government contractors by insuring that those contractors pay laborers on Government contracts the wages which prevail in the locality.

The Davis-Bacon Act means that the Government will not be a party to wage cutting. The act represents the Government's commitment to the welfare and well-being of American workers and to the stability of the construction industry.

The Davis-Bacon Act means that when the taxpayers are party to a contract, they do not want the workers on that project to be exploited.

This was an enlightened public policy in 1931, and I do not believe that it is any less enlightened now than it was 48 years ago.

Mr. President, not only do the same moral and ethical reasons for the Davis-Bacon Act remain, but the same practical considerations exist which call for the continued application of this act to direct Federal construction.

These practical considerations are centered on the chronically high and cyclical unemployment in the construction industry. This industry is marked by large upswings and downswings in construction activity, and is largely populated by small and marginal employers. In short, the industry is rife with instability. It was so in the 1930's, and it is no less so in the 1970's.

Employment characteristics in the construction industry are inherently uncertain. Employment varies by as much as 30 percent between the peak construction month of August and the low construction month of February. While only 2.7 million construction workers were employed in February of 1978, that figure rose to over 3.8 million workers in August of that year. Over a million workers enter and leave the construction industry workforce every year. Moreover, the unemployment rate in the construction industry fluctuates radically even in a stable year. The unemployment rate in the construction industry was in excess of 17 percent in February 1978, declined to 6.6 percent in August and rose again to 17.5 percent in February 1979. At the peak of the recent recession, the unemployment rate for construction workers was 21.6 percent in May 1975, while the rate for all workers was 9.1 percent.

These workers are employed by half a million businesses, many of them small, and divided into more than 30 crafts or trades.

Typically, these are not long-term employment relationships. A contractor will bid successfully for a contract and obtain his skilled labor from the local construction market. Construction workers are particularly susceptible to wage cutting competition during periods of high unemployment due to short-term fluctuations in employment and unemployment. This industry has limited job security, high skill requirements, and a preponderance of small locally oriented firms who exhibit keen business competition due to a lack of control over many nonlabor construction costs.

Mr. President, the testimony at our hearing indicates that not only do the workers in the construction industry feel a continuing need for the protection and stability offered by the Davis-Bacon Act, but the employers in the industry also see a continued need for the protection, and stability, which the Davis-Bacon Act assures.

At our hearings, representatives of the National Electrical Contractor's Association told us that they opposed waiving the Davis-Bacon Act.

Those contractors said that prevailing wage requirements in Federal construction contracts enable them to bid on those contracts with the reasonable assurance that they will be able to recruit the skilled workers they need to perform the contracts.

Without that assurance, many of these small contractors would be unable to bid on and receive Federal contracts.

The committee received similar views from representatives of the Tile Contractors Association and the Mason Contractors Associations.

We can therefore disabuse ourselves of the idea that the Davis–Bacon Act protects only workers. In fact, its protections are valuable to employers in the construction industry, and most especially, small employers.

It is also clear from our hearings that any hypothetical cost savings which have been claimed if the Davis-Bacon Act is made inapplicable to military construction is largely illusory. When the prevailing wage determinations under the Davis-Bacon Act are correctly made, there should be no inflationary impact. The rates actually prevailing in the area are simply identified and reflected in the competitive bids on Government work. Claims that the act has an inflationary impact tend to be based on the assumption that determined wage rates may be higher in some cases than those which actually prevail. In fact, rather than realizing savings as a result of reduced costs, the Government may very well encounter increased costs due to a lower quality of construction, increased project defaults, and increased maintenance as a consequence of the use of unskilled labor.

The report of the Armed Services Committee notes that Defense Department witnesses testified that, based upon General Accounting Office estimates, cost reductions of 5 to 15 percent are possible if Davis-Bacon was waived. However, these estimates are based on a 1971 GAO report. I questioned the GAO on those estimates in hearings before the Committee on Banking, Housing, and Urban Affairs earlier this year. At that time, the GAO testified that the projects selected in the 1971 study were not randomly selected, but were targeted projects and presumably were not representative of any hypothesized budgetary impact. Moreover, the 1979 GAO report estimates an average of slightly over 3 percent savings on 12 of 30 projects surveyed. This GAO report specifically notes on page 100 that its sample size was insufficient for projecting the results of that study to construction costs generally with any statistical validity.

The fact of the matter is that the Department of Defense has made no independent estimate of any hypothetical savings by waiving the Davis-Bacon Act for military construction projects. To the contrary, the Assistant Secretary of Defense specifically opposes section 810 or the military construction bill, and points out that "equal application of the act provides a stable relationship with contractors that undertake Federal construction and prevents possible labor difficulties and attendant delays or stoppages."

If the prevailing wage protections of the Davis-Bacon Act were waived, and wage cutting competition ensued, there is no evidence that any savings in wage costs will in fact be passed through to the Government. In fact, if the contractor pays less than the prevailing wage, he is likely to be able to attract only underpaid and unskilled workers.

Mr. President, what does the Government get for its money when its contractors use underpaid, underskilled workers on construction projects? Let us make no mistake about it—when you offer low pay, you attract low-skilled workers, highly trained, highly skilled, highly efficient workers do not grow on trees, and they do not work for nothing.

So, what can the Government expect from these underpaid, underskilled workers? The answer is shoddy, deficient, even defective work. Witnesses at our hearings on this bill testified that the work on those contracts was often defective and, in some cases, even dangerous.

Mr. President, these military construction projects are just too vital to the defense of our Nation to be sloppily built. Our military personnel have the right to expect that our missile sites and radar stations will be well constructed, and will be built according to specification. When the need is there, they must know that these vital installations will function properly. If not, the few pennies saved in construction, at the cost of reliable buildings will be a poor bargain indeed.

Mr. President, the Davis-Bacon Act has been instrumental in opening the door of the construction industry to minority group members and women. Requirements associated with the act, such as apprenticeship training programs, and established journeymen-apprenticeship ratios, have assisted in the development of job opportunities for the disadvantaged elements of our society. Waiving the Davis-Bacon Act for nearly one-fifth of direct Federal construction activity will surely set back this admirable progress which has been made.

By building our military structures in a manner which will insure the well being of our citizens, in a manner which

will insure that Government contractors do not exploit their laborers, in a manner which will provide hope for a brighter future for all our citizens—we will be getting true value for our dollar.

Mr. President, for these reasons, I join with the overwhelming majority of the Committee on Labor and Human Resources in recommending that the Senate strike section 810 from this bill.

The PRESIDING OFFICER (Mr. STEWART). The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I rise to associate myself altogether with the eloquent incisive remarks of the chairman of the Committee on Labor and Human Resources, our greatly admired neighbor from New Jersey.

I wish to remark on a statement he made toward the end of his address about the relevance of the decision we are about to make today about the construction of the facilities for strategic warfare.

This is not a bill about building barracks. This is a bill about constructing the most complex pieces of machinery the United States knows, the infrastructure of our strategic nuclear defenses.

I have just come, as it happens from a meeting of the Select Committee on Intelligence in which we have dealt with the question of verification of the SALT II agreement. We have been in secret session for a month on this, and we have just about now concluded.

I have to say that there is something that strains credibility that we should have spent a month in the Capitol Dome going over the precise technical questions about what is our capacity to verify, what is our capacity to retailiate, what is the level of condition of our forces, and come down to the Chamber and find before us a proposal to turn the construction of that intensely complex infrastructure over to unskilled and underqualified workers. It is as if one leaves one world of reality for the world of unreality, although one might think it would be just the opposite.

Mr. President, this amendment is offensive. It comes with ill grace a year after the President presented the Senate with a proposal to make the first advances in labor legislation since the New Deal. The Senate did not act. Despite the noble efforts of Senator WILLIAMS, our Senate did nothing. Now finding that we did not advance on the New Deal, it is proposed that we repeal the labor legislation of the Hoover administration.

Davis-Bacon is an enactment of President Hoover's administration, and a very important one. It has brought stability to an industry that did not have it and has greatly advanced the capacities for production in this field.

Those who do not know what it is like to have instability in the construction industry will not think much of it. I can put it very simply: It is something you do not miss until you do not have it.

In the 1950's, we had to build the great nuclear weapon defense system of this country. If we did not have skilled workers protected by Davis-Bacon for over a generation, we would not have been able to do it. We did do it. I remember being in the Department of Labor in the early 1960's under President Kennedy and the extraordinary involvement of the trade union movement with the Defense Department in constructing our Minuteman silos, and other similar efforts like that. This was possible because we had a stable industry and a highly skilled workforce.

What will we have if this bill goes through? I will tell you what we will have. We will deplete yet another American resource, and do not be surprised if the day comes when we start importing our construction as well as other things in manufacturing.

But another point is to be made, and that is this: There is an unfortunate regional bias in these matters about which I am prepared to speak. I represent a State, Mr. President, where one out of every seven members of the AFL-CIO lives, and we are proud of the social legislation we have adopted. We are proud of our effort to extend that legislation to other parts of the country, and we have supported the kinds of Federal expenditure that go with such legislation. Senators from my State and my part of the country have stood on this floor for 50 years and said, "Yes, let us increase the Federal budget for this purpose and that purpose, more public works," always supporting defense, never to any significant advantage of our region at all.

I see the distinguished manager of the bill, the Senator from Colorado, who has made such an important contribution both to this subject and to the Armed Services Committee is here, and I would like to tell him something I said to the Building Trades Department of the AFL-CIO just earlier this year when this whole issue began to be discussed. I said to them:

> As far as the Senators from the Northeast are concerned, if there is going to be no Davis-Bacon let there be no public works.

If anybody supposes that the Federal budget is a bonanza for States such as mine, just give us the chance to do without a Federal budget altogether and see how much better off we would be and how quickly we would accept it.

No more dams, no more highways, no important electrification, no more canals. Why clone the Mississippi River if we are going to do it under these circumstances? We do not have to clone the Mississippi River. Nobody is cloning the Hudson River. The pork barrel of this body goes places other than ours. All we have asked is that decent labor standards go with it, and if they cannot, then we can do without it and will do without it.

We can stand on this floor and fight these propositions with exactly the same weapons that others have fought other propositions. It is bad enough that we will not make one step beyond the New Deal, but to start repealing the labor legislation of Herbert Hoover suggests an atmosphere in this body which had better be turned around or the American people are going to wonder what is going on on Capitol Hill. At least I am on the verge of agreeing with President Carter about our isolation, and having suggested that maybe it is time for me to sit down.

But there is just one more thing. It is also important to understand the characteristics of the industry about which we speak today.

Mr. President, the Davis-Bacon Act is the most important wage stabilizing piece of legislation in the construction industry. It requires that Federal construction contractors pay the prevailing wage for labor in the area where the construction is to occur. The Davis-Bacon Act has served to stabilize the volatile construction industry by discouraging cut-throat competition by construction contractors who would slash out at labor standards in their bidding. It affirms that our Federal building programs will not be undertaken at the expense of the worker who performs the building. By protecting the prevailing living standards of the construction worker, the act provides equality of opportunity for contractors and prevents the disturbance of the local economy.

Under this standard, contractors are free to compete against each other's efficiency, know-how and skill rather than in wage rates and fringe benefit levels.

To understand the importance of the Davis-Bacon Act, it is necessary to understand some aspects of the construction industry. In this country the construction industry has always been volatile and intermittent in its business volume, and in the employment opportunities it provides. Over 4 million workers are attached to the construction labor force. They are employed by about one-half million businesses, and divided into more than 30 crafts or trades. Unlike most other industries, these are not long-term employment relationships: Workers move from job to job, site to site, rarely forming permanent attachments to a single employer. The intermittent nature of the work diminishes the effect of a sometimes seemingly high wage rate. Unemployment has been persistently higher in this industry than in most others: Recently averaging more than 50 percent higher than the national average (10 percent construction against 6 percent national average).

The potential for severe wage competition is always present in the construction industry. The half million small construction contractors are engaged in one of the most competitive businesses in the country. Because of the relatively high unemployment rate, the workers are particularly vulnerable. In fact, the 1972 Commission on Government Procurement Study Group No. 2, a group that would likely be more concerned with procurement than worker protection found that "the wages of construction workers on Government construction would likely be adversely impacted without prevailing wage protection." The employer has less control over other major cost factors in construction such as land, materials, and interest rates and thus is more likely to look at wage rates for cost cutting. Moreover, the cost of these factors has been increasing at higher rates than labor costs. If the economy moves toward a period of slow growth of recession, there is a much greater likelihood that the pressures for wage com-

petition will intensify given the volatility of the construction industry.

The Davis-Bacon Act which was enacted in 1931 was part of a trend that began much earlier. Kansas had adopted a prevailing wage statute in 1891. Forty States have now adopted "little Davis-Bacon" laws, many of them in the 1950's and 1960's. The Davis-Bacon Act was a major force in preventing the complete disintegration of the construction industry in the 1930's. Its importance in preserving labor standards during a period of economic decline cannot be understated. In this regard, it is significant to note that construction industry housing starts for February were at their lowest level in 2½ years. It is beyond belief that at a time when many forecasters are predicting a recession that we would seriously entertain the possibility of abolishing one of the major stabilizing influences in the construction industry.

Yet, there are those who would suggest that the construction worker should be sacrificed in the battle against inflation.

However, the annual percentage increases in hourly wage rates over the last 7 years for construction workers has already been lagging behind the all-industry increases. Between 1971 and 1977, the construction workers' increases were 5.9 percent per year, compared to the all-industry average of 7.3 percent. Between 1975 and 1977 the gap widened: The construction workers' increases were 5.5 percent per year, and the all-industry increases were 7.17 percent. The April 1977-78 wage rise for construction workers was the smallest 12-month increase since 1967. It is obvious that the construction industry wage increases are hardly a major inflationary force in our economy.

Under these conditions, it is apparent that the altering of the Davis-Bacon Act would risk serious economic and social costs. It would create havoc in the construction industry, giving rise to a degree of cut-throat competition we have not seen for 50 years. In the end, it is not only the construction worker who would fall victim to this false fight of inflation.

Indeed, it is our local construction industries who could very well fall victim to the low wage itinerant contractors who move from contract to contract undercutting local standards in their ruthless search for Government contracts.

Mr. President, no one denies that the Davis-Bacon Act played an important, indeed vital, role in preventing the complete disintegration of the construction industry in the 1930's. Since that time, Congress has repeatedly affirmed the importance of this law in stabilizing wage patterns in the construction industry by including the Davis-Bacon Act provision in nearly all of our laws authorizing federally funded construction.

It would be a rash action in the extreme to alter this act as we enter a period of likely economic uncertainty over the next few years.

Mr. President, for these reasons, I urge my colleagues to vote to strike section 810 from the military construction legislation.

Mr. THURMOND. Mr. President, I yield to the distinguished Senator from Texas as much time as he desires.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, I am not surprised at the action taken by the Labor and Human Resources Committee recommending deletion of section 810 of the military construction authorization bill. Although I was unable to attend the committee's hearings personally, I have reviewed the testimony offered by the various witnesses. From this reading, it appears to me that relatively little attention was given to the question of saving money on defense construction, which is the purpose of section 810, and that the committee chose to focus instead on preserving the integrity of the Davis-Bacon Act.

Even in its anticipated response to the committee, the Department of Defense does not make one reference to cost savings. Instead, Assistant Secretary Robert Pirie states that:

> I do not approve of the inclusion of section 810 into this bill because I do not favor the singling out of the military construction program from other Federal construction.

In other words, what he is saying is "Don't put the monkey on my back. The big unions do not want this act repealed in any form or fashion or waived in any form or fashion. Don't single us out there over in Defense to incur the wrath of organized labor."

I would reiterate again my previous statement that this language does not repeal Davis-Bacon; it does not amend Davis-Bacon; nor does it affect the application of the act to any other type of Federal construction. The purpose of section 810 is very simple—it will save tax dollars on defense construction projects.

As my colleagues are well aware, the Senate Armed Services Committee is presently holding hearings on the SALT II Treaty. In terms of our relative defense preparedness, even among those who favor the treaty, there is a strong consensus that a real growth in the level of defense spending must occur over the next few years.

Right now, Mr. President, we have a backlog in military construction of nearly $35 billion. These projects, located in dozens of States, cannot be implemented because the defense budget simply cannot be stretched any farther to accommodate them and in the years ahead, the list will grow.

By enacting section 810, we might make some headway in reaching these projects. Let me cite a few examples of how this would work:

At the Indiantown Gap Military Reservation in Pennsylvania, a tank trail was built in 1977. The cost of that project under Davis-Bacon was $188,400. The same project without Davis-Bacon would have cost $150,720.

At that same location a rifle range was also built. Under Davis-Bacon, the cost was $217,900. The cost without would have been $174,320. Conservative estimates show that both of these projects could have been completed for 20 percent less.

At McGuire Air Force Base in New Jersey, a composite squadron facility constructed under Davis-Bacon cost $117,500. Without Davis-Bacon, the cost would be $86,750. Considering the fact that 50 percent of the project cost was for labor, estimates show a potential saving of $30,750, or 27 percent of the total cost.

Examples from testimony before the Human Resources Committee show similar waste. One witness cited the Davis-Bacon rates for constructing one lock on the Tennessee-Tombigbee waterway increased labor costs on that project between $2 to $3 million—and that was just one lock.

And in Frederick, Md., where no local contractors would even bid on a construction project for the Frederick Cancer Research Center at Fort Detrick, the low bid was over 100 percent above the amount budgeted by the Federal Government.

I cite these examples to show, Mr. President, that the cost estimates presented before the Armed Services Committee by Deputy Assistant Secretary Fliakas bear some careful consideration. During his testimony, Secretary Fliakas projected a cost savings range of $70 to $210 million under section 810. These are estimates. They could be lower, and they could be higher. But there would be savings, and no one has disputed that fact.

The list of unfunded projects is extensive, and even if we could realize $50 million in savings, maybe we could get to those projects in Florida, Nebraska, Alaska, Georgia, California, and a number of other States.

Now, Mr. President, when we discussed the military construction authorization earlier this month, I moved to refer the bill to the Human Resources Committee for review. This was not a jurisdictional matter, and we could have proceeded to a vote that day on the motion to strike section 810. I doubt that the outcome of that vote will vary.

But since the committee had not availed itself of the opportunity to review the cost aspects of Davis-Bacon, I thought they should have the chance to do so. Unfortunately, the committee has seen fit to treat section 810 as a frontal assault on Davis-Bacon, which it is not.

I would therefore remind my colleagues once again that the purpose of this language is to curtail waste in defense spending. Perhaps the Human Resources Committee will take—or be given—other opportunities to consider amendments to the Davis-Bacon Act. I for one hope they will. But for the present, let us not confuse far-reaching amendatory efforts with this present motion to cut wasteful Government spending.

I was interested to note that my distinguished friend from New Jersey has, in effect, said 80 percent of the construction work in this country is shoddy. That is to say private sector construction work not covered by Davis-Bacon is shoddy and defective, but under Davis-Bacon all the Federal construction work that is done is not shoddy; it is not defective. What in effect he is saying is that nonunion work is shoddy and union work is always the best. Moreover he is in effect saying that even union work done in

the private sector, uncovered by Davis-Bacon, is shoddy and defective, and yet if it is done on Federal projects under Davis-Bacon, it is not shoddy and defective. So apparently the proper conclusion as to the soundness of construction work done across this country, according to the Labor and Human Resources Committee, would be that all private construction work done in this country is shoddy and defective.

Mr. President, I suggest we do not need Davis-Bacon application to insure that construction work done is done well and done properly. I can cite some construction projects around Capitol Hill which have had some rather substantial cost overruns, and in some instances the work has not been entirely satisfactory.

Mr. President, I am a realist, and I know what is going to happen here. I am reasonably sure, although I would hope that on the way to the Chamber to vote my colleagues might suddenly be afflicted with what happened to St. Paul on the road to Damascus and see the light, and vote overwhelmingly against the amendment of the Senator from New Jersey.

Being a realist, I know that is not likely to happen; but what we are doing here today, if the amendment of the Senator from New Jersey prevails, is saying that in combating inflation there are certain untouchables that must prevail, that cannot be tampered with, regardless of what we must do to combat inflation in terms of basic costs.

Davis-Bacon does have an inflationary impact. There is no proof that Davis-Bacon does not cost us more money for construction. No one has asserted that it effects any cost savings. All the evidence is quite to the contrary. Therefore, should this amendment prevail, I think the Senate will have said this is an untouchable element in the cost of the inflation.

I think we should identify these untouchables. There will be some of them identified by other amendments offered to the bill to try to save the Government money, that will try to foreclose Government activity that tends to drive up costs in the private sector because of the enormous power of organized labor.

When you think of the most influential single political force in the United States, it is the AFL–CIO; and it not likely that we are ever going to prevail against them. Anybody who thinks business has an inordinate influence on government is nuts or is uninformed, because in fact it is organized labor, with its control and discipline, that has the greatest impact on public policy—greater than any other special interest group in this country. I would say greater than all of them combined.

They have decreed that section 810 will not prevail and will not be permitted to remain in the bill, and my guess is that probably that decree will be honored.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Nineteen minutes and seven seconds. The Senator from New Jersey has 7 minutes and 50 seconds.

Mr. TOWER. Mr. President, I might suggest to the Senator from South Carolina and the Senator from New Jersey that the Senator from Nebraska (Mr. EXON) wants to propose an amendment. For my part, since I am primarily responsible for section 810 in this bill, I would be prepared to see some time yielded back so Senator EXON could be accommodated.

Mr. WILLIAMS. Mr. President, perhaps that can be done, but before I would yield back I would like to point something out to the Senator from Texas.

We are good friends, and we have worked together on many things; and we oppose each other on many things, too, always in the best of dignity and good spirits. But I am rather disappointed that the Senator from Texas did not listen to my remarks as closely as I had hoped he would have. If he had, he would not have been saying some of the things he said that suggested I had said all nonunion labor is shoddy labor. I did not have anything in my remarks that would lead the Senator to say that.

All I am saying is that if we do not have the community-prevailing wage as a requirement on Government construction contracts, we have a situation where there will be contractors who will undercut the community-prevailing wage; they will get the job, and they will get it because they do not have fully qualified and skilled workers coming in under the prevailing community wage. That is all I have said.

If the Senator will look at our report, it will show that the prevailing wage determinations are about equally divided between union and nonunion rates. So it is not a union versus nonunion question, it is a question of applying the community wage that prevails for like workers on like construction jobs to cur federally assisted construction. I just wanted that clarified, Mr. President. I know that the Senator from Texas will appreciate that when I found error I pointed it out to him.

Mr. TOWER. Mr. President, will the Senator from South Carolina yield me 2 minutes?

Mr. THURMOND. Mr. President, I yield to the Senator from Texas.

Mr. TOWER. Mr. President, the fact is that Davis-Bacon, in many instances, establishes a higher wage than what is actually the prevailing wage, because it has been acknowledged by various departments of the Federal Government that the data base that is used by the Labor Department in making these determinations is inadequate. Secretary Harris, when questioned about it before the Committee on Banking, Housing, and Urban Affairs, said they were seeking a better means for determining what the prevailing wage ought to be.

I think there is a great deal wrong in the application of Davis-Bacon that could be cured by administrative action, but we have seen no movement in that direction. There have been complaints against—complaints about it.

Let me note that in instances where Davis-Bacon has determined a lower prevailing wage than that actually prevailing in an area, in every instance—and we have not found anything to the contrary—the prevailing wage has been paid anyway, in the few instances where the Davis-Bacon determination was too little.

So the net result has not been or would not be for wages to fall below the established minimum wage in a given area, but what happens is that contractors, particularly in small towns, cannot meet the union wages which the Labor Department determines are the prevailing wage when indeed they are not.

For example, a project 100 miles from Dallas, in a small town, might have to pay wages that are really based on the highest union-negotiated rate in Dallas, when that is not the prevailing wage in that area.

Really, the effect of Davis-Bacon has been directly contrary to the original intent of the bill. I am a little bit touched to hear my good friend from New Jersey or my good friend from New York say how wonderful this Hoover legislation was.

I wish they were as dedicated to preserving the legislation of the Hoover administration in other areas as they are this one. In fact, the original intent was to prevent big city contractors from coming into small towns and bidding low because they could undercut local wages. Now the opposite has happened. The big city contractors are the only ones who can afford to bid in many instances and the small-town contractor is thrust out of the job. The record is replete with examples of this.

Mr. President, I hope that we will consider all these things when we vote on the Williams amendment.

Mr. WILLIAMS. Mr. President, I yield myself 1 minute, or less. I want to clear up a matter for my good friend from Texas and point out to him that on a county by county basis for the great State that he represents prevailing wage determinations in residential construction—of course, residential construction is major in Texas because of its rapid growth—reflected union rates in 31 counties, and nonunion prevailing wage rates in 223 counties. I just want the Senator from Texas to realize that prevailing wage determinations are not necessarily union or nonunion, but are the community prevailing wage found by the statistical methods that the Department uses.

Mr. TOWER. Will the Senator yield 1 minute?

Mr. THURMOND. I yield.

Mr. TOWER. Texas is a right-to-work State and workers are not compelled to join a union as a condition to the right to earn their daily bread. Because of the favorable labor-management climate and the high productivity of Texas labor, that is to say, of the major industrial States Texas gives a higher return on the labor dollar than any other State, that is why we have this enormous growth and why industries are moving to Texas. I would suggest that might be an example to the States in the Northeast to follow, those which are faced with economic stagnation.

Mr. WILLIAMS. When there are pockets of poverty in the great State of Texas we too will respond.

Mr. JAVITS. Will the Senator yield me 2 minutes?

Mr. WILLIAMS. I yield 2 minutes.

Mr. JAVITS. Mr. President, the key point here, and we have argued this time and again, is that Davis-Bacon is an essential effort to stabilize wage patterns, like the Fair Labor Standards Act and other comparable acts. I think Senator TOWER really answered the issue. The point is how is the prevailing wage determined. We have begun now to look into that very carefully with the Secretary of Labor. The finding of the General Accounting Office, surveying 30 cases, showed that the prevailing wage was exceeded in 12 cases and was under the prevailing level in 18 cases.

I wish to say to the Senate that what we should do is to accept the Williams amendment and not throw out the principle of Federal stabilization of wage levels, because we do not like the way it is administered, but that we in the Labor and Human Resources Committee should zero in upon that question and see whether it is fair or whether there are any elements of unfairness. I assure the Senator that whatever may happen, it is my intention to do precisely that.

Mr. TOWER. If the Senator from New York will yield——

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. I yield 1 minute.

Mr. TOWER. I appreciate the remarks of the distinguished Senator from New York. I feel that if the act had been more appropriately and more equitably administered over the years there would not be the great pressure now to repeal Davis-Bacon or to leave it in terms of some Federal construction project.

Mr. JAVITS. There are always great pressures. The rights of labor are still very much a struggle. But all I say, and I fully respect the views of the distinguished Senator from Texas, is that this is an established pattern and it is in my judgment unwise to shake up the whole structure by taking this piece out of it. I think the way to proceed is to move into the administrative area. I am giving my assurance that I will determinedly do that.

Mr. TOWER. I appreciate that.

Mr. THURMOND. Mr. President, I rise in opposition to the pending amendment which would remove from the fiscal year 1980 military construction authorization bill the Davis-Bacon amendment approved by our committee in an 11–5 vote. I repeat, the Armed Services Committee placed this amendment in the bill by a 11–5 vote.

The purpose of this amendment is simple—it will allow us to save money. The Senate Armed Services Committee is charged with the responsibility of meeting our military construction requirements in the most efficient and economical manner possible.

ANNUAL SAVINGS OF $70–$210 MILLION

The Deputy Assistant Secretary of Defense, Mr. Perry Fliakas, testified during our hearings that by waiving the $1.4 billion in this bill which comes under the Davis-Bacon Act we could save from $70 to $210 million in this 1 year alone.

Mr. President, if we can save the taxpayers from $70 million to $210 million this year by waiving the Davis-Bacon Act, do we not have a duty to do that?

Thus, a considerable amount of the taxpayer's hard earned dollars can be saved by simply allowing the military construction projects to come under the same wage guidelines that any private citizen pays when a project is constructed. Why should the Senate want to add to the costs of tax funded projects when a cheaper, yet equitable, course is open to us?

INFLATION FIGHTER

The Nation is now reeling under the impact of double digit inflation. Every American's paycheck is buying less.

The General Accounting Office has found without qualification that outmoded Davis-Bacon laws are feeding that inflation without good cause. We must protect the interests of the taxpayer, only Congress can do that and our responsibility is clear.

CHANCE FOR SAVINGS

Thus, by retaining this amendment we can reduce the costs of the Defense Department without any degradation in our military strength. Here is an opportunity to cut defense costs. Here is an opportunity to test the impact of the Davis-Bacon law in our current economy. Here is an opportunity to eliminate an unnecessary expense which serves no useful military purpose whatsoever. Here is an opportunity to fight inflation, the No. 1 enemy of the President, the No. 1 enemy of the Congress, and the No. 1 enemy of the American people.

CONGRESS HAS RESPONSIBILITY

Mr. President, the Congress is solely responsible for the Government having to pay to contractors higher construction costs than that paid by private builders. We can no longer afford this two-tier system where the Government pays a higher price to construct the same building. To do so cheapens the tax dollar. To do so is an inefficient use of tax revenues. To do so feeds the fires of inflation.

Presently in this country 25 percent of all construction work is covered under Davis-Bacon, that work being those buildings in which Government money is involved. Why should the Government be inflating costs to itself when most of the remaining construction industry is operating outside of this law and still paying a fair wage?

NOT ANTI-LABOR

This is not an anti-labor amendment, it is a pro-taxpayer amendment. Many laws now protect the construction worker and other workers which were not in place in 1931 when this law was passed. We have minimum wage laws, overtime laws, and many other regulations to assure wages are fair for the working person.

GAO FINDINGS CLEAR

The recent General Accounting Office report on Davis-Bacon urges repeal of Davis-Bacon. That is a Government office, responsible to the Congress. GAO has studied this situation for over a decade, and their recommendation is sound. They have found the act impractical to administer after 50 years of effort.

They have found the act inflationary on the local and national economy. They have found the act having the opposite effect of its original authors. They have found the act harmful to the interests of minority groups and small business operations. These findings come from our Nation's most respected audit agency, the agency which is an arm of the Congress and free of any political pressures.

WAIVER OFFERS TEST

Mr. President, I also point out to the Senate that our committee is not urging repeal of the act in this bill, we are simply waiving its coverage for the purpose of military construction.

This would merely be a test; its effect would be minuscule compared to the wide ranging Davis-Bacon coverage now in effect.

In this particular military construction bill, we are only talking about around 5 percent of all U.S.-aided construction which comes under the Davis-Bacon Act. This amounts to about 1.5 percent of total U.S. construction. There is presently a $35 billion backlog in military construction projects. Acceptance of this waiver could help address that huge backlog. Can we afford not to make this simple, very narrow test to determine whether the savings would be 5 percent and $70 million or 15 percent and $210 million? I cannot believe the Senate is opposed even to this minor effort to constrain Federal costs, to fight inflation, to reduce unnecessary defense spending, to get for the taxpayer's dollar the same thing the private builder's dollar can buy.

Mr. President, I urge rejection of this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, how much time is left?

The PRESIDING OFFICER. The Senator from South Carolina has 8 minutes and 44 seconds; the Senator from New Jersey has 2 minutes and 33 seconds.

Mr. THURMOND. Mr. President, I ask unanimous consent that some examples of Davis-Bacon increasing construction costs be printed in the RECORD at this point in my remarks.

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

EXAMPLE OF DAVIS-BACON INCREASING CONSTRUCTION COSTS

SOURCE: APRIL 1979, GAO REPORT

Project determination 76–TN–88, Dickson County, Tenn.

This determination was used on a project for construction of a chlorine room addition to the City of Dickson's domestic water treatment plant. Construction costs amounted to $44,130.

Labor had never made a survey of prevailing wages paid in this county. Instead, Labor adopted construction union wage rates from Nashville, Tennessee, as the prevailing rates for Dickson County—which is a rural noncontiguous county about 30 miles from the Nashville metropolis.

Also, four of the seven bidders (including the successful bidder) were from the nonadjacent county—none were from Dickson. One of the three subcontractors was local, the other two were from communities about 24 and 28 miles, respectively, from Dickson.

All but 4 of the 32 rates issued by Labor were union-negotiated rates based on a survey, completed in 1972, of projects in the nonadjacent county. Our survey in Dickson County showed that nonunion rates prevailed and that all were substantially lower. The following are some examples of differences we noted:

Classification	Labor hourly rates issued	Prevailing hourly rates in locality	Difference
Bricklayer	$8.00	$4.50	$3.50
Carpenter	8.26	4.50	3.76
Electrician	8.65	5.00	3.65
Labor, unskilled	4.65	2.50	2.15
Painter, brush	6.95	3.88	3.07
Plumber	8.94	4.50	4.44
Truck driver	4.90	3.75	1.15
Bulldozer operator	8.15	4.25	3.90

Labor costs paid on the project at the rates required by Labor amounted to $10,546—about 36 percent more than those prevailing in the locality. Labor costs at prevailing rates in the locality totaled $7,759. Total construction costs may have been increased by about 6.7 percent.

Project determination 76-CA-7, Kings County, Calif.

This determination was used on two exterior painting contracts at the Naval Air Station at Lemoore, California. The total costs of the two projects amounted to $286,352. Although the invitation for bids was sent to local contractors, the majority of the bidders (six of eight on one contract and all the bidders on the other) were located 180 miles or more from the air station. The successful bidders were from the Los Angeles area (200 miles away) and the San Francisco area (180 miles away). Each employed some local workers, but most were from Los Angeles, San Francisco, Arizona, Nevada, and one was even from New York.

Labor had made a survey of Kings and adjacent Tulare counties in 1974. The wage specialist recommended to the Washington headquarters that the rate for painters not be issued, since the nonunion rate determined was higher than the current union basic rate and appeared out of line with rates paid to other crafts. However, the wage specialist later recommended, and headquarters issued, rates obtained from this survey on these projects.

Following are the differences between the rates obtained in our survey and those issued by Labor.

Classification	Labor hourly rate issued	Prevailing hourly rate in locality	Differences (labor rate lower)
Painter	$8.80	$7.27	$1.53
Laborer	3.50	4.19	(.69)

While Labor's rates are both higher and lower than prevailing rates, total wage costs on the contract were increased from $71,821 to $83,379—16 percent. Total construction costs were increased by about 4 percent.

We asked both contractors what effect a lower wage rate by Labor would have had on their bids. Both stated that if the wage rates had been lower their bids would have been correspondingly lower, because lower rates would be paid to their workers.

Presented below is an example of prevailing rates determined in our survey, which were substantially lower than those issued by Labor.

Project determination 76-NY-89, Otsego County, N.Y.

This determination was used on a project that involved reconstruction (paving, grading, and drainage) of an existing highway at a cost of $577,253. The contractor was from a city located in an adjacent county about 70 miles from the project. Work was about 50-percent complete at the time of our fieldwork.

Labor issued union-negotiated rates not supported by a survey in the locality for each of the 9 classifications of workers we compared on the determination. With one exception we obtained substantially lower nonunion rates in our survey of wages paid on similar private construction in the county. For the exception, our survey showed a union-negotiated rate about $2.00 an hour higher for cement masons than the rate issued by Labor. Following are the differences we noted:

Classification	Labor hourly rate issued	Prevailing hourly rate, locality	Difference
Backhoe operator	$10.70	$5.87	$4.83
Roller operator	10.40	4.50	5.90
Bulldozer operator	10.40	4.75	5.65
Paver operator	10.70	6.58	4.12
Truckdriver	8.44	5.72	2.72
Carpenter	11.25	7.85	3.40
Asphalt raker	8.99	5.49	3.50
Laborer	8.59	3.48	5.11
Cement mason	9.70	11.71	(2.01)

For nearly all of the classifications the nonlocal contractor paid workers at precisely the amounts required by Labor.

Labor costs paid on the project at the rates required by Labor amounted to $84,302—123 percent more than those prevailing in the locality. Labor costs at prevailing rates would have totaled $37,865. Total construction costs may have been increased by nearly 9 percent because of these higher rates.

Mr. THURMOND. I call attention to just two or three projects.

For example, in Dickson County, Tenn.—this is from the GAO report that I am quoting—for a bricklayer, the labor hourly rates issued were $8, whereas the prevailing hourly rates in Dickson County were $4.50. That is a difference of $3.50. The Labor Department found the prevailing wage to be $3.50 higher than it actually was. That is a fact found by the GAO.

A carpenter in the county, the GAO also found, earned $4.50 an hour, a difference of $3.76 from what the Labor Department found a carpenter getting, $8.26. The actual prevailing wage was $4.50. In other words, $3.76 difference.

For an electrician, the Labor Department found $8.65; the prevailing wage was only $5, a difference of $3.65.

I just give those as illustrations to show how far off base the Labor Department has been. They have not been getting the prevailing wages. As the able Senator from Texas stated, if they had been actually using the prevailing wage, it would be one thing, but they are not doing it. They are inflating those wages.

For instance, another one is a bulldozer operator. The Labor Department found $8.15. The actual prevailing wage is $4.25. That is a difference of $3.90.

Who is paying that, Mr. President? The taxpayers of the country are paying it. The citizens of Dickson County, Tenn., had to pay it in this case.

Here is another example: In Otsego County, N.Y., the Labor Department found that a backhoe operator made $10.70 an hour. The actual prevailing wage is only $5.87, a difference of $4.83.

A roller operator, the Labor Department found was making $10.40, but the actual prevailing wage was $4.50, a difference of $5.90. A bulldozer operator, the Labor Department found to have an hourly wage of $10.40, but the prevailing wage is actually $4.75, a difference of $5.65.

Mr. President, I think that is typical of the way this law is being administered. How are they going to correct it? The Labor Department will not correct it. So we are asking here simply that we waive this law in this particular instance. The General Accounting Office recommends it. The unions, of course, have axes to grind, but our first duty is to the taxpayers of this country. Our first duty is to the public. It seems to me that we ought, in this case, to waive this act and save the taxpayers $70 to $210 million this year, on this particular bill alone. That is what the GAO said we can do.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, DOD has testified that Congress could save up to 15 percent of military construction costs in fiscal year 1980 if the Davis-Bacon waiver remains on this bill.

The Members should realize that we have a $35 billion military construction backlog—$35 billion in needed projects we are unable to fund. A savings such as that proposed through this waiver would enable many high priority projects to be constructed.

The Defense Department has supplied to the Senate Armed Services Committee a list of these high priority projects. These are badly needed military construction projects which could be funded this year if we did not have to pay the higher Davis-Bacon costs. These projects are located in many States. I would like to list a few:

ARMY

Installation, project, and cost:

Rock Island Arsenal, Illinois, Improve Hdq Facility, $7.5 million.

Fort Hood, Texas, Company Adm and Supply Buildings, $2.6 million.

Military Ocean Terminal, New Jersey, Electrical Power Distribution Improvement, $.6 million.

Fort Campbell, Kentucky, Woodlawn Vehicle Bridge, $1.0 million.

Fort Bragg, North Carolina, Military Operations in Built-up Areas, $1.7 million.

Fort Sill, Oklahoma, Troop Support Facilities, $3.8 million.

Fort Stewart/Hunter Army Airfield, Georgia, Battalion Hdq and Classroom Buildings, $2.1 million.

Fort Bragg, North Carolina, Tactical Equipment Shop, $2.4 million.

NAVY

Naval Submarine Base, New London, Connecticut, Utility Improvements, $4.2 million.

Naval Shipyard, Philadelphia, Pennsylvania, Berthing Wharf Rehabilitations, $9.4 million.

Naval Station, Adak, Alaska, Fire Station, $3.3 million.

Naval Air Station, Moffett Field, California, Taxiway Overlay, $4.1 million.

Naval Air Rework Facility, Jacksonville, Florida, Aircraft Acoustical Enclosure, $3.6 million.

AIR FORCE

Barksdale Air Force Base, Louisiana, Alter Unaccompanied Enlisted Personnel Housing, $2.9 million.

Offutt Air Force Base, Nebraska, Alter Unaccompanied Enlisted Personnel Housing, $3.0 million.

Holloman Air Force Base, New Mexico, Alter Unaccompanied Enlisted Personnel Housing, $2.0 million.

Tinker Air Force Base, Oklahoma, Energy Conservation Investment Program, $3.5 million.

Castle Air Force Base, California, Composite Medical Facility/Dental Clinic, $14.6 million.

Wurtsmith Air Force Base, Michigan, Composite Medical Facility/Dental Clinic, $10.4 million.

Hill Air Force Base, Utah, Energy Conservation Investment Program, $3.2 million.

Homestead Air Force Base, Florida, Energy Conservation Investment Program, $1.5 million.

● Mr. GLENN. Mr. President, because I believe that it is poor public policy to attempt to significantly modify major legislation in random and piecemeal fashion without the benefit of full balanced and careful consideration of all of the issues and implications involved, I support Senator WILLIAMS' effort to strike from the military construction authorization bill the waiver of Davis-Bacon requirements from military construction projects.

It is time, at the executive and legislative levels, to thoroughly examine the operation of the Davis-Bacon Act. The act has been in existence since 1931, it has been sharply criticized in recent GAO reports as being out of date and in need of overhaul. There are other issues in need of full analysis, such as the impact of the act's provisions on small and minority contractors. With the Nation running at unprecedented levels of inflation, it is incumbent upon us to thoroughly examine all governmental requirements and regulations to assess inflationary impact, and to save as much money as possible on Government contracting. But the administration and Congress should do this in a deliberate, coherent manner. We should not go about wildly and randomly dismantling fundamental pillars of labor-management relations in ill-considered, poorly substantiated actions. I therefore support the Williams amendment.

I also intend to support Senator MELCHER in his attempt to raise the threshold application of Davis-Bacon to a more reasonable, modern-day level of $10,000. This is a reasonable recognition of contract levels that have changed markedly since 1931. This amendment will have the effects of fighting inflation by eliminating much red-tape with respect to smaller contracts while not harming smaller contractors who rely on Davis-Bacon protections.●

● Mr. RIEGLE. Mr. President, I strongly support the amendment offered by the Senator from New Jersey (Mr. WILLIAMS), striking the proposed exemption of military construction from the labor standards established by the Davis-Bacon Act. As a member of the Labor and Human Resources Committee, I have carefully weighed the evidence presented at our recent hearings on this subject, and I am convinced that the exemption would be unwise as a matter of labor policy, of military construction policy, and of fairness and equity for workers and contractors alike.

Exempting military construction from the labor standards provisions of Federal law would induce contractors bidding on military projects not only to undercut a community's prevailing wages, but also to employ workers with less experience and skills than required for high-quality work. The Davis-Bacon Act encourages competition based on efficient management, design, and engineering rather than on undercuttintg local wages and employing less productive wages. In military construction as with other Federal projects, high-quality work and high productivity should be our goals.

Speaking for the Department of Defense, Assistant Secretary Robert Pirie said:

> I do not approve of the inclusion of Section 810 into this bill because I do not favor the singling out of the Military Construction Program from other federal construction. Equal application of the act provides a stable relationship with contractors that undertake federal construction and prevents possible labor difficulties and attendent delays or stoppages.

Secretary of Labor Ray Marshall also expressed the administration's support for Davis-Bacon across the board. "We oppose the waiver of the Davis-Bacon Act for military construction as provided in section 810 of S. 1319 as strongly as we oppose the repeal of the Davis-Bacon Act itself," Secretary Marshall said, adding that changing the threshold for coverage would not reduce paperwork requirements, since Davis-Bacon requires no additional records not required under other laws.

I hope my colleagues realize that many contractors' associations also support the stability and quality assurances provided by the Davis-Bacon Act. The National Electrical Contractors' Association noted:

> The law acts to stabilize the industry and to provide the government and the American taxpayer with value for each construction dollar spent. It is not inherently inflationary. Indeed, a strong case can be made that it actually brings down construction costs while maintaining quality in the actual work. And it is needed—as much today to protect the government as the construction tradesman.

I want to emphasize that this is the position of the National Electrical Contractors' Association, representing the employers who we are told suffer from the requirements of this act. The Electrical Contractors went on to ask:

> What happens if Davis-Bacon is removed? If a contractor bids a job extremely low, based on undercutting prevailing wages in one or more trades, he is simply not going to get skilled employees to man the job. And with unskilled personnel, perhaps working under the supervision of one or two skilled craftsmen, the result is going to be an incredible dropoff in productivity, a slowdown in construction costs, or a drastic lowering of quality—probably all three. Lower productivity or job delay means increased costs to the owner. Reduced job quality means the builder—and the taxpayer—do not get full value for their money. Davis-Bacon, by requiring the payment of the prevailing wage, assures that quality workers will be on the job, that productivity will not be drastically reduced, and the construction schedule and building quality will not suffer.

Another contractors' organization, the Tile Contractors' Association of America, stated:

> We feel that it is imperative that the Davis-Bacon standards be maintained in the Military Construction Bill. The elimination of the Davis-Bacon standards would only lead to confusion, instability and a climate where the contractor would be encouraged, if not forced, to hire workmen based on the cheapest wages possible, not on the skills that the workmen bring to a job.
>
> Since many tile installations are relatively small in dollar volume, the Association is also strongly opposed to any attempt to raise the present $2,000 threshold for Davis-Bacon coverage. Such a move would not only tend to discriminate against those types of contractors, such as tile contractors, who frequently perform smaller projects, but would encourage the splitting up of small-to-medium-size projects into even smaller segments which would increase the cost of the overall project.

I am sure that each of my colleagues has received one or more copies of the Heritage Foundation's pamphlet entitled, "Davis-Bacon: A Costly Contradiction." Interestingly, even the Heritage Foundation's arguments—which openly attack the very concept of a minimum wage in federally financed construction—note:

> If there was no minimum rate, contractors would, at some wage, be willing to give up the expertise and expense of the skilled craftsman in favor of the inexpensive unskilled laborer.

What, I ask, would be the impact on the quality of our military construction projects if skilled labor were dispensed with? How much would our military projects suffer? I have not yet heard the proponents of this exemption satisfactorily answer these questions.

It has been said that the country is turning to the right, perhaps back to the era of Herbert Hoover. Yet, ironically, the attempt to repeal or whittle away at the Davis-Bacon Act takes us back even farther. Herbert Hoover, in fact, signed the Davis-Bacon Act after being advised that he could not establish similar wage standards by Executive Order. In 1931 as today, construction laborers are vulnerable to wage-cutting attempts by contractors more concerned with submitting a low bid than they may be in the quality of construction or the living standards of their employees.

Finally, I wish to address the question of inflation. We have heard over and over again that Davis-Bacon is inflationary—that, by refusing to allow Federal money to be spent to drive down wage levels already prevailing within a locality, we fail to consider the impact of inflation. Yet I find it ironic that the opponents of the Williams amendment seem interested in fighting inflation only by decreasing the take-home pay of construction workers whose families must continue to live

with the effects of this runaway inflation. Driving down wages is not the answer to this country's inflation problems, and we should not pretend that it is.

I urge my colleagues to support our amendment. The Labor and Human Resources Committee held 2 days of hearings on this exemption and received testimony on both sides. The evidence presented to our committee supports the position of the administration, of construction workers, of civil rights organizations, and even of some major contractors' associations in opposition to any exemptions from the Davis-Bacon Act for military construction. In the interests of high quality and high productivity in military construction, and at least as importantly in the interests of the workers who work on these projects, the Davis-Bacon exemption should be deleted from this bill.●

Mr. WILLIAMS. Mr. President, I am prepared to yield back my time. I know an amendment is waiting.

The PRESIDING OFFICER. Is all time yielded back? The Senator from South Carolina has a little over 3 minutes.

Mr. THURMOND. Mr. President, unless a Senator on this side wants some time, I yield back my time.

UP AMENDMENT NO. 471

(Purpose: To waive the application of the Davis-Bacon Act in the case of all government contracts of $50,000 or less)

Mr. EXON. Mr. President, I send to the desk an amendment to the language proposed to be stricken and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nebraska (Mr. EXON) for himself and Mr. ZORINSKY proposes an unprinted amendment numbered 471.

Mr. EXON. Mr. President, I ask unanimous consent that further reading be dispensed with.

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

The amendment is as follows:

In lieu of the language proposed to be stricken, insert the following:

SEC. 810. Subsection (a) of the first section of the Act of March 3, 1931 (46 Stat. 1494; 40 U.S.C. 276a(a)), commonly referred to as the Davis-Bacon Act, is amended by striking out "$2,000" and inserting in lieu thereof "$50,000".

Mr. EXON. Mr. President, what are the time limits on this amendment?

The PRESIDING OFFICER. One hour; the Senator has 30 minutes.

Mr. EXON. I yield myself whatever time necessary for opening remarks and following that, I reserve the remainder of my time.

Mr. President, I am offering this amendment to increase the Davis-Bacon threshold from $2,000 to $50,000. If we can pass such a measure, it will be the first time in nearly half a century that we have had the courage to modernize this act.

Are we to believe that Davis-Bacon was—or is—so perfect in the beginning that it is untouchable?

I, for one, am not in favor of repeal of Davis-Bacon. I am not even in favor of the amendment that was proposed by the Senator from Texas, although I did support that in the Armed Services Committee because I thought we had better send a message very loud and very clear to the administration pointing out the fact that it has been pointed out now in reports for over 20 years that Davis-Bacon, while it had some good merits, was not being effectively, efficiently, or fairly administered by the Labor Department.

When I say that, I mean the Labor Department under this administration, and the one before that, and the one before that, and the one before that.

What I am proposing here today is that we recognize that some changes and modernization should be made. I am in hope we can pass the amendment that I offer as an important step to correct and improve some of the deficiencies that have been pointed out.

Support for increasing the threshold can be found from various informed groups who have objectively evaluated the Davis-Bacon Act, and its administration by the Department of Labor for years. These groups include the General Accounting Office, the National Academy of Sciences, three study groups of the Commission on Government Procurement of the Office of Management and Budget, the Interagency Task Force of the Department of Labor on Government Procurement, the Commission on Federal Paperwork, and the Department of the Interior.

The major problem with the Davis-Bacon Act is lack of effective administration of the law by the Department of Labor. My amendment would eliminate about 50 percent of the number of contracts DOL would have to administer, thus allowing the Department to concentrate their efforts on the remaining larger contracts which would amount to over 95 percent of all Federal construction money.

In a 1971 report, the Comptroller General recommended that the threshold be increased to somewhere between $25,000 to $100,000 for exactly the reasons outlined above. The report said that the reductions in the number of wage determinations resulting from the threshold increase would allow DOL to: First, make more thorough investigations, second, conduct more frequent on-site wage surveys, and third, adequately resolve protests and problems that arise in making factual determinations.

By freeing DOL from administering small contracts, where no incentive exists to disrupt a community's wage scale, my amendment will give the agency the management flexibility to significantly improve its ability to effectively administer the Davis-Bacon Act.

Another group which supported raising the threshold is the Interagency Task Force on Government Procurement of the Department of Labor. This group cited increases in costs since 1935 and administrative savings as reasons to support an increase in the threshold. This position was supported by the Veterans' Administration and the Small Business Administration.

When the Department of the Interior looked at the Davis-Bacon Act, it came to the same conclusion that the threshold should be lifted, and was joined in that opinion by the General Services Administration.

When the Commission on Federal Paperwork made its report to the Congress and the President, it too called for an increase in the Davis-Bacon threshold. But I suggest that Congress has done nothing.

Mr. President, my amendment will increase the threshold to $50,000. The various groups which have objectively looked at this issue have recommended thresholds varying from $10,000 to $100,000. My level of $50,000 would not be at the extremes in this range, but would be a figure which would provide, in my opinion, maximum exemption of paperwork and administrative costs, while leaving a very high percentage of Federal construction money—over 95 percent—still subject to Davis-Bacon requirements.

Again, Mr. President, I believe the major problem with Davis-Bacon, and the reason the GAO has found it to be inflationary in April, this year, is the lack of effective administration by the Department of Labor, not essentially because of the law itself.

By passing this amendment, the Department will be able to concentrate on larger contracts and improve its wage determinations and therefore both cut paperwork and reduce unnecessary inflation in Federal construction projects.

Mr. President, I yield to the Senator from Colorado.

Mr. HART. Mr. President, I ask unanimous consent that the time in opposition to the amendment be under the control of the Senator from New Jersey.

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

Mr. EXON. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from New Jersey.

Mr. WILLIAMS. Mr. President, I yield myself such time as I use to reply to the Senator from Nebraska, my good friend. He is conscientious and has made me work a little harder on this than I first anticipated.

But, in great respect, I rise in strong opposition to the amendment of the Senator from Nebraska. In one stroke, this amendment would increase the jurisdictional limit of the Davis-Bacon Act 25-fold.

This amendment, which would raise the jurisdictional threshold from $2,000 to $50,000 would seriously affect an important program in the jurisdiction of the Committee on Labor and Human Resources. For that reason, the Committee on Labor and Human Resources received evidence and testimony on the effects of the amendment when it held hearings on section 810 of the military construction bill. Based on the testimony and statements received, the committee voted to recommend to the Senate that this amendment be rejected.

The effects of this amendment would not be limited to military construction alone.

This is a substantive amendment to the Davis-Bacon Act itself and would affect construction under that act and nearly

80 related acts. By our best estimates, this amendment would deprive one quarter of our workers on nearly 55 percent of our federally assisted construction projects from the prevailing wage protections of the Davis-Bacon Act. The amendment would have a substantial adverse impact for the workers on these projects by subjecting them to unfair competition from lower wage workers from outside the locality or who would not otherwise possess the skills or qualifications to compete in the construction market. I would ask the Senator from Nebraska, what good reason is there for providing wage protection for construction workers on large contracts and denying wage protection to construction workers on small contracts?

It is likely that this amendment would have a disproportionate impact on workers and contractors on small construction contracts, such as those engaged in painting, masonry work, tiling and the like, and a less severe impact on other skilled trades workers on large construction contracts. I firmly believe that we must not take such an uneven and, I suggest, discriminatory approach.

At the time of our hearing we heard testimony from the Secretary of Labor and others that it is the workers on small contracts who most need the prevailing wage protections of the Davis-Bacon Act and whose wages are most likely to be jeopardized in the competitive procurement process without statutory protection. Workers on smaller construction contracts are likely to have very limited job security and intermittent employment. These are precisely the construction workers who are most needful of the wage stabilizing effects of the Davis-Bacon Act.

It is important to note that these concerns are not merely the concerns of the workers on small construction contracts. In fact, many of the smaller contractors are deeply worried about the effects that this amendment would have on them. Since the introduction of this amendment, we have received letters and telegrams from contractor associations and their representatives from across the country expressing concern about the effects of this amendment on them. From the mason contactors we received the following telegram:

Mason contractors in all 50 States wish to oppose the amendment to the military construction bill (S. 1319) which would exempt such construction from coverage under the Davis-Bacon wage standards.

Any elimination of these provisions would lead to disruption, inconsistency and provide an unstable climate in the construction field that undoubtedly would bring an influx of unskilled workmen producing end products of an inferior quality.

Mason contractors, for the most part, are small business firms and any provision to raise the present $2000 requirement for Davis-Bacon coverage would only create greater chaos in the industry and certainly would end as an inflationary, undesirable provision.

We have also heard from other contractors and their associations such as the Tile Contractors Association of America and the National Electrical Contractors Association expressing grave concern about the effects of this amendment.

It is important to understand why these contractors are concerned about this amendment.

The Davis-Bacon Act requires no more than the payment of at least the prevailing wage in the locality on federally financed construction projects. Smaller contractors often do not permanently retain skilled construction workers, but hire these workers from the local labor pool when they successfully bid for a contract. In order to be competitive in the local construction labor market, small contractors must pay at least the prevailing wage in the area. Because the Davis-Bacon Act has the effect of taking wages out as a factor in the competitive bidding process, the small local contractor who is trying to start or maintain a business and attract qualified skilled workers at the prevailing rate can compete successfully with larger contractors. If small contractors are not competitive in paying at least the locally prevailing wage, they would lose their access to skilled workers who would be more likely to work for larger contractors who do pay the prevailing wage.

Indeed, the committee found that by raising the jurisdictional threshold of the Davis-Bacon Act, many smaller contractors would be seriously impeded in their bidding on federally assisted construction contracts.

This amendment would have an especially adverse impact on minority contractors and their workers, many of whom are just now achieving entry into the construction market.

The National Association for the Advancement of Colored People (NAACP) has recently recognized the importance of maintaining the prevailing wage protections of the Davis-Bacon Act for minority workers. At their 70th annual convention in June, 1979, the NAACP adopted the following resolution:

Whereas the Davis-Bacon Act protects construction workers from exploitation by requiring that prevailing wages be paid to employees working on federally financed construction projects; and

Whereas, through the efforts of the NAACP, the labor movement and other interested parties, blacks are at long last gaining employment in the construction trades; and,

Whereas, there is a well financed and highly publicized effort on the part of the construction industry to secure repeal of the Davis-Bacon Act.

Be it resolved that the NAACP goes on record against any effort to repeal the act and deny workers in the construction industry a fair wage.

Be it further resolved, that we call upon the national office and all affiliate units to contact their legislative representatives expressing our concerns.

It is also clear that raising the threshold of coverage of the Davis-Bacon Act would have virtually no effect in reducing paperwork or administrative costs.

The requirement that contractors submit a photocopy of payroll records to contracting agencies is imposed not by the Davis-Bacon Act, but by the Copeland Anti-Kickback Act. The Copeland Anti-Kickback Act was passed to protect the integrity of employee wages and to assure that employees would not be coerced into making kickbacks of a portion of their wages.

Raising the threshold requirement of the Davis-Bacon Act in itself would have no effect on the reporting requirements of the Copeland Anti-Kickback Act.

The other significant administrative cost attributed to the Davis-Bacon Act is the requirement, by regulation, that construction contractors on federally financed projects retain their payroll records for 3 years. However, this basic recordkeeping requirement is already imposed under the Fair Labor Standards Act. There is no dollar volume coverage test for construction contractors under the FLSA: That is, all construction contractors are subject to its recordkeeping requirements. Thus, raising the jurisdictional threshold of the Davis-Bacon Act would have virtually no effect on the administrative recordkeeping and reporting requirements of Government contractors, since similar reports must be made in any event under the above-mentioned statutes.

It was for these and other reasons that the Committee on Labor and Human Resources wisely urged that the Senate reject this amendment.

It is our hope, of course, that the Senate will follow that recommendation. Those who believe that protecting the stability of employment through the Federal Government paying the prevailing wages on construction in the community is a wise policy should join in rejecting this very damaging amendment. This policy has been a wise policy for 48 years. Nothing has been shown to indicate that we should change this policy now. With respect to this amendment, raising the threshold to $50,000 would shut off, over 50 percent of all contracts from coverage of Davis-Bacon.

Mr. THURMOND. Mr. President, I yield to the Senator from South Dakota.

Mr. EXON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 25 minutes and 50 seconds.

Mr. EXON. How much time does the Senator from South Carolina seek?

Mr. THURMOND. The Senator from South Dakota wanted a few minutes, and then I will want about 5 minutes.

Mr. EXON. And the Senator from South Dakota?

Mr. PRESSLER. Two minutes.

Mr. EXON. I yield 2 minutes to the Senator from South Dakota.

Mr. PRESSLER. I thank the Senator from Nebraska.

I support the Senator's amendment. In a State such as South Dakota, some of the Davis-Bacon variations have proved to be very distorting and perhaps unnecessary.

I have two or three questions I would like the author of the amendment to respond to, if possible.

The Senator from South Carolina (Mr. THURMOND) did agree to yield me time so that we could do it on our time.

First, in smaller towns and rural areas, does the amendment of the Senator from Nebraska have any unusual application?

Second, there has been a charge that by this supposed weakening of Davis-Bacon, it would be opened to fly-by-night contractors who would seek contracts by paying workers the minimum wage or thereabouts.

Those are two questions, but I strongly support the amendment, and I commend the Senator from Nebraska for offering it.

Mr. EXON. Mr. President, I am very pleased to answer those two questions by the Senator from South Dakota.

This bill simply says that in the future any Government contract that is under $50,000 will not be covered by Davis-Bacon.

I traced the history on this a little bit. It goes back to the fact that when Davis-Bacon was passed in 1931, a threshold was set of $5,000. In 1935 that threshold was forced back down to $2,000.

So, nearly a half-century ago, in 1931, they set a threshold of $5,000.

If Senators had listened to the arguments that have been made in the Chamber, they would have thought that they set that limit in 1931 at $5,000 to penalize someone. No. I think the answer to the basic question that the Senator raises is one that I wish to have answered. If a threshold were necessary in 1931 and it was $5,000, then why is not a modernized, up-to-date, inflation-oriented threshold allowable today?

The Senator from New Jersey indicated that my amendment was a rather dramatic increase of something like 25 times from the figures that he used, and those are scary figures. The reason that the threshold has to be raised so dramatically now is the fact that Congress has done nothing over these highly inflationary times to correct the threshold that obviously they should.

My point is that if the threshold were not necessary to eliminate the smaller contracts and the paperwork as a result thereof, then certainly there would not have been a threshold established in the first instance.

I say that when we look at $5,000 today, and while it is still a lot of money, if we compare that with the situation that existed in 1931, when some of us were alive and some of us remember those days, I suggest that a house that cost $5,000 in 1931 would cost $25,000 today in most places in the country and it would be double that in Washington, D.C. A Chevrolet automobile, the best one you could buy in 1931, was $550, and today I suggest you cannot buy any kind of a Chevrolet of the standard make for less than $7,000.

So let us not be scared away by what appears to be a large increase.

The facts of the matter are that the paperwork that my distinguished friend from New Jersey says would not be eliminated would be primarily eliminated because half of the contracts that the Department of Labor certify us that they enter into under Davis-Bacon would be under $50,000. The paperwork would be eliminated primarily in the Government bureaucracy, and I suggest there is not a Member of the Senate who does not somewhere along the line feel that we should start at least a tiny first step, a first step for a U.S. Senator, if you will, to start cutting down on some of the paperwork.

The second part of the question of my colleague from South Dakota had to do with the regulations; is that right?

(Mr. PRYOR assumed the chair.)

Mr. PRESSLER. The point has been raised that this amendment might cause contractors from out of State or somewhere who would win contracts by paying workers the minimum wage.

Mr. EXON. I say in answer to that question I have heard that point and I have also read the committee report, as has the Senator from South Dakota.

Does he think that the Davis-Bacon Act was responsible for all of the high quality building that we have done in the United States of America?

I suggest that maybe in some instances that point could be well taken. But if we are going to rely on Davis-Bacon for that I suggest to him it was not the original intent of that act, in the first instance, and if we are going to rely on Davis-Bacon to assure us quality in our building, then I have to say that our procurement and contract procedures and inspection must be in terrible shape in the U.S. Government.

Once again back to the point I made a few moments ago, if we could eliminate a lot of this paperwork, that shuffling that they are doing over here in the Department of Labor, maybe we could get them to go out and do a better job on wage surveys than they have been doing in the past.

Does that answer the Senator's question?

Mr. PRESSLER. That answers my question, and I commend the Senator for offering the amendment and I join in strong support.

Mr. EXON. I thank the Senator from South Dakota.

Mr. President, I yield 5 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of the amendment offered by the distinguished junior Senator from Nebraska (Mr. EXON) which would provide that only those projects valued at $50,000 or more be covered under the Davis-Bacon Act.

Mr. President, this amendment is just what the Defense Department has recommended as revealed in the Military Construction Subcommittee hearings. Mr. Perry Fliakas, Deputy Assistant Secretary of Defense for Installations, testified before our subcommittee that the Defense Department had recommended the statutory threshold of $2,000 be increased.

This recommendation was made by the Defense Department, the Department responsible for the military construction program. It is one of four recommendations made. On page 119 of our hearings DOD recommends that there be an "increase in the statutory threshold of $2,000 of the Davis-Bacon Act to a more realistic level in view of present-day costs."

Mr. President, the need for this increase was also cited by the other military witnesses appearing before our subcommittee. Adm. D. G. Iselin, head of Naval Civil Works, testified as follows:

> We may run into some more difficulties than some of the other services with the $2,000 limit. It really does not get you much done these days and requires a considerable amount of additional work in the form of contract document preparation. We would have that limit raised significantly.

Mr. President, the report of the Committee on Labor and Human Resources states on page 16 that—

> Raising the threshold of coverage of the Davis-Bacon Act would not result in any appreciable reduction in paperwork and administrative costs.

This finding is exactly counter to the testimony of the witnesses before the Military Construction Subcommittee. Apparently the very people who administer this program in the Defense Department were not called as witnesses. Their opinion is clear, it is in the public record, and it refutes the findings of the Labor Committee.

Mr. President, I urge that the Senate accept this very modest change in the Davis-Bacon Act as a beginning toward saving the already greatly overburdened taxpayer some of the dollars used for construction projects in this country.

Mr. President, I ask unanimous consent that testimony by Mr. Fliakas, Deputy Assistant Secretary of Defense, on this very subject be printed in the RECORD.

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

TESTIMONY AND ANSWERS FOR THE RECORD BY DEPUTY ASSISTANT SECRETARY OF DEFENSE PERRY J. FLIAKAS ON FY 1980 MILITARY CONSTRUCTION BILL

Senator Strom Thurmond posed this question to Sec. Fliakas: What would be saved if military construction was removed from coverage under the Davis-Bacon Act?

Mr. FLIAKAS. Yes, sir. I can expand on that for the record. I have estimated in the past, based on various studies including one of the University of Pennsylvania, that our estimates include anywhere from 5 to 15 percent, depending on the regional area, premium, if you will, or addition as the result of adherence to Davis-Bacon.

Senator THURMOND. 5 to 15 percent?

Mr. FLAIKAS. Yes.

(The information to be furnished follows:)

Approximately $1.4 billion of fiscal year 1980 Military Construction Program is located within the United States and is thereby subject to the provision of the Davis-Bacon Act. The estimated construction cost increase due to the Davis-Bacon Act has been estimated to be between 5 and 15 percent. Using this range, approximately $70 to $210 million might be saved in the cost of construction if military construction was removed from coverage under the Davis-Bacon Act. The most recent study of the Davis-Bacon Act conducted by GAO and scheduled for publication on April 27, 1979, indicates that the increase of construction costs due to the Davis-Bacon Act for all government construction is estimated to be between 1 and 9 percent. Using the 1979 GAO figures, the overall range of increased cost due to the Davis-Bacon Act would be $14 to $126 million for DoD construction. GAO states that the sample size was insufficient for projecting the results to all Federal or federally assisted construction costs during the year with statistical validity. However, the random project

sampling is representative of the increased costs of construction totaling several hundred million dollars annually for all Federal or federally assisted construction.

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

Mr. EXON. I yield to the Senator from North Carolina.

Mr. HELMS. Mr. President, section 810 of the Military Construction Authorization Act, 1980, waives the provisions of the Davis-Bacon Act as they apply to military construction contracts. I strongly support the waiver.

On July 12, 1979, I addressed the Senate regarding waiver of the Davis-Bacon Act as it applies to military construction contracts. In my remarks, I discussed the conclusions of a report by the U.S. General Accounting Office entitled "The Davis-Bacon Act Should Be Repealed." This report, based on almost two decades of oversight by the GAO, contains some very interesting examples of wasteful Government spending resulting from application, or should I say misapplication, of the Davis-Bacon Act.

Today, the U.S. Senate has an opportunity to stop some of the wasteful Government spending that has been going on. The Committee on Labor and Human Resources, in its majority opinion, would have us refrain from such fiscal responsibility. But I am not persuaded by the committee's report. GAO officials were not even invited to testify before the committee. Despite this, the committee failed to produce any evidence during 2 days of hearings to rebut the conclusions of the GAO report.

Mr. President, the Armed Services Committee, which first considered this legislation, projected savings of between 5 and 15 percent to taxpayers as a result of waiving the Davis-Bacon Act as it applies to military construction. I am committed to saving taxpayers' money whenever and wherever I can. I intend to vote against the amendment to make military construction contracts subject to the Davis-Bacon Act, and encourage my colleagues to do likewise.

I thank the Senator for yielding.

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

The PRESIDING OFFICER (Mr. HUDDLESTON). Who yields time?

Mr. WILLIAMS. Mr. President, how much time does remain in opposition to the Exon amendment?

The PRESIDING OFFICER. The Senator has 18 minutes remaining.

Mr. WILLIAMS. I am ready to yield time to anyone who wants to speak in opposition.

Mr. JAVITS. Mr. President, will the Senators yield me 2 minutes?

Mr. WILLIAMS. I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, the fact is that this issue is very clear; $50,000 would cut out such an appreciable number of workers and such an appreciable number of contractors as to represent in principle a breakdown of the Davis-Bacon Act as to these Defense Department contracts. The issue of principle being so clear, this is not a question of whether $2,000 in the 1930's is an analogous figure to today.

I am sure it has been mentioned already that even at the extreme rate of inflation of the dollar it would only be about $10,000 on the new construction side.

So as the issue of principle is so clear, I might say to my colleague who controls the time I think the thing to do is to get at this fundamental issue as soon as we can and decide how the Senate feels about it.

I hope very much that all of the arguments which have been made, which are very valid arguments to this particular proposition, are remembered in connection with this vote, which will make such an appreciable change as to break down the structure. The structure should not be broken down. It is stable and conducive to settled and stable labor relations and to the quality of work which is done, and I hope the Senate will reject this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 15 minutes remaining.

Mr. EXON. I reserve the remainder of my time.

At this time I ask for the yeas and nays on this amendment.

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

The yeas and nays were ordered.

Mr. WILLIAMS. I believe I would be willing to yield back the time, if that is agreeable to the Senator from Nebraska.

Mr. EXON. Mr. President, I see no one else who wishes to speak either for or against this measure, and I am prepared to yield back also the remainder of my time.

The PRESIDING OFFICER. Is all time yielded back?

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Montana.

UP AMENDMENT NO. 472

Mr. MELCHER. Mr. President, I have an amendment at the desk, a perfecting amendment, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER) proposes an unprinted amendment numbered 472.

Mr. MELCHER. 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 2, line 2 of the amendment UP-471 delete " '$2,000' " through the end of line 3, and insert in lieu thereof the following: " 'in excess of $2,000 to which the United States or the District of Columbia is a party for construction, alteration and/or repair, including painting and decorating of public buildings or public works of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia,' and inserting therefor the following language: 'to which the United States or the District of Columbia is a party, in excess of:

(1) Except as provided in paragraphs (2) and (3), $10,000 for construction of public buildings or public works of the United States or the District of Columbia;

(2) $2,000 for any construction on existing public buildings or public works, including but not limited to alteration and/or repair, painting and decorating, and new additions to such buildings or works; and

(3) $2,000 where such contract is for a part of a construction project in excess of $10,000: within the geographic limits of the States of the Union or the District of Columbia,'."

Mr. MELCHER. Mr. President, the amendment of the Senator from Nebraska, my good friend, calls to our attention the fact that the jurisdictional threshold of the Davis-Bacon Act has remained the same since 1935. We are all aware that the economic facts of life have changed somewhat since then, and in my opinion there is a need to adjust the threshold of the Davis-Bacon Act to reflect these changed economic conditions.

However, I am deeply concerned that there has been too little study done of what an appropriate jurisdictional limit should be. I, for one, believe that the wage-stabilizing effects of the Davis-Bacon Act serve an important function in our construction industry. The prevailing wage concept is important not only to protect construction workers, but to protect small contractors in maintaining their ability to bid for competent and qualified skilled workers in the local construction market.

We should therefore not entertain a radical departure from our long established jurisdictional thresholds without careful consideration of what the effects of such a change would be.

The figure proposed by my friend, the Senator from Nebraska, $50,000, is a figure derived from somewhere and is not necessarily the result of lengthy study or a considered judgment on what the amount should be. No one knows, in fact, what the effects of his amendment would be on workers, on the Government's contracting, and on the small businesses which predominate the construction industry. Moreover, it is possible that such a radical change in the jurisdictional threshold could have a devastating effect on those skilled trades workers and contractors, such as painters, masons, and tile layers, who spend a significant amount of time engaged in the repair and alteration of existing structures. Clearly, such a precipitious action would be unwise. I would also note that such a change is far more than what would be justified by inflation.

While results vary depending on what index is used, $2,000 in 1935 dollars translates to $10,540 in 1979 dollars if

we are to use the Consumer Price Index prepared by the Department of Labor, and in that part of their preparation which considers the all-items index.

Thus, the large increase proposed by Senator EXON would not be justified due to changed economic conditions, if we accept this Department of Labor Consumer Price Index.

I must say, Mr. President, that of all the indexes we have used during the past several decades, this index has some credibility and has some reliability, and it is because of that I offer my amendment today.

However, it is not necessary for us to act in blind ignorance in this area. The fact of the matter is that there exists recent research and consideration on the question of what the appropriate threshold level of the Davis-Bacon Act should be. In 1978, the National Academy of Sciences, through the Building Research Advisory Board of the Federal Construction Council, completed a review of the Davis-Bacon Act, and concluded that the jurisdictional limit should be increased to no less than $10,000.

The research advisory group pointed out that a $10,000 limit would permit the use of simplified small purchase procedures under the Armed Services Procurement Act and the Federal Property and Administrative Services Act. Also, the $10,000 figure is consistent with the recommendations of the Commission on Federal Paperwork in its final report of June 1977.

Now, the $10,000 threshold is consistent with these two findings and is a much preferable threshold than the much larger one that is presented by the Senator from Nebraska's amendment.

For these reasons, I believe we should move to increase the jurisdictional threshold to $10,000 for all new construction. I must point out to my colleagues that we are dealing here with all new Federal construction, not just military procurement, but because of the wording of the amendment of my friend from Nebraska we are complying with his wording, fitting this jurisdictional level of $10,000 to apply to all new Federal construction.

I believe we should temper the effect of such a change by maintaining the existing limit for repair or alteration of existing structures. That would be $2,000. We must also assure that new construction contracts cannot be broken up so as to avoid the jurisdictional threshold. My amendment would accomplish these desirable results.

Mr. President, I do not believe that we should be making radical and substantive changes to our basic labor standards without a full understanding of the ramifications of our actions. However, I believe that we can act responsibly and judiciously, and in a manner which is at least consistent with the available research and study. The available studies conclude that the $10,000 threshold limit is an appropriate limit for application of the Davis-Bacon Act on new construction. I believe it is appropriate to act now at that level, but we should do so on the basis of the best information available, and that is why the amendment goes to just $10,000, rather than a larger amount.

For these reasons, I would urge the Senate to support my amendment to the amendment from the Senator from Nebraska. It is clearly the more responsible and judicious course for us to follow.

Mr. President, I yield to the Senator from New Jersey.

Mr. WILLIAMS. Mr. President, how much time does the Senator have remaining?

Mr. MELCHER. How much time do I have?

The PRESIDING OFFICER. The Senator has 22 minutes remaining.

Mr. MELCHER. I yield the Senator from New Jersey such time as he may require.

Mr. WILLIAMS. I thank the Senator for yielding.

Mr. President, I have been making the argument and I feel very strongly that the Davis-Bacon Act was wise public policy when it was enacted into law in 1931, and it is wise policy today.

The threshold amount included, in the first Davis-Bacon Act, was $5,000. In 1935 it was reduced to $2,000. This figure has stood the test of time for 44 years. I am very reluctant to suggest a change in this figure, but if there is to be any recognition of the inflationary years that we have been through, it would probably be best now.

I recognize that there is a strong feeling for maintaining Davis-Bacon, but also for raising the threshold from $2,000 to $10,000.

I therefore join the Senator from Montana in support of his amendment.

Mr. JAVITS. Mr. President, will the Senator yield me 2 minutes?

Mr. MELCHER. I yield the Senator from New York whatever time he requires.

Mr. JAVITS. Mr. President, I support this amendment. It is simply an acknowledgement of what has happened in the economy. The result will be just about the same as when the originally drafted $2,000 provision was adopted. It might deprive about 8 percent of workers employed on Federal construction of protection under the Davis-Bacon Act. That is not something that makes you happy, but there already is an exemption, which is now out of date, and this is a recognition of the need for updating that exemption.

I support it, and I think, for all friends of Davis-Bacon, it is the right conclusion to support; and I hope that Senators will.

There is an old adage that you cannot beat something with nothing. What the Senator from Nebraska has done, I think, cuts into the bone in this matter. What the Senator from Montana proposes, I think, is a fair effort to deal with the situation as we find it, and I hope very much that those who believe that Davis-Bacon is the right course will rally to its support.

Mr. HART. Mr. President, will the Senator from Montana yield to me?

Mr. MELCHER. I am delighted to yield the Senator from Colorado whatever time he needs.

Mr. HART. I thank the Senator from Montana.

Mr. President, I have resisted the efforts to legislate changes, particularly massive changes, in the application of the Davis-Bacon Act on the military construction bill. We have not had adequate hearings. We have not had a record created which is sufficient to let us know what we are doing.

But it is clear that any legislation that has economic consequences must be subject to reconsideration depending on changes in the economy that have occurred. Clearly, today a contract of $2,000 which was based on the economy of 50 or 60 years ago or more is not the same as it was then. I think the proposal put forward by the Senator from Montana—even though it is a change in the act, and one I wish we could have avoided on this bill, which will shortly come to a vote—because the proposal he makes is a modest one, will give the Senator from New Jersey and his committee time to consider the act more thoroughly, and I think it should have modernization, at least in administration, if not in its content.

So when the vote on the amendment offered by the Senator from Montana occurs, I intend to support it.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I rise briefly to say——

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Will the Senator from Montana yield me 2 minutes?

Mr. MELCHER. I yield to the Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise to state that in the judgment of the Senator from New York the proposal of the Senator from Montana is a sensible and workable compromise, and ought to be supported. It avoids a collision on a matter of principle which, one would have thought, long since would have been resolved in the Senate. It has not been. It is sensibly resolved by the substitute amendment of the Senator from Montana, which I most surely will support.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. Mr. President, do I have some time? Who has time on this amendment? Obviously the Senator from Montana has 30 minutes.

The PRESIDING OFFICER. The Senator from South Carolina and the Senator from Montana have the time.

Mr. EXON. Will the Senator from South Carolina yield me 5 minutes?

Mr. THURMOND. Mr. President, I yield to the Senator from Nebraska.

Mr. EXON. Mr. President, I have been very much interested in the discussion here.

First, I would like to say that one of the Senators on the floor a moment ago said "You cannot beat something with nothing." Well, if the amendment that has been offered by the Senator from Montana is successful, then we will have disproved that old adage, because, with all due respect to my friend from Montana, I would like to point out that his amendment to my amendment actually does nothing at all to the act.

Let us look at what the situation is. Maybe I do not understand the amendment that he offered, but right now we have a threshold of $2,000 below which Davis-Bacon does not apply. If I understand his amendment, $2,000 applies as the threshold under his amendment, but he is going all the way up to $10,000—in other words, to $9,999 Davis-Bacon would not apply—for the construction of a new building.

I would suggest, if my interpretation of his amendment is accurate, then I would just have to say that his amendment does little if anything except allow the U.S. Senate to go through the motions of making a change in the Davis-Bacon Act, when in effect we would not be doing that.

When this matter comes to a vote, if it does, I intend to vote against the amendment offered by my friend from Montana, because I do not think it begins to accomplish the desired end.

The Senator from New York said that my amendment cut to the bone. I do not know whether he was here or not when I explained earlier the fact that in 1931 the threshold of $5,000 was established, and then nearly half a century has gone by and we have not touched it. It seemed to be one of those untouchables.

It seems to me that if my amendment cuts to the bone, then the compromise amendment—and I use that word advisedly; I do not know whose compromise it is, but the compromise amendment offered by the Senator from Montana—the blade of that compromise does not even touch the skin, because, practically and honestly speaking, it will do nothing.

I thank my friend from South Carolina for yielding me 5 minutes, and I assume that I have used my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. My President, I would like to inquire of the distinguished Senator from Montana on two points here, if he has time enough to answer.

Will the distinguished Senator from Montana tell us what percent of the Davis-Bacon projects this amendment would cover?

Mr. MELCHER. Mr. President, 24.7 percent of the Federal construction contracts are for $10,000 or less. That is about one-fourth.

Mr. THURMOND. What is the Senator's dollar value of the Davis-Bacon projects, the total value?

Mr. MELCHER. It would be a very small percentage of the total of the contracts let. It would be less than 1 percent rather than 2 percent, that is affected by the $50,000 figure offered by the Senator from Nebraska.

Mr. THURMOND. Mr. President, I think that answers the question as to whether this amendment ought to pass or not. It will not do any good. It is not helping the taxpayers any if we pass an amendment that affects only 1 percent of the dollar value.

Mr. EXON. Will the Senator yield?

Mr. THURMOND. I will be pleased to yield.

Mr. EXON. I would like to clarify something. I am sure that my friend from Montana would not intentionally mislead the Senate, but I think he made a statement that cannot be backed up in fact. If I heard him correctly, he said that if his amendment would pass, it would cover about 24.8 percent of the contracts that the Government presently passes out. He has overlooked taking into consideration the other part of his amendment, the $2,000 amount, and that covers by far the largest amount. So I think it is not accurate to say that if his amendment becomes law, it would eliminate 24.8 percent of the Davis-Bacon contracts. For the record, if he cares to, I would certainly like to have a correction of that point.

Mr. MELCHER. I will be happy to respond to the Senator from Nebraska so that it is clear. The $10,000 threshold in my amendment will not exclude 24.7 percent of all of the Federal contracts that are let. If I did not make that clear before, I am delighted to have the chance to do so now.

Mr. EXON. If I did not understand the Senator correctly, I want to apologize and correct the RECORD. How much would it cover? Does the Senator have any figures on that?

Mr. MELCHER. The $10,000 threshold would not mean that 24.7 percent of all of the Federal contracts for construction would not be covered. Under my amendment some repair other than new construction would be included, even though the contracts might be for less than $10,000.

Mr. EXON. If we can enter into a little colloquy by splitting time, it would be agreeable to me. That might be right, because the figures the Senator from Montana is using are basically the same figures that we used in developing the Exon amendment, which had the $50,000 threshold. I would remind the Senator from Montana that in addition to $10,000 for new construction, he is leaving the present threshold of $2,000, as I understand it, on all repairs, painting, upkeep, electrical work so forth and so on. If I am wrong on that, I would like to be corrected.

Mr. MELCHER. I thank the Senator for his patience. I will attempt to make this very clear because I believe he has made a point which is well taken and one I had not correctly expressed.

Of all contracts, which would include some that are maintenance and repair, 24.7 percent are below $10,000 or less.

Mr. EXON. The Senator is correct, according to the figures I have.

Mr. MELCHER. We agree on those figures?

Mr. EXON. Yes.

Mr. MELCHER. I unfortunately cannot respond to the Senator to indicate how many of those would be for repair and maintenance falling between the $2,000 threshold, which my amendment would leave in place for those contracts, and the $10,000 figure.

Mr. EXON. I guess it is well that we——

Mr. MELCHER. I am indebted to my friend from Nebraska for pursuing that.

Mr. EXON. To go back to my point I made earlier, I would suggest that placing the construction threshold increase from $2,000 up to the magnificent total of $10,000, with which the Government is going to build a building, will have little, if any, effect whatsoever on Davis-Bacon implementation. I am sure I have overused my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from South Carolina has 23 minutes and the Senator from Montana has 14 minutes.

Mr. MELCHER. Mr. President, very briefly, I think the point of legislating a change in this threshold at some figure we do not have experience with, and which has not been adequately studied, is exemplified in the discussion we have just completed, the discussion between myself and my friend from Nebraska. While we know how many contracts are let for $10,000 or less, we are not really sure of how many of those are repair or similar types of contracts. But we do know, based on the studies I have previously cited, that the $10,000 threshold for new construction is a very good figure and one that is indicated by those previous studies. I think we are wise to use that as the threshold now.

I think we are also wise to leave the threshold for repairs and maintenance in place at $2,000, and for the same reason. We are just not sure of where these thresholds should be changed.

I might point out that the maintenance and repair contracts are, in fact, by their nature, much more similar to service contracts than most construction contracts. That is why my amendment is designed to leave those contracts at the $2,000 threshold. Those contracts may be for touchup painting, which is more akin to a cleaning or janitorial contract than it is to the construction of a dam or missile site or some other Federal construction.

Congress saw fit to apply a $2,500 threshold to service contracts in 1965. It is reasonable to retain a similarly low threshold for the "cousin" of the service contract—the maintenance and repair contracts in the construction industry.

My amendment also contains a provision which would make it impossible to break contracts into artificially small pieces in order to come under the $10,000 floor. The reason for raising the threshold in the first place is to take care of inefficiencies which would result from applying Davis-Bacon provisions to very small contracts. It would be ironic indeed if the result of modifiyng the threshold would be an increase in the number of these small contracts; thus, some provision to prevent the fragmentation of Federal contracts is vital. We move from the threshold for all new Federal construction at the present $2,000 threshold to $10,000. That is, after all, a fivefold increase in the floor on new construction contracts. I think that is adequate. I think that is not in any way lending itself to the illusion made by my friend from Nebraska, that we were not even getting a knife blade on the hide.

I think we have applied the scalpel in a proper way. We have made some adjustment in this amendment, which I think is

reasonable and it is adequate. I hope the Senator can concur in it.

The PRESIDING OFFICER. Who yields time?

Mr. MELCHER. 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.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. Will the Senator from South Carolina yield?

Mr. THURMOND. Mr. President, I am pleased to yield to the Senator from Nebraska such time as he may need.

Mr. EXON. I thank the Senator from South Carolina.

Mr. President, I do not want to beat a dead horse or even cut to the bone, but the facts of the matter are that we do not need a study to see what would be affected by the amendment offered by the Senator from Montana. I am very new in the U.S. Senate, but one of the things I have learned in the very short period I have been here is that, all too often, rather than doing something, we shuffle it off into a study.

Once again, I do not want to beat a dead horse, but the facts of the matter are that the amendment that has been offered by the Senator from Montana to make the only change in Davis-Bacon on the threshold level is to leave it at $2,000 on everything—on everything except the construction of a new building.

I should think that most of us could sit here and figure out that there are not going to be very many new buildings built with Federal money that do not cost more than $10,000. So the real answer is that, in net effect, the amendment offered by the Senator from Montana is a big zero. It would make essentially no change whatsoever. If that is what the U.S. Senate wants to do in its wisdom, then it has the right to do that. But I hope that the words that I am saying will be heard very loud and clear in the U.S. Senate and the message will go out that we went through some maneuvering, but we really made no changes whatsoever.

I thank my friend from South Carolina.

Mr. THURMOND. Mr. President, I just want to say that the statement by the distinguished Senator from Montana is self-explanatory. He said that less than 1 percent of the dollars would be affected. That shows that this amendment is of no significance. If the Senate really wants to help the taxpayers of this Nation, they ought to waive the Davis-Bacon Act here and save the taxpayers what the GAO and the Department of Defense have estimated—between $70 million and $210 million. If they do not want to do that, they certainly ought to adopt the amendment of the able Senator from Nebraska, who has raised this threshold from $2,000 to $50,000.

What can you build today even for $50,000? You can hardly build a house today, a small house, for $50,000. How are we going to save the taxpayers of this country any money? This amendment will amount to nothing.

If we want to help the taxpayers, we at least ought to make it $50,000. That would help the small business people a little bit.

Mr. President, I urge that the amendment of the Senator from Montana be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. MELCHER. Mr. President, first of all, I want to clarify what this involves. This is not just building a new Federal building; this is any Federal construction. That may be grading, it may be paving, in addition to construction of a new building. That is new construction. It is not necessary to create a brand new Federal project.

The fact is that there was a reason for a threshold for Davis-Bacon. If we are going to change that threshold, it is a little bit odd, first of all, to have it come up on a military construction bill, because it should come up on basic legislation. But, since it is here and the amendment of the Senator from Nebraska is offered to increase this threshold to $50,000, I think it is much more reasonable to take the cautious, prudent approach to this change by using some reasonably understood basis for the change in the threshold.

I have cited the two studies that indicated that the $10,000 threshold is the best threshold. For that reason, I am offering this amendment. I would find it rather awkward to think that the amendment should offer a $50,000 threshold, which would affect all painting in a Federal building, or just a little paving at a Federal building, because we are going to knock out, then, by that threshold, almost all of the contracts that are involved for those types of operations.

Finally, while the $10,000 threshold does not involve too many employees of the building trades, which I think is meritorious, the larger amount of $50,000 would involve 24 percent of the employees in the building trades. I think that, perhaps, is a little bit too much.

Last, Mr. President, I think the amendment I am offering is advantageous to the small contractor. I think we should bear in mind the testimony of Robert L. White of the National Electric Contractors Association on the effect of raising the jurisdictional threshold. It is particularly important in this regard. These are small contractors, by and large, represented by this association. Mr. White, testifying for them at the hearing before the Labor and Human Resources Committee, said:

> Mr. WHITE. If you eliminate the Davis-Bacon provisions from something falling below that $50,000 level, you have opened this up primarily where it affects small businesses very badly. And, you have unethical people bringing in unskilled labor and letting them into that whole area where the small business could do a very good job; and let the ethical contractors who would be employing people at the prevailing wage be subject to competition from more unethical and unscrupulous contractors.

I think his testimony bears on this point. That is in the report of the Committee on Labor and Human Resources. Mr. President, I think we have offered a very reasonable approach.

I yield to the Senator from New Jersey.

Mr. WILLIAMS. I thank the Senator from Montana.

Mr. President, I indicated, early in the debate, after the Senator presented his amendment, that I will support his amendment. We considered the military construction bill a couple of weeks ago, and the Senate by unanimous consent sent this bill, with the provision repealing Davis-Bacon, back to our committee. At that time we also had notice that the amendment, which would increase the jurisdictional threshold to $50,000, would be offered. Within the last 2 weeks, Mr. President, Members of the Senate from the North, from the South, from the East, and the West, from the teeming metropolitan States, from the rural States, have discussed the threshold with me. They said:

> You know, isn't that threshold figure of $2,000 way out of date? Shouldn't it at least go up to what $2,000 in 1935 is worth in dollars today, as reflected by the Consumer Price Index, or something?

I will say, Mr. President, I tried to explain that there is nothing inflationary about Davis-Bacon. Davis-Bacon does not say to the contracting agencies, "Go in and pay the highest wages." It says to the contracting agencies through the prevailing rate determination, "Pay the worker on this federally assisted construction project what the same kind of workers on the same kind of projects are getting in the community."

So whether it is $2,000 or no threshold for all Federal work, it seems to me the prevailing wage makes all the sense.

It has been said that the Davis-Bacon Act is inflationary. It is not inflationary if the prevailing wage determination is properly found and the survey is accurate.

It has been argued that Davis-Bacon is inflationary because the prevailing wage determinations are wrong, that they are higher than the wages that actually prevail.

Maybe some are. I recall that 12 out of 120,000 projects were found to have high rate determinations by the GAO. However, 12 determinations out of 120,000 is not a very good sample on which to conclude that the Davis-Bacon Act is inflationary.

There should be a constant vigilance to make sure that the Department is accurately determining the prevailing wage.

If they have been lax or inaccurate it should be pointed out, and steps taken to improve the administration of the act.

That, in my judgment, is the way to go. We must make absolutely certain that the Department of Labor accurately establishes the true prevailing wage where the jobs and the contracts will be let.

That is the way I feel as chairman of the Labor Committee. I feel very deeply that we should do everything possible to make sure workers on our Government construction projects are not paid below what skilled workers in their

trade should be getting, and also that we do not allow our federally assisted construction projects to destabilize the construction industry through the introduction of cutthroat wage cutting competition.

I still believe that the threshold should stay where we have it now. But this is a time for realism and I have heard the concerns of my colleagues.

So I have to commend the Senator from Montana for coming to the Senate with a practical and realistic proposal. This proposal would adjust the threshold for new construction to reflect changed economic conditions; $2,000 in 1935 dollars is roughly $10,000 in today's dollars.

For that very practical reason, I join my colleague, one of the great contributing Members of the Senate in legislative debate.

I thank my friend from Montana for his realistic proposal to increase the threshold of the Davis-Bacon Act to $10,000.

Mr. MELCHER. I thank the very gracious Senator from New Jersey, the chairman of the Labor Committee.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. EXON. Will the Senator from South Carolina yield me more time?

Mr. THURMOND. I yield to the distinguished Senator from Nebraska such time as he may need.

Mr. EXON. Mr. President, it would appear that we are coming down to a vote on this matter very soon. I just hope that when the Members of the Senate vote on this, they are not fooled and misled into believing they are really doing something, because they are doing nothing at all.

In essence, Davis-Bacon would maintain its near half century of being one of the untouchables.

As I said before, I am not for repeal of Davis-Bacon. I think it has a place in our society. But I think it is about time we recognize that unless the U.S. Senate speaks out and sends a message to the administration and, particularly, to the Department of Labor, that we will never get it corrected.

There has been a great deal of discussion here today about the fact that the wage surveys that have been done by the Department of Labor in some instances have not been satisfactory.

I believe there are wholesale interests all over the United States of America where the Department of Labor has not done an adequate or fair job with regard to wage surveys.

As I said earlier, if my amendment would be adopted, it would take half of all of this tremendous workload off their shoulders that they have under Davis-Bacon with the present threshold of $2,000, then they could do a much better job, perhaps, in properly and intelligently enforcing the law as it presently exists.

But another thing, before we vote on the amendment offered by my friend from Montana, I want to correct one other thing that I am afraid kind of threw me for a loop—maybe I am wrong, I do not know, maybe I did not interpret it correctly—but I thought the Senator said that the $10,000 threshold was more meaningful than I thought it would be because he explained—I believe the record will show—a few moments ago that there would be all kinds of public works, paving, and all these kinds of things.

Well, that may well be true. But just for the record, let us understand that part 2 of the amendment that is lying on the desk, that we are about to vote on, says that it will be $2,000 for any construction on existing buildings or public works, but not limited to alteration and/or repair, painting and decorating, and new additions to such buildings or works.

Mr. President, I am not a lawyer, but I suggest that the way that is worded, the facts of the matter are that we are leaving in effect Davis-Bacon to the $2,000 threshold where it is now. When we go back and talk about those days of yesteryear and how wise they were and how terrible it is to modernize it from $2,000 way up to Senator Exon's figure of $50,000, once again I say, let us remember that in 1931 when the Davis-Bacon Act was passed—and I think it was necessary then and I think it is necessary today—the threshold was not $2,000, it was $5,000.

So this magnificent amendment in which we are going to make the first significant change in half a century raises it all the way—all the way—from $5,000 in 1931, all the way up to $10,000 in 1979.

It seems like a very insignificant change to me.

I have been talking too much this afternoon, but if I may have a couple more minutes from my friend from South Carolina, I will just say that I certainly am hopeful the Senate will not accept the amendment offered by my friend from Montana because I do not honestly think it does a thing. If we do that, if this is the only step we are going to take on Davis-Bacon, then I suggest we are ignoring the recommendation from the GAO, from the National Academy of Sciences, from the Commission on Government Procurement, the Office of Management and Budget, the Interagency Task Force of the Department of Labor on Government Procurement, the Department of the Interior, and the Commission on Federal Manpower.

I wonder how much funds of the taxpayers have been used and appropriated by the U.S. Senate to all those agencies to do all these studies. In essence, we propose not even to take a tiny step to correct some of the wrongs that I think we have with Davis-Bacon.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

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

Mr. EXON. I yield.

Mr. WILLIAMS. I missed the last point as the Senator was listing many of the agencies of the Federal Government. What was the point.

Mr. EXON. My point was that if we accept the amendment of the Senator from Montana, I feel that we would be doing nothing about some of the complaints about Davis-Bacon that have been enumerated by these various agencies.

Mr. WILLIAMS. Let us get into that. What agencies have made these complaints?

Mr. EXON. The GAO, for one.

Mr. WILLIAMS. I am very familiar with the GAO's findings.

In 1971, the GAO summarized a series of investigations of targeted projects where there were complaints that the determined rates were high. How many were there? Seven investigations since 1962. Out of that 1971 report of the GAO, the generalization has been made that cost savings of 5 percent to 15 percent can be made by repealing Davis-Bacon.

Then, in 1979 came another GAO report. They found error in 12 out of 30 projects surveyed and felt that could make a 3-percent difference in the cost of the projects. They admitted, however, that their statistical sample was so small that the results could not be projected to the universe of federally assisted construction with my statistical validity.

That is all in the record that has been made on this debate, 2 weeks ago and again today.

So strike GAO as making any general conclusions on Davis-Bacon inflationary impact.

What are the others?

Mr. EXON. Mr. President, will the Senator yield? Is the Senator saying that the General Accounting Office is now saying that we should not make any changes in Davis-Bacon?

Mr. THURMOND. Mr. President, on whose time is this?

Mr. WILLIAMS. They did say that wage determinations should be done carefully.

The PRESIDING OFFICER. On the time of the Senator from South Carolina.

Mr. THURMOND. Mr. President, I understand that this time is charged to me, and I would like the Senator to use his own time.

Mr. WILLIAMS. I do not have any time.

The PRESIDING OFFICER. The Senator from New Jersey has no time on the amendment.

Mr. MELCHER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Montana has no time on the amendment.

The Senator from South Carolina has 10½ minutes.

Time remains on the bill.

Mr. THURMOND. I yield the Senator 1 minute.

Mr. WILLIAMS. As to the GAO, they are opposed to Davis-Bacon on what they admit is statistically an inadequate survey, and that again is in the record.

But you mentioned other agencies as complaining, and I did not hear them all when the Senator read them off.

Mr. EXON. My point was that the General Accounting Office has done a great deal in studies of the Davis-Bacon Act. I believe that was the point of the question by the Senator from New Jersey.

The other organizations I have mentioned are the National Academy of Sciences, the Commission on Government Procurement, the Office of Management and Budget, the Interagency Task Force of the Department of Labor on Government Procurement, the Department of the Interior, and the Commission on Federal Paperwork. For the record, once again, most of those organizations indicated substantial increase in the level of the threshold that has been left untouched since back in 1935.

Mr. WILLIAMS. I would like to have further direction as to where in the record all those agencies have made the comments about which the Senator is talking.

Mr. EXON. I do not know whether the Senator from New Jersey was here when I began my remarks. I referred to each in my opening remarks.

Mr. THURMOND. Mr. President, if the Senator from Nebraska——

Mr. WILLIAMS. Certainly, the Defense Department does not say that.

Mr. THURMOND. Mr. President, I do not yield.

Mr. EXON. I did not say the Defense Department said that.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from South Carolina does not yield.

Mr. THURMOND. If the Senator from Nebraska wants to make a statement in closing, he may do so.

Mr. EXON. I think I have said all I have to say.

I thank the Senator from South Carolina.

Mr. THURMOND. Mr. President, I hope the Senate will not adopt the amendment offered by the distinguished Senator from Montana. This amendment is a sham; it is a camouflage. It is calculated to lead the Senate to believe that it is doing something to help the middleman, to help the little contractor, to help the taxpayer. They are doing nothing.

The Senator admits that less than 1 percent of the dollars involved in Davis-Bacon would be affected by his amendment.

The Senator from Nebraska has offered an amendment, and I believe even that is too low—$50,000. Forty years ago, it was $5,000, and $50,000 today is little enough.

If Senators really want to help the taxpayer, they at least should adopt the amendment of the Senator from Nebraska.

It is almost impossible to get anything pertaining to labor bills through the House or the Senate. I do not know why—whether labor unions have made such big contributions that people feel obligated, or what the trouble is.

Here is a list of bills that have been introduced here year after year.

In the 94th Congress, to amend the Davis-Bacon Act, 12 bills. In the 95th Congress, to amend or repeal the Davis-Bacon Act, 16 bills. In the 96th Congress, to amend or repeal the Davis-Bacon Act, 13 bills.

What relief do the taxpayers get? None. The bills cannot be brought out of committee. The Labor Committee here will not bring out a bill pertaining to labor. The House Labor Committee will not bring them out. How are the people going to get relief?

The labor unions of this country are entirely too powerful. We are not trying to repeal the Davis-Bacon Act. We are just asking that it be waived on this particular military construction bill for this year. If that were done, it would save from $70 million to $210 million, according to the General Accounting Office.

Mr. President, the proposal of the Senator from Nebraska is even less than that, and I do not know how much his amendment would save. Does the Senator have an estimate on the value of that?

I am going to support his amendment. At least it will give some relief.

The amendment of the Senator from Montana is ridiculous. I would just as soon have nothing as have that. If Senators want to help the taxpayers, they will at least go for the minimum of the Senator from Nebraska.

I hope the Senate will not make it appear to the people of this country that they are doing something for the taxpayer when it is doing nothing. That is pure deception. I hope the amendment of the Senator from Nebraska will be adopted.

Mr. President, I believe the time of the Senator from Montana has expired.

The PRESIDING OFFICER. The Senator is correct.

Mr. THURMOND. Mr. President, I yield my time to the Senator from Nebraska. I believe he wants to make a motion.

Mr. EXON. Mr. President, I move to table the amendment offered by the distinguished Senator from Montana.

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

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

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment offered by the Senator from Montana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from North Carolina (Mr. MORGAN) and necessarily absent.

Mr. BAKER. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

The PRESIDING OFFICER. Are there Senators still wishing to vote?

The result was announced—yeas 40, nays 57, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—40

Armstrong	Chiles	Hatch
Baker	Cochran	Hayakawa
Bellmon	Cohen	Heinz
Bentsen	Dole	Helms
Boren	Exon	Huddleston
Boschwitz	Ford	Humphrey
Byrd, Harry F., Jr.	Garn	Jepsen
	Goldwater	Johnston
Kassebaum	Schmitt	Tower
Laxalt	Simpson	Wallop
Lugar	Stennis	Warner
McClure	Stevenson	Young
Nunn	Stone	Zorinsky
Roth	Thurmond	

NAYS—57

Baucus	Gravel	Nelson
Bayh	Hart	Packwood
Biden	Hatfield	Pell
Bradley	Heflin	Percy
Bumpers	Hollings	Pressler
Burdick	Jackson	Proxmire
Byrd, Robert C.	Javits	Pryor
Cannon	Kennedy	Randolph
Chafee	Leahy	Ribicoff
Church	Levin	Riegle
Cranston	Long	Sarbanes
Culver	Magnuson	Sasser
Danforth	Mathias	Schweiker
DeConcini	Matsunaga	Stafford
Domenici	McGovern	Stewart
Durenberger	Melcher	Talmadge
Durkin	Metzenbaum	Tsongas
Eagleton	Moynihan	Weicker
Glenn	Muskie	Williams

NOT VOTING—3

Inouye	Morgan	Stevens

So the motion to lay on the table Mr. MELCHER's UP amendment No. 472 was rejected.

Mr. HART. Mr. President, I move to reconsider the vote by which the motion to lay on the table was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment offered by the Senator from Montana.

Mr. EXON. Mr. President, point of order.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The Senator will state his point of order.

Mr. EXON. Mr. President, I would like to ask the Chair if it would be in order for me to withdraw my amendment.

The PRESIDING OFFICER. The Chair states that it will require unanimous consent to withdraw it.

Mr. EXON. I ask unanimous consent that my amendment be withdrawn.

Mr. JAVITS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HART. Mr. President, I ask unanimous consent that the order for the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. I object.

The PRESIDING OFFICER. The Chair hears objection.

Mr. EXON. Mr. President, I renew my request that my amendment be withdrawn. I ask unanimous consent that my amendment be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. I object.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the amendment of the Senator from Montana. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from North Carolina (Mr. MOR-

GAN), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Mr. LONG) would vote "yea."

Mr. BAKER. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

The PRESIDING OFFICER. Are there other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 28, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—68

Baucus	Hart	Pell
Bayh	Hatfield	Percy
Bentsen	Heflin	Pressler
Biden	Heinz	Proxmire
Bradley	Hollings	Pryor
Bumpers	Huddleston	Randolph
Burdick	Jackson	Ribicoff
Byrd, Robert C.	Javits	Riegle
Cannon	Johnston	Roth
Chafee	Kennedy	Sarbanes
Chiles	Leahy	Sasser
Church	Levin	Schmitt
Cranston	Magnuson	Schweiker
Culver	Mathias	Stafford
Danforth	Matsunaga	Stennis
DeConcini	McGovern	Stewart
Domenici	Melcher	Stone
Durenberger	Metzenbaum	Talmadge
Durkin	Moynihan	Tsongas
Eagleton	Muskie	Weicker
Ford	Nelson	Williams
Glenn	Nunn	Zorinsky
Gravel	Packwood	

NAYS—28

Armstrong	Exon	Lugar
Baker	Garn	McClure
Bellmon	Goldwater	Simpson
Boren	Hatch	Stevenson
Boschwitz	Hayakawa	Thurmond
Byrd, Harry F., Jr.	Helms	Tower
	Humphrey	Wallop
Cochran	Jepsen	Warner
Cohen	Kassebaum	Young
Dole	Laxalt	

NOT VOTING—4

Inouye	Morgan	Stevens
Long		

So Mr. MELCHER's amendment (UP No. 472) was agreed to.

(Later the following occurred:)

Mr. WARNER. Mr. President, I ask unanimous consent that my vote on rollcall vote 234 be changed from "yea" to "nay." It will not affect the outcome.

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

(The above rollcall vote has been changed to reflect the foregoing order.)

Mr. HART. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now is on the amendment proposed by the Senator from Nebraska (Mr. EXON). The yeas and nays have been ordered.

Mr. HART. Mr. President, I ask unanimous consent that this rollcall vote be a 10-minute vote.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all remaining rollcall votes for today be limited to 10 minutes, with a warning bell to sound after 2½ minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Nebraska. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from North Carolina (Mr. MORGAN), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

Mr. BAKER. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

The PRESIDING OFFICER. Are there other Senators wishing to vote?

The result was announced—yeas 92, nays 3, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—92

Baucus	Glenn	Nelson
Bayh	Goldwater	Nunn
Bellmon	Gravel	Packwood
Bentsen	Hart	Pell
Biden	Hatch	Percy
Boren	Hatfield	Pressler
Boschwitz	Hayakawa	Proxmire
Bradley	Heflin	Pryor
Bumpers	Heinz	Randolph
Burdick	Helms	Ribicoff
Byrd, Harry F., Jr.	Hollings	Riegle
	Huddleston	Roth
Byrd, Robert C.	Humphrey	Sarbanes
Cannon	Jackson	Sasser
Chafee	Javits	Schmitt
Chiles	Johnston	Schweiker
Church	Kassebaum	Simpson
Cochran	Kennedy	Stafford
Cohen	Laxalt	Stevenson
Cranston	Leahy	Stewart
Culver	Levin	Stone
Danforth	Lugar	Talmadge
DeConcini	Magnuson	Thurmond
Dole	Mathias	Tower
Domenici	Matsunaga	Tsongas
Durenberger	McClure	Wallop
Durkin	McGovern	Warner
Eagleton	Melcher	Weicker
Exon	Metzenbaum	Williams
Ford	Moynihan	Young
Garn	Muskie	Zorinsky

NAYS—3

Armstrong	Baker	Jepsen

NOT VOTING—5

Inouye	Morgan	Stevens
Long	Stennis	

So Mr. EXON's amendment (UP No. 471), as amended, was agreed to.

Mr. HART. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the precedents of the Senate, the amendment offered by the Senator from New Jersey fails.

Under the previous order, the Senate will now proceed to third reading of the bill.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

DAVIS-BACON ON MILITARY CONSTRUCTION

● Mr. DOLE. Mr. President, contained in S. 1319, the military construction authorization bill, is a very important cost-saving provision which applies to military constructon projects. This provision became part of this bill when the Senate Armed Services Committee voted overwhelmingly to waive application of the Davis-Bacon Act to military construction projects.

DAVIS-BACON WAIVER

Mr. President, the Armed Services Committee amendment will provide the provisions of the Davis-Bacon Act of 1931 not apply to the wages paid to the laborers and mechanics for any work or services performed under any contract for the construction of any project authorized by the fiscal year 1980 or any other military construction authorization if such contract is entered into on or after the date of enactment of this act.

GAO CONFIRMS COST SAVINGS ON DAVIS-BACON WAIVER

Mr. President, the Senate Armed Services is to be commended for taking this cost-saving action. According to the April, 1979 General Accounting Office study on Davis-Bacon, the value of construction accomplished in the United States in 1977 totaled $37 billion was financed in some way by the Federal Government and therefore, covered by the Davis-Bacon Act.

While this bill totals $3.7 billion, only $1.4 billion of that amount is for new construction in the United States and is subject to Davis-Bacon requirement. The waiver of Davis-Bacon coverage for the $1.4 billion of new construction in this bill affects about 5 percent of the total construction effort now subject to Davis-Bacon.

DEPARTMENT OF DEFENSE AND DAVIS-BACON

Mr. President, even the Department of Defense is on record with respect to cost savings if Davis-Bacon is waived from military construction. In the DOD annual report, fiscal year 1980, Harold Brown, the Secretary of Defense said:

> When we do contract for construction or services, pay rates under the contracts should not be artificially inflated by operation of the Davis-Bacon and service contract acts; the Davis-Bacon Act alone results in increased costs of up to 15 percent in DOD construction contracts.

Mr. President, very simply, the Senate Armed Services Committee action will save the American taxpayer between $70 to $120 million. The Senator from Kansas urges Members of this body to support this "inflation-fighting" action, as reported by the Senate Armed Services Committee, and further urges opposition to any attempt to remove the Davis-Bacon waiver from this bill.●

Mr. ROBERT C. BYRD. Mr. President, the military construction authorization bill is a matter of signal importance, and one that has properly commanded the attention of two Senate committees—the Armed Services Committee, and the Labor and Human Resources Committee—as well as the full Senate.

On behalf of the Senate, I wish to thank these two committees, and in particular, I want to thank Senators STENNIS, HART, and TOWER of the Armed Services Committee, and Senators WILLIAMS and JAVITS of the Labor and Human Resources Committee, for the excellent

work they have done in overseeing the review of this bill.

With Senator HART's special urging, the Armed Services Committee paid particular attention to energy conservation in the field of military construction. The committee encouraged the military services to continue an aggressive energy program, and the committee highlighted the special "energy showcase" bases in each of the services.

The Armed Services Committee also noted that the military's solar design program will involve over 300 firms of architects and engineers, and that the program will have a very beneficial "spill over" effect into the civilian construction industry.

In other areas, the Armed Services Committee reviewed in detail proposed military construction of everything from child care centers to the housing of our Air Defense Command.

The Armed Services Committee noted that there are disturbing lags in general military construction, and, in particular, in shipyard construction.

I know that the Armed Services Committee will keep a careful eye on these problems.

I also wish to commend the Armed Services Committee for recommending a funding level that is under the level proposed by the President, and under the ceiling set by the first concurrent resolution.

In addition, I would like to extend the thanks of the full Senate to the Labor and Human Resources Committee, for its special consideration of the Davis-Bacon provisions of this bill.

At the request of the Senate, this committee, under the leadership of Senator WILLIAMS, made a speedy but thorough review of these provisions, and reported back to the full Senate within the time limit set by the Senate. All of this was done during a busy period of the Senate Calendar, when the Senators on the Labor and Human Resources Committee undoubtedly had many other duties to perform.

In these and many other ways, these two committees have made a very significant contribution to the work of the Senate.

Mr. BAKER. Mr. President, I would like to commend my colleagues on both the Armed Services Committee and the Labor and Human Resources Committee for the work they have done in examining the question of continuing application of the Davis-Bacon Act to military construction projects. Their efforts have given us our first true insight into this complex and controversial subject.

While I believe these efforts have increased the Senate's knowledge in this area, I do not believe the Davis-Bacon Act should be changed through this "piecemeal" method. I fully support and am anxious to see a thorough examination of the Davis-Bacon Act take place in the appropriate committee. I would urge my colleagues to address this question as rapidly and thoroughly as possible.

However, on a question of such great complexity, I believe we must not act until such a comprehensive examination has taken place. Because changes in this act have such a potentially devastating impact on our Nation's workplace, no less a review should be considered acceptable.

I therefore stand by my previously announced commitment not to support changes in the Davis-Bacon Act until the Senate has thoroughly examined this question and presents a bill designed to make all of those changes that are necessary to insure fair, equitable, and noninflationary application of this act. I would like to assure my colleagues that at that time, I will support changes, modifications, or outright repeal of the act if the evidence merits such a move.

The PRESIDING OFFICER (Mr. CULVER). Is all time yielded back?

Mr. HART. I yield back the remainder of my time.

Mr. THURMOND. I yield back the remainder of my time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass?

The bill (S. 1319) was passed, as follows:

S. 1319

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 "Military Construction Authorization Act, 1980".

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

UNITED STATES ARMY FORCES COMMAND

Fort Bragg, North Carolina, $1,250,000.
Fort Campbell, Kentucky, $18,200,000.
Fort Drum, New York, $690,000.
Fort Greely, Alaska, $820,000.
Fort Hood, Texas, $13,650,000.
Fort Hunter, Liggett, California, $1,550,000.
Fort Lewis, Washington, $7,400,000.
Fort Meade, Maryland, $18,500,000.
Fort Ord, California, $17,380,000.
Fort Polk, Louisiana, $26,810,000.
Fort Richardson, Alaska, $5,250,000.
Fort Riley, Kansas, $28,350,000.
Fort Sheridan, Illinois, $1,200,000.
Schofield Barracks, Hawaii, $2,750,000.
Fort Stewart/Hunter Army Air Feld, Georgia, $39,900,000.
Yakima Firing Center, Washington, $1,100,000.

UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND

Camy Perry, Ohio, $1,000,000.
Fort Belvoir, Virginia, $2,420,000.
Fort Benning, Georgia, $12,800,000.
Fort Bliss, Texas, $30,000,000.
Fort Eustis, Virginia, $6,410,000.
Fort Benjamin, Indiana, $4,450,000.
Fort Knox, Kentucky, $22,815,000.
Fort Leavenworth, Kansas, $540,000.
Fort Lee, Virginia, $3,960,000.
Fort Rucker, Alabama, $2,080,000.
Fort Story, Virginia, $2,450,000.
Fort Leonard Wood, Missouri, $6,350,000.

UNITED STATES ARMY MATERIEL DEVELOPMENT AND READINESS COMMAND

Aberdeen Proving Ground, Maryland, $2,700,000.
Anniston Army Depot, Alabama, $4,850,000.
Badger Army Ammunition Plant, Wisconsin, $650,000.
Corpus Christi Army Depot, Texas, $1,560,000.
Crane Army Ammunition Activity, Indiana, $2,490,000.
Detroit Arsenal, Michigan, $4,400,000.
Harry Diamond Laboratories, Maryland, $2,800,000.
Dugway Proving Ground, Utah, $520,000.
Indiana Army Ammunition Plant, Indiana, $1,010,000.
Iowa Army Ammunition Plant, Iowa, $2,060,000.
Joliet Army Ammunition Plant, Illinois, $5,800,000.
Kansas Army Ammunition Plant, Kansas, $650,000.
Lake City Army Ammunition Plant, Missouri, $3,800,000.
Letterkenny Army Depot, Pennsylvania, $1,200,000.
Lexington-Blue Grass Army Depot, Kentucky, $1,500,000.
McAlester Army Ammunition Plant, Oklahoma, $1,470,000.
Michigan Army Missile Plant, Michigan, $2,550,000.
Fort Monmouth, New Jersey, $1,650,000.
Newport Army Ammunition Plant, Indiana, $1,550,000.
Picatinny Arsenal, New Jersey, $9,750,000.
Radford Army Ammunition Plant, Virginia, $6,100,000.
Red River Army Depot, Texas, $8,600,000.
Redstone Arsenal, Alabama, $7,200,000.
Riverbank Army Ammunition Plant, California, $1,100,000.
Rock Island Arsenal, Illinois, $5,900,000.
Rocky Mountain Arsenal, Colorado, $6,500,000.
Scranton Army Ammunition Plant, Pennsylvania, $3,750,000.
Seneca Army Depot, New York, $8,350,000.
Sharpe Army Depot, California, $1,650,000.
Sierra Army Depot, California, $770,000.
Tobyhanna Army Depot, Pennsylvania, $10,410,000.
Tooele Army Depot, Utah, $1,050,000.
Volunteer Army Ammunition Plant, Tennessee, $810,000.
Watervliet Arsenal, New York, $1,300,000.
White Sands Missile Range, New Mexico, $5,750,000.
Yuma Proving Ground, Arizona, $4,300,000.

AMMUNITION FACILITIES

Holston Army Ammunition Plant, Tennessee, $830,000.
Indiana Army Ammunition Plant, Indiana, $10,490,000.
Lawe City Army Ammunition Plant, Missouri, $140,000.
Lone Star Army Ammunition Plant, Texas, $1,890,000.
Longhorn Army Ammunition Plant, Texas, $170,000.
Louisiana Army Ammunition Plant, Louisiana, $670,000.
Milan Army Ammunition Plant, Tennessee, $450,000.
Radford Army Ammunition Plant, Virginia, $67,350,000.
Riverbank Army Ammunition Plant, California, $280,000.
Scranton Army Ammunition Plant, Pennsylvania, $720,000.

UNITED STATES ARMY COMMUNICATIONS COMMAND

Fort Huachuca, Arizona, $1,150,000.
Fort Ritchie, Maryland, $7,850,000.

UNITED STATES MILITARY ADADEMY

United States Military Academy, West Point, New York, $13,350,000.

UNITED STATES ARMY HEALTH SERVICES COMMAND

Walter Reed Army Medical Center, District of Columbia, $650,000.

MILITARY TRAFFIC MANAGEMENT COMMAND

Bayonne Terminal, New Jersey, $920,000.
Oakland Army Base, California, $1,100,000.

Sunny Point Terminal, North Carolina, $31,290,000.

OUTSIDE THE UNITED STATES

KWAJALEIN MISSILE RANGE

National Missile Range, $2,900,000.

UNITED STATES ARMY FORCES COMMAND

Panama Area, Canal Zone, $26,160,000.

UNITED STATES ARMY, EUROPE

Germany, Various Locations, $117,990,000.

UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND

Various Locations, $2,800,000.

EMERGENCY CONSTRUCTION

SEC. 102. The Secretary of the Army may establish or develop installations and facilities by proceeding with construction made necessary by changes in missions and responsibilities which have been occasioned by (1) unforeseen security considerations; (2) new weapons developments; (3) new and unforeseen research and development requirements; (4) improved production schedules; or (5) revisions in the tasks or functions assigned to a military installation or facility or for environmental considerations, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security and, in connection therewith, may acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $20,000,000. The Secretary of the Army, or the Secretary's designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire upon the date of enactment of the Military Construction Authorization Act for fiscal year 1981, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Represenatives have been notified pursuant to this section prior to such date.

MINOR CONSTRUCTION

SEC. 103. The Secretary of the Army is authorized to accomplish minor construction projects under section 2674 of title 10, United States Code, in the amount of $51,970,000.

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction.

INSIDE THE UNITED STATES

MARINE CORPS

Marine Corps Logistics Base, Barstow, California, $3,900,000.

Marine Corps Base, Camp Lejeune, North Carolina, $24,630,000.

Marine Corps Base, Camp Pendleton, California, $14,200,000.

Marine Corps Air Station, Cherry Point, North Carolina, $8,410,000.

Marin Corps Air Station, Kaneohe Bay, Hawaii, $4,800,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $4,500,000.

Marine Corps Development and Education Command, Quantico, Virginia, $7,300,000.

Marine Corps Air Station, Tustin, California, $3,400,000.

Marine Corps Base, Twentynine Palms, California, $5,700,000.

Marine Corps Air Station, Yuma, Arizona, $9,700,000.

CHIEF OF NAVAL OPERATIONS

Naval Submarine Support Base, Kings Bay, Kingsland, Georgia, $14,970,000.

Naval Support Activity, Mare Island, California $1,050,000.

Trident Submarine Support, Thames River, Connecticut, $5,500,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Station, Charleston, South Carolina, $3,600,000.

Naval Amphibious Base, Little Creek, Virginia, $1,670,000.

Naval Submarine Base, New London, Connecticut, $15,850,000.

Naval Air Station, Oceana, Virginia, $14,700,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Naval Station, Adak, Alaska, $19,950,000.

Naval Amphibious Base, Coronda, California $1,600,000.

Naval Air Station, Lemoore, California, $6,300,000.

Naval Air Station, Miramar, California, $4,050,000.

Naval Air Station, Moffet Field, California, $860,000.

Naval Air Station, North Island, California, $1,450,000.

Naval Station, San Diego, California, $9,200,000.

Navy Submarine Support Facility, San Diego, California, $3,200,000.

Naval Air Station, Whidbey Island, Washington, $2,650,000.

CHIEF OF NAVAL EDUCATION AND TRAINING

Fleet Combat Training Center, Atlantic, Dam Neck, Virginia, $720,000.

Naval Training Center, Great Lakes, Illinois, $6,000,000.

Naval Air Station, Memphis, Tennessee, $4,700,000.

Fleet Anti-Submarine Warfare Training Center, Atlantic, Norfolk, Virginia, $1,200,000.

Naval Air Station, Pensacola, Florida, $820,000.

Fleet Training Center, San Diego, California, $8,300,000.

BUREAU OF MEDICINE AND SURGERY

Naval Regional Medical Center, Camp Pendleton, California, $2,050,000.

CHIEF OF NAVAL MATERIAL

Naval Air Rework Facility, Alameda, California, $3,500,000.

Puget Sound Naval Shipyard, Bremerton, Washington, $2,545,000.

Puget Sound Naval Supply Center, Bremerton, Washington, $1,000,000.

Charleston Naval Shipyard, Charleston, South Carolina, $2,250,000.

Naval Weapons Station, Charleston, South Carolina, $5,000,000.

Polaris Missile Facility Atlantic, Charleston, South Carolina, $7,500,000.

Naval Air Rework Facility, Cherry Point, North Carolina, $750,000.

Naval Weapons Center, China Lake, California, $4,350,000.

Naval Weapons Station, Concord, California, $3,950,000.

Naval Weapons Support Center, Crane, Indiana, $690,000.

Navy Fuel Depot, Jacksonville, Florida, $1,400,000.

Portsmouth Naval Shipyard, Kittery, Maine, $6,250,000.

Long Beach Naval Shipyard, Long Beach, California, $8,250,000.

Naval Air Engineering Center, Lakehurst, New Jersey, $700,000.

Naval Ordnance Station, Louisville, Kentucky, $1,850,000.

Navy Ship Parts Control Center, Mechanicsburg, Pennsylvania, $2,400,000.

Naval Supply Center, Norfolk, Virginia, $25,960,000.

Naval Air Rework Facility, North Island, California, $3,200,000.

Naval Air Test Center, Patuxent River, Maryland, $4,540,000.

Pearl Harbor Naval Shipyard, Pearl Harbor, Hawaii, $7,300,000.

Navy Public Works Center, Pearl Harbor, Hawaii, $1,000,000.

Philadelphia Naval Shipyard, Philadelphia, Pennsylvania, $510,000.

Naval Construction Battalion Center, Port Hueneme, California, $1,200,000.

Norfolk Naval Shipyard, Portsmouth, Virginia, $12,500,000.

Naval Ocean Systems Center, San Diego, California, $8,800,000.

Navy Supply Center, San Diego, California, $11,600,000.

Naval Weapons Station, Seal Beach, California, $960,000.

Naval Surface Weapons Center, Solomons Island, Maryland, $860,000.

Mare Island Naval Shipyard, Vallejo, California, $16,220,000.

Naval Weapons Station, Yorktown, Virginia, $2,270,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communications Unit, Cutler, Maine, $950,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Activity, Adak, Alaska, $6,505,000.

OUTSIDE THE UNITED STATES

MARINE CORPS

Marine Corps Base, Camp Smedley D. Butler, Okinawa, Japan, $11,700,000.

OFFICE OF NAVAL RESEARCH

Al Ghardaqa Marine Laboratory, Hurgada, Arab Republic of Egypt, $30,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Air Station, Bermuda, $860,000.

Naval Station, Keflavik, Iceland, $17,650,000.

Naval Station, Roosevelt Roads, Puerto Rico, $1,300,000.

NAVAL FORCES EUROPE

Naval Station, Rota, Spain, $6,600,000.

Naval Air Facility, Sigonella, Italy, $9,700,000.

CHIEF OF NAVAL MATERIAL

Navy Public Works Center, Guam, Mariana Islands, $3,700,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Station, Harold E. Holt, Exmouth, Australia, $2,500,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Activity, Edzell, Scotland, $1,400,000.

EMERGENCY CONSTRUCTION

SEC. 202. The Secretary of the Navy may establish or develop installations and facilities by proceeding with construction made necessary by changes in missions and responsibilities which have been occasioned by (1) unforeseen security considerations; (2) new weapons developments; (3) new and unforeseen research and development requirements; (4) improved production schedules; or (5) revisions in the tasks or functions assigned to a military installation or facility or for environmental considerations, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security and, in connection therewith, may acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $20,000,000. The Secretary of the Navy, or the Secretary's designee, shall notify the Committees on Armed Services of the Senate and House of Representatives

immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire upon the date of enactment of the Military Construction Authorization Act for fiscal year 1981, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to such date.

MINOR CONSTRUCTION

SEC. 203. The Secretary of the Navy is authorized to accomplish minor construction projects under section 2674 of title 10, United States Code, in the amount of $33,080,000.

AL GHARDAQA MARINE LABORATORY, EGYPT

SEC. 204. The Secretary of the Navy is authorized to expend excess foreign exchange funds in the amount of $580,000 for the construction of a multipurpose marine biological laboratory at the Al Ghardaqa Marine Laboratory, Hurgada, Arab Republic of Egypt.

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Utah, $6,990,000.
Kelly Air Force Base, Texas, $6,350,000.
Newark Air Force Station, Ohio, $860,000.
Robins Air Force Base, Georgia, $10,750,000.
Tinker Air Force Base, Oklahoma, $15,600,000.
Wright-Patterson Air Force Base, Ohio, $15,500,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tennessee, $6,500,000.
Eglin Air Force Base, Florida, $5,100,000.
Hanscom Air Force Base, Massachusetts, $8,600,000.
Johnson Space Center, Texas, $12,400,000.
Maui Optical Site, Hawaii, $3,650,000.
White Sands Missile Range, New Mexico, $2,100,000.

AIR TRAINING COMMAND

Keesler Air Force Base, Mississippi, $840,000.
Lackland Air Force Base, Texas, $5,400,000.
Laughlin Air Force Base, Texas, $4,500,000.
Mather Air Force Base, California, $1,650,000.
Sheppard Air Force Base, Texas, $2,050,000.
Vance Air Force Base, Oklahoma, $1,500,000.

ALASKAN AIR COMMAND

Elmendorf Air Force Base, Alaska, $13,400,000.

MILITARY AIRLIFT COMMAND

Andrews Air Force Base, Maryland, $1,190,000.
Kirtland Air Force Base, New Mexico, $3,470,000.
Little Rock Air Force Base, Arkansas, $510,000.
McChord Air Force Base, Washington, $4,100,000.
Pope Air Force Base, North Carolina, $5,400,000.
Richards-Gebaur Air Force Base, Missouri, $1,100,000.
Scott Air Force Base, Illinois, $10,060,000.
Travis Air Force Base, California, $6,300,000.

STRATEGIC AIR COMMAND

Castle Air Force Base, California, $3,850,000.
Ellsworth Air Force Base, South Dakota, $17,530,000.
Grand Forks Air Force Base, North Dakota, $4,900,000.
Griffiss Air Force Base, New York, $8,080,000.
Grissom Air Force Base, Indiana, $4,700,000.
K. I. Sawyer Air Force Base, Michigan, $5,200,000.
March Air Force Base, California, $6,600,000.
Minot Air Force Base, North Dakota, $5,100,000.
Offutt Air Force Base, Nebraska, $2,190,000.
Vandenberg Air Force Base, California, $65,800,000.
Various Locations, $14,200,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Texas, $7,850,000.
Cannon Air Force Base, New Mexico, $6,480,000.
Davis-Monthan Air Force Base, Arizona, $5,540,000.
England Air Force Base, Louisiana, $6,390,000.
George Air Force Base, California, $18,350,000.
Holloman Air Force Base, New Mexico, $2,600,000.
Homestead Air Force Base, Florida, $9,870,000.
Langley Air Force Base, Virginia, $2,500,000.
MacDill Air Force Base, Florida, $3,120,000.
Moody Air Force Base, Georgia, $1,990,000.
Mountain Home Air Force Base, Idaho, $60,000.
Myrtle Beach Air Force Base, South Carolina, $970,000.
Nellis Air Force Base, Nevada, $3,690,000.
Seymour Johnson Air Force Base, North Carolina, $2,650,000.
Shaw Air Force Base, South Carolina, $2,780,000.

AIR NATIONAL GUARD

Buckley Air National Guard Base, Colorado, $1,950,000.

OUTSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Thule Air Base, Greenland, $3,150,000.

AIR FORCE SYSTEMS COMMAND

Mahe Tracking Station, Seychelle Islands, $550,000.
Various Locations, $2,350,000.

PACIFIC AIR FORCES

Kadena Air Base, Japan, $1,100,000.
Kunsan Air Base, Korea, $4,010,000.
Osan Air Base, Korea, $20,080,000.
Taegu Air Base, Korea, $510,000.

TACTICAL AIR COMMAND

Howard Air Force Base, Canal Zone, $4,500,000.

UNITED STATES AIR FORCES IN EUROPE

Germany, Various Locations, $13,990,000.
United Kingdom, Various Locations, $22,520,000.
Various Locations, $7,170,000.

EMERGENCY CONSTRUCTION

SEC. 302. The Secretary of the Air Force may establish or develop installations and facilities by proceeding with construction made necessary by changes in missions and responsibilities which have been occasioned by (1) unforeseen security considerations; (2) new weapons developments; (3) new and unforeseen research and development requirements; (4) improved production schedules; or (5) revisions in the tasks or functions assigned to a military installation or facility or for environmental considerations, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security and, in connection therewith, may acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment in the total amount of $20,000,000. The Secretary of the Air Force, or the Secretary's designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire upon the date of enactment of the Military Construction Authorization Act for fiscal year 1981, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to such date.

MINOR CONSTRUCTION

SEC. 303. The Secretary of the Air Force is authorized to accomplish minor construction projects under section 2674 of title 10, United States Code, in the amount of $29,310,000.

SEC. 304. (a) Section 301 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 368), is amended by striking out "$97,905,000" in the item relating to the authorization for acquisition and construction at various locations under the heading "UNITED STATES AIR FORCES IN EUROPE" and inserting in lieu thereof "$77,905,000".

(b) Section 602(3) of such Act is amended by striking out "$147,942,000" and "$421,249,000" and inserting in lieu thereof "$127,942,000" and "$401,249,000", respectively.

DEPARTMET OF DEFENSE SHARE FOR WATER POLLUTION CONTROL FACILITIES

SEC. 305. There is authorized to be appropriated, in accordance with section 808 of this Act, the sum of $2,400,000 for the Department of Defense share for the upgrading of the waste treatment facility that serves Little Rock Air Force Base, Little Rock, Arkansas.

TITLE IV—DEFENSE AGENCIES

AUTHORIZED CONSTRUCTION PROJECTS FOR THE DEFENSE AGENCIES

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for defense agencies for the following acquisition or construction:

INSIDE THE UNITED STATES

DEFENSE LOGISTICS AGENCY

Defense Depot, Memphis, Tennessee, $670,000.

DEFENSE MAPPING AGENCY

Defense Mapping Agency Hydrographic/Topographic Center, Bethesda, Maryland, $825,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified Activity, Fort Belvoir, Virginia, $2,800,000.

OUTSIDE THE UNITED STATES

DEFENSE LOGISTICS AGENCY

Defense Fuel Support Point, Wake Island Air Force Base, $11,400,000.

DEFENSE MAPPING AGENCY

Various Locations, Panama Canal Zone, $2,600,000.

OFFICE OF THE SECRETARY OF DEFENSE, DEPARTMENT OF DEFENSE OFFICE OF DEPENDENTS SCHOOLS

Atsugi Naval Air Facility, Japan, $580,000.
Keflavik Naval Air Station, Iceland, $1,700,000.

Misawa Air Base, Japan, $5,070,000.
Seoul, Yongsan, Korea, $3,290,000.
Yokota East Air Base, Japan, $2,450,000.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

Various Locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations (including international military headquarters) for the collective defense of the North Atlantic Treaty Area, $2,000,000,000: Within thirty days after the end of each calendar-year quarter, the Secretary of Defense shall furnish to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a description of obligations incurred by the United States for the United States share of the cost of such multilateral programs.

EMERGENCY CONSTRUCTION

SEC. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States and, in connection therewith, may acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $20,000,000. The Secretary of Defense, or the Secretary's designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public works undertaken under this section including real estate actions pertaining thereto.

MINOR CONSTRUCTION

SEC. 403. The Secretary of Defense is authorized to accomplish minor construction projects under section 2674 of title 10, United States Code, in the amount of $5,250,000.

DEFICIENCY AUTHORIZATION

SEC. 404. (a) Public Law 95–82 is amended under the heading "INSIDE THE UNITED STATES" in section 401 as follows:

With respect to White Sands, New Mexico, strike out "$33,449,000" and insert in place thereof "$40,749,000".

(b) Public Law 95–82 is amended by striking out in clause 4 of section 602, "$55,909,000" and inserting in place thereof, "$63,209,000".

SEC. 405. (a) Public Law 95–356 is amended under the heading "OUTSIDE THE UNITED STATES" in section 401 as follows: With respect to "North Atlantic Treaty Organization Infrastructure" strike out "$120,000,000" and insert in place thereof "$140,000,000".

(b) Public Law 95–356 is amended by striking out in clause (4) of section 602, $217,610,000," and inserting in place thereof, "$327,610,000,".

TITLE V—MILITARY FAMILY HOUSING AND HOMEOWNERS ASSISTANCE PROGRAM

LEASING OF FAMILY HOUSING

SEC. 501. (a) The Secretary of Defense, or the Secretary's designee, is authorized to construct or acquire sole interest in existing family housing units in the numbers and at the locations hereinafter named, but no family housing construction shall be commenced at any such location in the United States until the Secretary shall have consulted with the Secretary of Housing and Urban Development as to the availability of suitable private housing at such location. If agreement cannot be reached with respect to the availability of suitable private housing at any location, the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(b) With respect to the family housing units authorized to be constructed by this section, the Secretary of Defense is authorized to acquire sole interest in privately owned or Department of Housing and Urban Development held family housing units in lieu of constructing all or a portion of the family housing authorized by this section, if he, or his designee, determines such action to be in the best interests of the United States, but any family housing units acquired under authority of this subsection shall not exceed the cost limitations specified in this section for the project nor the limitations on size specified in section 2684 of title 10, United States Code. In no case may family housing units be acquired under this subsection through the exercise of eminent domain authority, and in no case may family housing units other than those authorized by this section be acquired in lieu of construction unless the acquisition of such units is hereafter specifically authorized by law.

(c) Family housing units: Tinker Air Force Base, Oklahoma, three hundred thirty-two units, $12,000,000.

(d) The amount specified in this section may, at the discretion of the Secretary of Defense, or the Secretary's designee, be increased by 10 per centum, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. The amounts authorized include the costs of shades, screens, ranges, refrigerators, and all other installed equipment and fixtures, the cost of the family housing unit, design, supervision, inspection, overhead, land acquisition, site preparation, and installation of utilities.

SEC. 502. (a) Section 2686(c) of title 10, United States Code, relating to leases for military family housing, is amended by striking out "$300" in paragraph (1) and inserting in lieu thereof "$310".

(b) Section 2675(d) of title 10, United States Code, relating to leases in foreign countries, is amended—

(1) by striking out "$485" and "$850" in the first sentence of paragraph (1) and inserting in lieu thereof "$550" and "$970", respectively; and

(2) by striking out "18,000" in paragraph (2) and inserting in lieu thereof "17,000".

AUTHORIZATION OF APPROPRIATIONS

SEC. 503. (a) There is authorized to be appropriated for fiscal year 1980 for use by the Secretary of Defense, or the Secretary's designee, for military family housing as authorized by law for the following purposes:

(1) For construction or acquisition of sole interest in family housing, including minor construction, $15,000,000 and for planning an amount not to exceed $900,000.

(2) For support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payment to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m), an amount not to exceed $1,662,525,000.

(3) For homeowners assistance under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), including acquisition of properties, an amount not to exceed $5,000,000.

(b) The amounts authorized to be appropriated in sections 502(a) (1), (2), and (3) may be increased to the extent additional funds are appropriated to defray increased pay costs associated with actions taken pursuant to law.

TITLE VI—AUTHORIZATION OF APPROPRIATIONS AND ADMINISTRATIVE PROVISIONS

WAIVER OF RESTRICTIONS

SEC. 601. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or lands includes authority to make surveys and to acquire land and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

AUTHORIZATION OF APPROPRIATIONS

SEC. 602. There are authorized to be appropriated for fiscal year 1980 such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, and V, shall not exceed—

(1) for title I: inside the United States $545,875,000; outside the United States $149,850,000; minor construction $51,970,000; for a total of $747,695,000.

(2) for title II: inside the United States $373,690,000; outside the United States $55,440,000; minor construction $33,080,000; for a total of $462,210,000.

(3) for title III: inside the United States $373,210,000; outside the United States $79,930,000; minor construction $29,310,000; for a total of $482,450,000.

(4) for title IV: a total of $256,635,000, including $5,250,000 for minor construction.

(5) for title V: military family housing and homeowners assistance program, $1,683,425,000, including $3,000,000 for minor construction.

COST VARIATIONS

SEC. 603. (a) OVERALL TITLE TOTAL LIMITATION.—Notwithstanding the provisions of subsections (a), (b), (c), and (g), the total cost of all construction and acquisition in each of titles I, II, III, and IV may not exceed the total amount authorized to be appropriated in that title.

(b) VARIATIONS IN INSTALLATION TOTALS—UNUSUAL VARIATIONS IN COST.—Except as provided in subsections (c) and (d), any of the amounts specified in titles I, II, III, and IV of this Act (other than in sections 103, 203, 303, and 403) may, at the discretion of the Secretary of the military department or Director of the defense agency concerned, be increased by 5 per centum when inside the United States (other than Alaska or Hawaii), and by 10 per centum when outside the United States or in Alaska or Hawaii, if the Secretary of the military department or Director of the defense agency concerned determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress.

(c) VARIATIONS IN INSTALLATION TOTALS.—ONLY ONE PROJECT AT AN INSTALLATION.—When the amount named for any construction or acquisition in title, I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of the military department or Director of the de-

fense agency concerned determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (b), the Secretary of the military department or Director of the defense agency concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

(d) VARIATIONS IN INSTALLATION TOTALS—REPORTS BY THE SECRETARY OF DEFENSE.—When the Secretary of Defense determines that any amount named in title I, II, III, or IV of this Act must be exceeded by more than the percentages permitted in subsections (b) and (c) to accomplish authorized construction or acquisition, the Secretary of the military department or Director of the defense agency concerned may proceed with such construction or acquisition after a written report of the facts relating to the increase of such amount, including a statement of the reasons for such increase, has been submitted to the Committees on Armed Services of the Senate and House of Representatives, and either (1) thirty days have elapsed from the date of submission of such report, or (2) both committees have indicated approval of such construction or acquisition. Notwithstanding the provisions in prior Military Construction Authorization Acts, the provisions of this subsection shall apply to such prior Acts.

(e) COST AND SCOPE VARIATIONS OF INDIVIDUAL PROJECTS; REPORTS TO CONGRESS.—No Individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation for which the current working estimate is greater than the statutory upper limit for minor construction projects, may be placed under contract if—

(1) the approved scope of the project is reduced in excess of 25 per centum; or

(2) the current working estimate, based upon bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress;

until a written report of the facts relating to the reduced scope or increased cost of such project, including a statement of the reasons for reduction in scope or increase in cost, has been submitted to the Committees on Armed Services of the Senate and House of Representatives, and either thirty days have elapsed from the date of submission of such report, or both committees have indicated approval of such reduction in scope or increase in cost, as the case may be.

(f) ANNUAL REPORT TO CONGRESS.—The Secretary of Defense, or the Secretary's designee, shall submit an annual report to the Congress identifying each individual project (other than a project authorized under section 103, 203, 303, or 403) which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced by more than 25 per centum in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

(g) COST AND FLOOR AREA VARIATIONS—SOLAR ENERGY.—The Secretary of Defense shall encourage the utilization of solar energy as a source of energy for projects authorized by this Act where utilization of solar energy would be practical and economically feasible. In order to equip any project authorized by this Act with solar heating equipment, solar cooling equipment, or both solar heating and solar cooling equipment, the Secretary of Defense may authorize increases in the cost limitations or floor area limitations for such project by such amounts as may be necessary for such purpose. Any increase under this section in the cost of floor area of a project authorized by this Act shall be in addition to any other increases in such cost or variation in floor area limitations authorized by this or any other Act.

CONSTRUCTION SUPERVISION

SEC. 604. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army; the Naval Facilities Engineering Command, Department of the Navy; or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious, and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected together with the design, construction supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts (except architect and engineering contracts which, unless specifically authorized by the Congress shall continue to be awarded in accordance with presently established procedures, customs, and practice) shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report annually to the President of the Senate and Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder. Such reports shall also show, in the case of the ten architect-engineering firms which, in terms of total dollars, were awarded the most business; the names of such firms; the total number of separate contracts awarded each firm; and the total amount paid or to be paid in the case of each such action under all such contracts awarded such firm.

REPEAL OF PRIOR YEAR AUTHORIZATIONS: EXCEPTIONS

SEC. 605. (a) As of October 1, 1980, all authorizations for military public works, including family housing, to be accomplished by the Secretary of a military department in connection with the establishment or development of installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, IV, and V of the Military Construction Authorization Act, 1979 (Public Law 95-356; 92 Stat. 565), and all such authorizations contained in Acts approved before September 8, 1978, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions; and

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts, land acquisition, or payments to the North Atlantic Treaty Organization, in whole or in part, before October 1, 1980, and authorizations for appropriations therefor.

(b) Notwithstanding the repeal provisions of subsection (a) of this section and section 605 of the Military Construction Authorization Act, 1979 (Public Law 95-356, 92 Stat. 583), authorizations for the following items shall remain in effect until October 1, 1981:

(1) Barracks Complex—Trainee construction in the amount of $14,967,000 at Fort Benning, Georgia, authorized in section 101 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 358).

(2) Brooke Army Medical Center Hospital alteration in the amount of $10,000,000, at Fort Sam Houston, Texas, authorized in section 101 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 358).

(3) Reception Station construction in the amount of $5,886,000 at Fort Benning, Georgia, authorized in section 101 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 358).

(4) POMCUS Maintenance Complexes in the amount of $33,768,000 at Kaiserslautern, Pirmasens, Germersheim, Gerzweski Barracks, Mannheim, Miesau, Nahbollenbach, and Neureut Kaserne, all in Germany, authorized in section 101 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 360).

(5) Morse Training Building construction in the amount of $2,400,000 at Naval Technical Training Center, Pensacola, Florida, authorized in section 201 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 362).

(6) Medical/Dental Branch Clinic construction in the amount of $4,350,000 at the Navy Regional Medical Center, Pearl Harbor, Hawaii, (Naval Station, Midway Island), authorized in section 201 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 362).

(7) Relocation of the weapons range from the Culebra Complex in the amount of $12,000,000 for the Atlantic Fleet Weapons Range, Roosevelt Roads, Puerto Rico, authorized in section 204 of the Military Construction Authorization Act, 1974 (Public Law 93-166; 87 Stat. 668) and extended in section 605(b)(H) of the Military Construction Authorization Act, 1976 (Public Law 94-107; 89 Stat. 565) and in section 605(b)(4) of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 376).

(8) Industrial Waste Collection in the amount of $2,650,000 at the Naval Torpedo Station, Keyport, Washington, authorized in section 201 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 363).

(9) Municipal Sewer Connection in the amount of $2,100,000 for the Long Beach Naval Shipyard, Long Beach, California, authorized in section 201 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 363).

(10) Municipal Sewer Connection in the amount of $4,150,000 for the Navy Public Works Center, Norfolk, Virginia, authorized in section 201 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 363).

(11) Municipal Sewer Connection in the amount of $2,200,000 for the Philadelphia Naval Shipyard, Philadelphia, Pennsylvania, authorized in section 201 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 363).

(12) Alter Sewage Treatment and Disposal Facilities in the amount of $631,000 at King Salmon Airport, Alaska, authorized in section 301 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 366).

(13) Small Aircraft Maintenance Facility in the amount of $1,928,000 for Moody Air Force Base, Georgia, authorized in section

301 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 367).

(14) High Energy Laser Facility construction in the amount of $33,449,000 at White Sands, New Mexico, authorized in section 401 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 369).

(15) CIDC Field Operations Building at Fort Hood, Texas, in the amount of $890,000 authorized in section 101 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 358).

(16) Radar Operations Facility at Redstone Arsenal, Alabama, in the amount of $962,000 authorized in section 101 of the Military Construction Authorization Act, 1978 (Public Law 95-82; 91 Stat. 358).

UNIT COST LIMITATIONS

SEC. 606. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction index is 1.0:

(1) $48 per square foot for permanent barracks; or

(2) $52 per square foot for unaccompanied officer quarters;

unless the Secretary of Defense, or the Secretary's designee, determines that, because of special circumstances application to such project of the limitations on unit cost contained in this section is impracticable. Notwithstanding the limitations contained in prior Military Construction Authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

TITLE VII—GUARD AND RESERVE FORCES FACILITIES

AUTHORIZATION FOR FACILITIES

SEC. 701. Subject to chapter 133, of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Guard and Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed the following amounts:

(1) For the Department of the Army:

(a) Army National Guard of the United States, $18,237,000.

(b) Army Reserve, $24,824,000.

(2) For the Department of the Navy: Naval and Marine Corps Reserves, $16,090,000.

(3) For the Department of the Air Force:

(a) Air National Guard of the United States, $29,500,000.

(b) Air Force Reserve, $9,500,000.

WAIVER OF CERTAIN RESTRICTIONS

SEC. 702. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 703. Paragraph (1) of section 2233a of title 10, United States Code, is amended by striking out "$100,000", and inserting in lieu thereof, "$175,000".

TITLE VIII—GENERAL PROVISIONS

REVISIONS TO MINOR CONSTRUCTION AUTHORITY

SEC. 801. Section 2674 of title 10, United States Code, is amended as follows:

(a) At the end of subsection (b) add the following: *"Provided,* That such approvals are not necessary for projects at specified locations that have been identified in the annual military construction program submitted by the Department of the Defense to the Committees on Armed Services of the Senate and the House of Representatives.".

(b) At the end of subsection (f) add the following: *"Provided,* That such notice is not necessary for projects at specified locations that have been identified in the annual military construction program submitted by the Department of Defense to the Committees on Armed Services of the Senate and the House of Representatives.".

DEVELOPMENT OF SOURCES OF ENERGY ON MILITARY LANDS AMENDMENT

SEC. 802. Section 803 of the Military Construction Authorization Act, 1979 (Public Law 95-356) is amended as follows:

(a) Delete the title and in lieu thereof insert: "DEVELOPMENT OF SOURCES OF ENERGY ON OR FOR MILITARY INSTALLATIONS".

(b) In subsection (b)(1) after the word "jurisdiction" insert "or on private property".

USE OF ROI-NAMUR ISLAND

SEC. 803. The Secretary of Defense, or the Secretary's designee, is authorized to pay to the land owners of Roi-Namur Island, Marshall Islands District of the Trust Territories of the Pacific Islands, such an amount as the Secretary of Defense determines to be in the public interest for the use after 1960 Roi-Namur Island by the Government of the United States to the extent or in such amounts as may be provided in appropriation Act.

LAND EXCHANGE, KING COUNTY, WASHINGTON

SEC. 804. (a) The Secretary of the Air Force (hereinafter referred to as the "Secretary") is authorized to convey to King County, Washington, all right, title, and interest of the United States in and to the land and improvements which comprise the 143d Combat Squadron, Washington Air National Guard, leased site located at Boeing Field, Seattle, Washington. Such conveyance shall be made subject to such terms and conditions pursuant to an Exchange Agreement as the Secretary considers appropriate, but may not be made until a replacement facility for such Air National Guard unit is available in accordance with subsection (b).

(b) In consideration for such conveyance by the Secretary under subsection (a), King County shall—

(1) make available to the Secretary a leasehold interest in land and funds for the purchase or making of improvements on such land which are acceptable to the Secretary as a replacement facility for such Air National Guard unit pursuant to an Exchange Agreement; or

(2) convey to the United States unencumbered fee simple title to land in the area of Seattle, Washington, which contains improvements acceptable to the Secretary as a replacement facility for such Air National Guard location.

(c) Funds made available under subsection (b)(1) or (2), and land conveyed under subsection (b)(1), shall be subject to terms and conditions which shall be agreed upon by the Secretary and King County and which the Secretary considers to be in the public interests. If the cost of the replacement facility is less than the fair market value or the appraised value dated February 20, 1978, by Roland James Hoefer and Associates of the existing facility for the Air National Guard unit, King County shall pay the amount of the difference between such costs to the United States, and such amount shall be deposited in the Treasury as miscellaneous receipts.

CONTRIBUTION TO THE INTERNATIONAL INSTITUTE OF STRATEGIC STUDIES

SEC. 805. The Secretary of Defense may authorize the expenditure of up to $500,000 from funds authorized to be appropriated for minor construction in title I, II, III, or IV for the purpose of a capital contribution to the International Institute of Strategic Studies.

USE OF FORMER ENT AIR FORCE BASE BY THE OLYMPIC COMMITTEE

SEC. 806. Notwithstanding the provisions of the Federal Property and Administration Services Act of 1949, as amended, the Administrator of General Services is authorized to convey the excess 5.6 acres of land and improvements on the remaining portion of the former Ent Air Force Base, Colorado Springs, Colorado, to the United States Olympic Committee without compensation. The Committee may accept and administer such property in furtherance of the United States Olympic amateur athletic activities. If the property ceases to be utilized by the United States Olympic Committee for conduct of such activities, it shall be returned to the Administrator of General Services for disposition.

USE OF MASS TRANSIT ON MILITARY INSTALLATIONS

SEC. 807. (a) Notwithstanding any other provision of law, the Secretary of Defense may authorize the use of mass transit vehicles on any military installation if the use of such vehicles on such installation is determined, in accordance with regulations issued by the Secretary of Defense, to be efficient, practical, and in the best interest of the United States. In determining whether the use of mass transit vehicles on any military installation is in the best interest of the United States, the Secretary of Defense shall require that careful consideration be given to the potential for saving energy and reducing air pollution.

(b) All costs of operating and maintaining mass transit vehicles on military installations shall be borne by the users of the vehicles by means of a fare schedule established in accordance with regulations issued by the Secretary of Defense. Funds accruing under the fare schedule shall be retained by the military installation to the extent necessary to offset operating and maintenance costs. Any funds accruing under the fare schedule that are in excess of such costs shall be transferred to the Treasury as miscellaneous receipts.

(c) Mass transit vehicles used on any military installation under authority of this section may be Government-owned vehicles operated by Federal employees or contractor-owned and operated vehicles, whichever is more cost efficient, as determined under regulations issued by the Secretary of Defense.

(d) This section shall not apply to the transportation of personnel by mass transit vehicles on any military installation if the transportation of such personnel is incident to training or other operational activities on such installation.

PAYMENT OF DEPARTMENT OF DEFENSE SHARE FOR UPGRADING WASTE TREATMENT FACILITIES UTILIZED BY MILITARY INSTALLATIONS

SEC. 808. (a) Subject to the provisions of subsection (b), in any case in which a waste

treatment facility is being altered, remodeled, improved, or extended for the purpose of complying with the provisions of section 201(b) of the Federal Water Pollution Control Act (33 U.S.C. 1281) and such facility treats the waste from any military installation under a contract arrangement with the Department of Defense, the Secretary of Defense shall pay to the appropriate authority, as the Department of Defense's share for the upgrading of such facility, an amount agreed upon by the Secretary of Defense and the appropriate authority.

(b) Funds may be used for the purpose of paying the Department of Defense's share in connection with the alteration, remodeling, improvement, or extension of a waste treatment facility, as authorized by subsection (a), only if such funds have been specifically authorized to be used for such purpose by legislation enacted on or after the date of enactment of this Act.

PROHIBITION ON THE REALIGNMENT OF LORING AIR FORCE BASE

SEC. 809. With respect to the base realignment decisions announced by the Secretary of the Air Force in March 1979, no funds authorized to be appropriated by this or any other Act shall be obligated or expended for the purpose of the realignment of the Strategic Air Command's (SAC) Loring Air Force Base.

DAVIS-BACON WAIVER

SEC. 810. Subsection (a) of the first section of the Act of March 3, 1931 (46 Stat. 1494; 40 U.S.C. 276a(a)), commonly referred to as the Davis-Bacon Act, is amended by striking out "in excess of $2,000 to which the United States or the District of Columbia is a party for construction, alteration and/or repair, including painting and decorating of public buildings or public works of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia," and inserting therefor the following language: "to which the United States or the District of Columbia is a party, in excess of:

"(1) Except as provided in paragraphs (2) and (3), $10,000 for construction of public buildings or public works of the United States or the District of Columbia;

"(2) $2,000 for any construction on existing public buildings or public works, including but not limited to alteration and/or repair, painting and decorating, and new additions to such buildings or works; and

"(3) $2,000 where such contract is for a part of a construction project in excess of $10,000;

within the geographic limits of the States of the Union or the District of Columbia,".

ALABAMA SPACE AND ROCKET CENTER

SEC. 811. (a) Section 2 of Public Law 90-276 is amended—

(1) by inserting "(1)" immediately before "A certain tract or parcel of land containing 35.69 acres";

(2) by striking out the period immediately after "Secretary of the Army" and substituting "; and"; and

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

"(2) A certain tract or parcel of land containing approximately 300 acres, less that land occupied by the Department of the Navy on the date of enactment of this paragraph, lying within range 1 west, township 4 south, parts of sections 8 and 9, more particularly described as beginning at the established northeast corner of the Alabama Space and Rocket Center, running east along the Redstone Arsenal northern boundary, thence south along the Redstone Arsenal eastern boundary to a point north of the northwest corner of the intersection of Patton Road and Goss Road, thence west parallel to the north side of Goss Road to MacDonald Creek, thence northwesterly parallel to the east bank of the creek to the northern line of the Tennessee Valley Authority easement, thence west along the easement to the Alabama Space and Rocket Center established corner, thence north and east along the Alabama Space and Rocket Center boundary to point of beginning. The exact description of such property is to be determined by an accurate survey and approved by the Secretary of the Army.".

(b) Section 3 of Public Law 90-276 is amended by—

(1) inserting "and related educational and recreational purposes" after "instrumentalities"; and

(2) striking "purpose" and substituting "purposes".

PROPOSED CLOSURE OR THE REALIGNMENT OF FORT INDIANTOWN GAP AND NEW CUMBERLAND ARMY DEPOT IN PENNSYLVANIA

SEC. 812. No action with respect to the proposed closure or the realignment of Fort Indiantown Gap, Annville, Pennsylvania, or New Cumberland Army Depot, New Cumberland, Pennsylvania, shall be taken until the Secretary of the Army has conducted a study of the economic impact on central Pennsylvania of (1) the proposed closure or realignment, as the case may be, of each such military installation, and (2) the recent nuclear accident that occurred at Three Mile Island, Middletown, Pennsylvania.

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

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

The motion to lay on the table was agreed to.

Mr. HART. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 1319.

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

Mr. HART. Mr. President, I ask unanimous consent that the bill, as passed, be printed in full with amendments.

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

Mr. HART. Mr. President, I wish once again to thank my colleague from South Carolina, the ranking minority member on our subcommittee, for his cooperation; our excellent staff on the subcommittee and the full committee for their help and indulgence; and, of course, the Senator from New Jersey and others who have helped.

Mr. THURMOND. Mr. President, I wish to express my appreciation for the able leadership provided on this bill by the distinguished Senator from Colorado, and the staffs on both sides for the fine work they did.

(The remarks of Mr. KENNEDY and Mr. BELLMON in connection with the introduction of legislation are printed under Statements on Introduced Bills and Joint Resolutions.)

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, not to extend beyond 30 minutes, and that Senators may speak therein up to 5 minutes each.

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

TIME-LIMITATION AGREEMENT—NOMINATION OF ROBERT N. CLEMENT, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that there be a 3-hour time limitation on the nomination of Mr. Clement—I cleared this with Mr. HEFLIN, Mr. BAKER, and Mr. SASSER—that the Senate go into executive session upon the completion of the orders for the recognition of the two leaders on Thursday, or the completion of orders for the recognition of Senators, whichever situation may obtain, and that the time be equally divided between Mr. HEFLIN and Mr. RANDOLPH, the chairman of the committee, or his designee, and that, upon the expiration of that time, or upon its being yielded back, the vote occur on the nomination; and that upon the disposition of the nomination the Senate return to legislative session.

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

TIME-LIMITATION AGREEMENT—S. 265

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the time that Calendar Order No. 267, S. 265, the Equal Access to Justice Act, is made the pending business before the Senate, that there be a time agreement as follows: 2 hours to be equally divided between Mr. THURMOND and Mr. DECONCINI; 1 hour on any amendment; 30 minutes on any second degree amendments 10 minutes on any debatable motion, appeal, or point of order, if such is submitted to the Senate, and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The text of the agreement follows:

Ordered, That when the Senate proceeds to the consideration of S. 265 (Order No. 267), a bill entitled "Equal Access to Justice Act," debate on any amendment in the first degree shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill; debate on any amendment in the second degree shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill; and debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 10 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of final passage of the said bill, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from South Carolina (Mr. THURMOND) and the Senator from Arizona (Mr. DECONCINI): *Provided*, That the said Senators, or either of them, may, from the time under their con-

trol on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

ARCHEOLOGICAL RESOURCES PROTECTION ACT OF 1979

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1090.

Mr. BAKER. Mr. President, reserving the right to object—and I will not object—this item has been cleared on our side. It will take a few minutes to get the Senator here who will manage the bill on this side, and I assume the situation is the same on the other side.

Mr. ROBERT C. BYRD. I will be glad to put in a quorum call, with the time not to be charged to either side.

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

The legislative clerk read as follows:

A bill (S. 490) to protect archeological resources owned by the United States, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and insert the following:

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Archaeological Resources Protection Act of 1979".

TABLE OF CONTENTS

SEC. 1. Short title and table of contents.
SEC. 2. Findings and purpose.
SEC. 3. Definitions.
SEC. 4. Excavation and removal.
SEC. 5. Custody of resources.
SEC. 6. Prohibited acts.
SEC. 7. Penalties.
SEC. 8. Civil damages.
SEC. 9. Rewards; forfeiture.
SEC. 10. Confidentiality.
SEC. 11. Regulations; intergovernmental coordination.
SEC. 12. Savings provisions; mining; rock collection.
SEC. 13. Report.

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) archaeological resources on public lands and Indian lands are an accessible and irreplaceable part of the Nation's heritage;

(2) these resources are increasingly endangered because of their commercial attractiveness; and

(3) existing Federal laws do not provide adequate protection to prevent the loss and destruction of these archaeological resources and sites resulting from uncontrolled excavations and pillage.

(b) The purpose of this Act is to protect, for the present and future benefit of the American people, the archaeological resources and sites which are on public lands and Indian lands.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "archaeological resource" means any material remains of past human life or activities which are of archaeological interest, as determined under uniform regulations promulgated pursuant to this Act. Such archaeological resources shall include, but not be limited to: pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, nonfossilized and fossilized paleontological specimens when found in an archaeological context, and any portion or piece of any of the foregoing items. No item shall be treated as an archaeological resource under regulations under this paragraph unless such item is at least fifty years of age.

(b) The term "Federal land manager" means, with respect to any public lands, the Secretary of the department, or the head of any other agency or instrumentality of the United States, having primary management authority over such lands. In the case of any public lands or Indian lands with respect to which no department, agency, or instrumentality has primary management authority, such term means the Secretary of the Interior. If the Secretary of the Interior consents, the responsibilities (in whole or in part) under this Act of the Secretary of any department (other than the Department of the Interior) or the head of any other agency or instrumentality may be delegated to the Secretary of the Interior with respect to any land managed by such other Secretary or agency head, and in any such case, the term "Federal land manager" means the Secretary of the Interior.

(c) The term "public lands" means—

(1) lands or interests in lands which are administered as part of—

(A) the National Park System,

(B) the National Wildlife Refuge System, or

(C) the National Forest System; and

(2) all other lands the fee title to which is held by the United States other than lands on the Outer Continental Shelf;

(d) The term "Indian lands" means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

(e) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (85 Stat. 688).

(f) The term "person" means an individual, corporation, partnership, trust, institution, association, or any other private entity or any officer, employee, agent, department, or instrumentality of the United States, of an Indian tribe or of any State or political subdivision thereof.

(g) The term "State" means any of the fifty States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

EXCAVATION AND REMOVAL

SEC. 4. (a) Any person may apply to the Federal land manager for a permit to excavate or remove any archaeological resource located on public lands or Indian lands and to carry out activities associated with such excavation or removal. The application shall be required, under uniform regulations under this Act, to contain such information as the Federal land manager deems necessary, including information concerning the time, scope, and location and specific purpose of the proposed work.

(b) A permit may be issued pursuant to an application under subsection (a) if the Federal land manager determines, pursuant to uniform regulations under this Act, that—

(1) the applicant is qualified to carry out the permitted activity;

(2) the activity is undertaken for the purpose of furthering archaeological knowledge in the public interests;

(3) the archaeological resources derived from public lands will remain the property of the United States, and such resources and copies of associated archaeological records and data will be preserved by a suitable university, museum, or other scientific or educational institution; and

(4) the activity pursuant to such permit is not inconsistent with any management plan applicable to the public lands concerned.

(c) If a permit issued under this section may result in harm to, or destruction of, any religious or cultural site, as determined by the Secretary of the Interior, before issuing such permit the Secretary shall notify any Indian tribe which may consider the site as having religious or cultural importance. Such notice shall not be deemed a disclosure to the public for purposes of section 10.

(d) Any permit under this section shall contain such terms and conditions, pursuant to uniform regulations promulgated under this Act, as the Federal land manager concerned deems necessary to carry out the purposes of this Act, to insure compliance with other applicable provisions of law, and to protect other resources involved.

(e) Each permit under this section shall identify the individual who shall be responsible for carrying out the terms and conditions of the permit and for otherwise complying with this Act and other law applicable to the permitted activity.

(f) Any permit issued under this section may be suspended by the Federal land manager upon his determination that the permittee has violated any provision of section 6, or the terms and conditions of the permit. Any such permit may be revoked by such Federal land manager assessment of a civil penalty under section 7(a) against the permittee or upon the permittee's conviction under section 7(b).

(g)(1) No permit shall be required under this section or under the Act of June 8, 1906 (16 U.S.C. 431) for the excavation or removal by any Indian tribe or member thereof of any archaeological resource located on Indian lands of such Indian tribe: *Provided*, That, in the absence of tribal law regulating the excavation or removal of archaeological resources on Indian lands, an individual tribal member shall be required to obtain a permit under this section or under the Act of June 8, 1906 (16 U.S.C. 431).

(2) In the case of any permits for the excavation or removal of any achaeological resource located on Indian lands, the permit may be granted only after obtaining the consent of the Indian or Indian tribe owning such lands. The permit shall include such terms and conditions as may be requested by such Indian or Indian tribes.

(h)(1) No permit or other permission shall be required under the Act of June 8, 1906 (16 U.S.C. 431–433) for any activity for which a permit is issued under this section.

(2) Any permit issued under the Act of June 8, 1906, shall remain in effect according to its terms and conditions following the enactment of this Act. No permit under this Act shall be required to carry out any activity under a permit issued under the Act of June 8, 1906, before the date of the enactment of this Act which remains in effect as provided in this paragraph, and nothing in this Act shall modify or affect any such permit.

(i) Issuance of a permit in accordance with this section and applicable regulations shall not require compliance with section 106 of the Act of October 15, 1966 (80 Stat. 917, 16 U.S.C. 470f).

CUSTODY OF RESOURCES

SEC. 5. The Secretary of the Interior may promulgate regulations providing for—

(a) the exchange, where appropriate, between suitable universities, museums, or other scientific or educational institutions,

of archaeological resources removed from public lands and, with the consent of the Indian or Indian tribe, Indian lands pursuant to this Act, and

(b) the ultimate disposition of such resources and other resources removed pursuant to the Act of June 27, 1960 (16 U.S.C. 469–469c) or the Act of June 8, 1906 (16 U.S.C. 431–433).

Following promulgation of regulations under this section notwithstanding any other provision of law, such regulations shall govern the disposition of archaeological resources removed from public lands and Indian lands pursuant to this Act.

PROHIBITED ACTS

SEC. 6. (a) No person may excavate, remove, damage, or otherwise alter or deface any archaeological resource located on public lands or Indian lands unless such activity is pursuant to a permit issued under section 4, a permit referred to in section 4(h)(2), or the exemption contained in section 4(g)(1).

(b) No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange any archaeological resource if such resource was excavated or removed from public lands or Indian lands in violation of—

(1) the prohibition contained in subsection (a); or

(2) any provision, rule, regulation, ordinance, or permit in effect under any other provision of Federal law.

(c) No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange, in interstate or foreign commerce, any archaeological resource excavated, removed, sold, purchased, exchanged, transported, or received in violation of any provision, rule, regulation, ordinance, or permit in effect under State, or local law.

(d) The prohibitions contained in this section shall take effect on the date of the enactment of this Act.

PENALTIES

SEC. 7. (a)(1) Any person who violates any prohibition contained in a regulation or permit issued under this Act may be assessed a civil penalty by the Federal land manager concerned. No penalty may be assessed under the subsection unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Federal land manager concerned.

(2) The amount of such penalty shall be determined under regulations promulgated pursuant to this Act, taking into account—

(A) the archaeological or commercial value of the archaeological resource involved; and

(B) the cost of restoration and repair of the resource and the archaeological site involved. Such regulations shall provide that, in the case of a second or subsequent violation by any person, the amount of such civil penalty may be double the amount which would have been assessed if such violation were the first violation by such person.

The amount of any penalty assessed under this subsection shall not exceed $1,000 for each violation or $2,000 in the case of a second or subsequent violation.

(3) Any person aggrieved by an order assessing a civil penalty under paragraph (1) may file a petition for judicial review of such order with the United States District Court for the District of Columbia or for any other district in which such a person resides or transacts business. Such a petition may only be filed within the thirty-day period beginning on the date the order making such assessment was issued. The court shall hear such action on the record made before the Federal land manager and shall sustain his action if it is supported by substantial evidence on the record considered as a whole.

(4) If any person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and such person has not filed a petition for judicial review of the order in accordance with paragraph (3); or

(B) after a court in an action brought under paragraph (3) has entered a final judgment upholding the assessment of a civil penalty, the Federal land managers may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. In such action, the validity and amount of such penalty shall not be subject to review.

(5) Hearings held during proceedings for the assessment of civil penalties authorized by paragraph (1) of this subsection shall be conducted in accordance with section 554 of title 5 of the United States Code. The Federal land manager may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Federal land manager or to appear and produce documents before the Federal land manager, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) Any person who knowingly violates, or solicits or employs any other person to violate, any prohibition contained in section 6 shall, upon conviction, be fined not more than $10,000 or imprisoned not more than one year, or both. If the commercial or archaeological value of the archaeological resources involved and the cost of restoration and repair of such resources exceeds the sum of $5,000, any person who knowingly violates, or solicits or employs any other person to violate, any prohibition contained in section 6 shall be fined not more than $20,000 or imprisoned not more than two years, or both. In the case of a second or subsequent violation under this subsection the penalty shall be $100,000, or five years, or both.

CIVIL DAMAGES

SEC. 8. (a) Any person who violates a prohibition contained in section 6 shall be liable to the United States for any damage to the archaeological resource involved and may be sued civilly in the United States district court for the district in which the resource in located.

(b) For purposes of this section, damages to an archaeological resource include—

(1) the archaeological value of the resource;

(2) the commercial value of the resource; and

(3) the cost of restoration and repair of the resource and the site involved.

REWARDS; FORFEITURE

SEC. 9. (a) Upon the certification of the Federal land manager concerned, the Secretary of the Treasury is directed to pay, from penalties and fines collected under section 7, an amount equal to one-half of such penalty or fine, but not to exceed $500, to any person who furnishes information which leads to the finding of civil violation or the conviction of criminal violation with respect to which such penalty or fine was paid. If several persons provided such information, such amount shall be divided among such persons. No officer or employee of the United States or of any State or local government who furnishes information or renders services in the performance of his official duties shall be eligible for payment under this subsection.

(b) All archaeological resources with respect to which a violation of section 6 occurred and which are in the possession of any person, and all vehicles and equipment of any person which were used in connection with such violation, may be (in the discretion of the court or administrative law judge, as the case may be) subject to forfeiture to the United States upon—

(1) such person's conviction of such violation under section 7(b);

(2) assessment of a civil penalty against such person under section 7(a) with respect to such violation; or

(3) a determination by any court that such archaeological resources, vehicles, or equipment were involved in such violation.

(c) In cases in which a violation of the prohibition contained in section 6 involve archaeological resources excavated or removed from Indian lands, the Federal land manager or the court, as the case may be, shall provide for the payment to an Indian or Indian tribe involved of all damages collected pursuant to section 8 and forfeitures under this section.

CONFIDENTIALITY

SEC. 10. Information concerning the nature and location of any archaeological resource for which the excavation or removal requires a permit or other permission under this Act or under any other provision of Federal law may not be made available to the public under subchapter II of chapter 5 of title 5 of the United States Code or under any other provision of law unless the Federal land manager concerned determines that such disclosure would—

(a) further the purposes of this Act or the Act of June 27, 1960 (16 U.S.C. 469–469c); and

(b) not create a risk of harm to such resources or to the site at which such resources are located.

REGULATIONS; INTERGOVERNMENTAL COORDINATION

SEC. 11. (a) The Secretaries of the Interior, Agriculture, and Defense, after consultation with other Federal land managers, Indian tribes, and representatives of concerned State agencies, and other public notice and hearing, shall promulgate such uniform rules and regulations as may be appropriate to carry out the purposes of this Act. Such rules and regulations may be promulgated only after consideration of the provisions of the American Indian Religious Freedom Act (92 Stat. 469; 42 U.S.C. 1996).

(b) Each Federal land manager shall promulgate such rules and regulations, consistent with the uniform rules and regulations under subsection (a), as may be appropriate for the carrying out of his functions and authorities under this Act.

SAVINGS PROVISIONS; MINING; ROCK COLLECTION

SEC. 12. (a) Nothing in this Act shall be construed to repeal or modify the mining or mineral leasing laws of the United States.

(b) Nothing in this Act applies to, or requires a permit for, the collection for private purposes of any rock or mineral which is not an archaeological resource, as determined under uniform regulations promulgated pursuant to this Act.

REPORT

SEC. 13. As part of the annual report submitted to the Congress under section 5(c)

of the Archaeological Recovery Act of 1960 (74 Stat. 220; 16 U.S.C. 469–469a), the Secretary of the Interior shall include a report to the Congress respecting the activities carried out under this Act.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, without the time being charged to either side.

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

Mr. ROBERT C. BYRD. 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. BUMPERS. 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. BUMPERS. Mr. President, I ask unanimous consent that Daniel Dreyfus, Michael Harvey, Tom Williams, Laura Beaty, and Tony Bevinetto of the Energy and Natural Resources Committee staff have the privilege of the floor during the consideration of S. 490.

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

UP AMENDMENT NO. 473

Mr. BUMPERS. Mr. President, I send three amendments to the desk.

The PRESIDING OFFICER. Does the Senator ask them to be considered en bloc?

Mr. BUMPERS. I ask unanimous consent that they be considered en bloc.

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

The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BUMPERS. 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:

1. On page 16, line 17, delete the semi-colon and add "and lands under the jurisdiction of the Smithsonian Institution.".

2. On page 16, beginning on line 18 through line 22, delete subsection (d) and insert in lieu thereof the following: "The term 'Indian lands' means land the fee title to which is held by Indian tribes, or Indian individuals, either in trust by the United States or subject to a restriction against alienation imposed by the United States.".

3. On page 22, following line 11, add a new subsection (e) as follows: "(e) Nothing in subsection (b)(1) of this section shall be deemed applicable to any person with respect to an archaeological resource which was in the lawful possession of such person prior to the date of the enactment of this Act.".

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 either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. 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. BUMPERS. Mr. President, I yield to the Senator from Oregon for a unanimous-consent request.

Mr. HATFIELD. I thank the Senator from Arkansas.

Mr. President, I ask unanimous consent that Cindy Calfee, Steve Crow, and George Ramonis be given the privileges of the floor during the debate on this matter.

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

Mr. BUMPERS. Mr. President, on May 15, the Energy and Natural Resources Committee reported S. 490, the pending measure. The amendments which I am offering are of a technical nature and are consistent with the intent of this proposal.

The first amendment would insure that persons in lawful possession of archeological resources prior to the date of enactment of this act may retain or dispose of those resources as they wish, without fear of prosecution.

The second amendment would exempt the lands under the jurisdiction of the Smithsonian Institution from the definition of public lands.

The third and final amendment clarifies the term "Indian lands" to mean those lands in which fee title is held by Indian tribes, or Indian individuals.

On February 26, 1979, S. 490 was introduced by Senators DOMENICI, SCHMITT, DECONCINI, GOLDWATER, and EAGLETON. The Subcommittee on Parks, Recreation, and Renewable Resources, of which I am chairman, held a hearing on May 1, 1979. Subsequent to that hearing, the bill was virtually redrafted based on testimony and further considerations by the sponsors and ordered it reported, with amendments.

The purpose of S. 490 is to provide greater protection than currently exists for archeological resources located on public lands and Indian lands by providing penalties commensurate with the value of the resources damaged or removed from those lands. It is hoped that this legislation will serve as a deterrent to the increasing incidence of looting archeological treasures found on those lands. Because of certain deficiencies in existing law, it has become evident that new authority is critically needed to insure adequate protection of these priceless resources.

Several important amendments were adopted by the committee during consideration of this proposal. I believe that a brief discussion of those changes would be beneficial to my colleagues. As introduced, S. 490 would have made it illegal to possess archeological resources. This provision was felt to be too onerous, and inconsistent with the purpose of the legislation—which is to stop illegal activities occurring on public lands and Indian lands. Therefore, the committee deleted "possession" as a prohibited act.

Next, the committee modified the penalty section by including a misdemeanor provision for violations involving archeological resources with a value of less than $5,000. Felony prosecutions would therefore be limited to major violations of the act.

I want my colleagues to be aware of a situation which now exists on the public lands, especially in the Southwest region. A handful of individuals have found it very profitable to enter inadequately patrolled public lands with backhoes or similar equipment and excavate sites of ancient ruins in search of artifacts. Some of the pottery which is removed is known to bring the sellers up to $20,000 on the national and international art market. Even more important than the loss of these artifacts, however, is the loss of the scientific information which is destroyed when sites are excavated by pottery hunters. Although no law currently exists to prohibit the sale of these illegally obtained artifacts, if enacted, section 6(b) of S. 490 would make that act illegal.

During the committee consideration of the civil penalty provision, the "ticket writing" enforcement authority for minor offenses administered by Federal land managers was thoroughly discussed. While the committee believes it is necessary to provide Federal land managers with a variety of enforcement measures appropriate to situations involving those who might unknowingly violate the act, the committee also recognizes the difficulties associated with adopting civil penalties.

The committee is aware that the potential may exist for abuse of this citation authority and expressed concern that the protection of individuals afforded by the presumption of innocence could be eroded by an arbitrary or excessive administrative application of civil penalties in contested situations. The committee, therefore, emphasized in its report that civil penalties should be used sparingly, and then only in situations which clearly warrant an enforcement action. This authority should not be used to harass those citizens in the normal use of public lands or those who inadvertently infringe on regulations in minor ways.

I wish to make clear that no provision of S. 490 would affect existing laws dealing with mining or mineral leasing. Some have been concerned that S. 490 might interfere with previously approved activities on public lands. Under the rules and regulations issued pursuant to the Antiquities Act of 1906, permits are issued to carry out surveys prior to the issuance of leases for uses of the public lands. This procedure would continue as it has in the past. But, once an activity in underway, other existing laws become applicable. Section 12 of S. 490 is designed to specifically protect multiple use activities on the public lands. In addition, this proposal would not interfere with field casting of paleontological specimens on the public domain. This activity is presently carried out under separate authority of the local land managing bureau which has immediate jurisdiction on the land in question.

Many members of the committee are concerned about the education of the visitors to our public lands, and I urge Federal land managers to publish in-

formation regarding the significance of archeological resources and the importance of their protection. While specific sites should not be signed, signs should be posted at popular access points to public lands to inform the visitor that such sites exist within the area and further, that such sites contain valuable information and are protected by law. Education of the visitor, may, in the long run, reduce the number of incidents on public lands.

Mr. President, I urge the adoption of these three amendments.

Mr. DOMENICI. Mr. President, has the Senator offered the three en bloc?

Mr. BUMPERS. Yes, they have been offered en bloc, and if the Senator from New Mexico wishes to discuss any part of those three amendments, I would be happy to yield to him for that or any other purpose.

Mr. DOMENICI. I merely wanted to say that, as the principal sponsor of the bill, I support them. I would only want to make the point that your first amendment, the one that makes sure that people in possession of artifacts not be prosecuted under this new statute, will define and make valid a constitutionally effective statute, in that we did not intend that they be subject to it when we reported it. Is that not correct, Senator BUMPERS?

Mr. BUMPERS. The Senator is correct.

Mr. DOMENICI. The Senator's amendment will clarify and make that more certain to others that it is precisely what we intended and what I intended.

I have no objection.

Mr. BUMPERS. I would say for the record that the two Senators from Arizona (Mr. GOLDWATER and Mr. DECONCINI) both express strong support for the amendment. As a matter of fact, Senator DECONCINI had the amendment prepared, and we just introduced it as one of the three being offered en bloc.

Mr. President, I ask for the adoption of those three amendments.

The PRESIDING OFFICER. Have the Senators all yielded back their time?

Mr. BUMPERS. I yield back the remainder of my time on the amendments.

Mr. HATFIELD. I yield back all our time.

The PRESIDING OFFICER. All time having been yielded back, the vote occurs on agreeing to these amendments.

The amendments were agreed to.

Mr. BUMPERS. Mr. President, I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I express my appreciation to the chairman of our subcommittee and the comanager of the bill today, Mr. BUMPERS.

Mr. President, the Antiquities Act of 1906, which has provided the legal basis for protecting America's prehistoric and historic heritage, is no longer adequate. Artifact hunters and collectors have been descending on national forests, parks, and public lands in ever increasing numbers. Depredations have occurred primarily in the Southwest but extend to all States including my own State of Oregon.

The drafters of the 1906 act could not have anticipated the lucrative market in these artifacts nor could they anticipate the use of bulldozers and backhoes in eliminating a piece of history to get a pot.

I fully support Senator DOMENICI's efforts to correct this problem. I would also point out that he has offered several refinements to his bill, S. 490, to strengthen and improve it. The committee unanimously accepted these amendments. The sponsors have offered other amendments which would conform with House-passed language. One amendment would assure those persons who now lawfully possess artifacts of their right to sell, transport, purchase, exchange, transport or receive archeological resources. I support this amendment along with the other two submitted en bloc.

Mr. President, S. 490, the Senate reported bill, has three additions that the sponsors and the distinguished floor manager have accepted and explained. I urge passage of S. 490 with the amendments, and also H.R. 1825, as amended to reflect the provisions of S. 490.

Mr. President, I merely want to take this opportunity to underscore that I personally am grateful to Senator DOMENICI, from New Mexico, for having given the initial thrust to this bill in our committee and in introducing the bill.

Senator DOMENICI has been long involved in this matter, and once again has demonstrated unique leadership in bringing this to a point where we now have a bill that I think people can live with without being subject to the severe and harsh penalties that were once considered important for this kind of legislation.

So I want to commend not only the initial idea by the Senator from New Mexico, but also his willingness to compromise and work out a bill now that I believe, once passed and once it is signed into law, will be enforceable and will protect the national treasures that have now been subject to vandalism and just plain being carried off by souvenir hunters and others who are not thinking of tomorrow or the next generation.

Mr. DOMENICI. Mr. President, will the Senator yield me 5 minutes?

Mr. BUMPERS. I would be happy to.

Mr. DOMENICI. I thank the Senator from Arkansas and the Senator from Oregon for bringing this matter through the committee to a final conclusion, and to the floor. I particularly want to thank the distinguished Senator from Arkansas. He is chairman of the subcommittee of the Committee on Energy and Natural Resources that has jurisdiction over this subject matter.

Frequently, unless a Senator has a particular interest in his State or his region, as busy as we have been, it is difficult for some Senators to find time to take up matters that are really of national interest, but another part of this great Nation is affected more than theirs. That was the case here.

Serious thieveries of American artifacts off of public domain lands are occurring, both Federal public domain and Indian trust lands, and it is not a small item; it is not just a little vandalism. It is a major industry in crime.

They actually are finding ways to get on to public domain with bulldozers. They have schemes to hire Mexican nationals and pay them on a concession basis, that if they will steal these valuable artifacts of our past history, they will pay them a kind of finder's fee.

The way the law is drawn today, in one whole section of the country, because of a circuit court opinion, we have no laws that can be enforced against that kind of public domain thievery. This was called to our attention out in the Southwest by U.S. attorneys who could not prosecute, who were very much concerned about finding a constitutional way to define an artifact, which would permit them to prosecute.

Senator BUMPERS took the time and put forth the effort because he saw it to be very important for our country, if not for his State, to enact this measure into law, and I thank him for that.

I also would like to say, lest there be some concern that this bill is intended to thwart the legitimate endeavors of people like Boy Scouts and the like to go onto the public domain and, as a matter of ethnic interest and, in pursuit of their educational growth, be looking for arrowheads and the like, that we do not have any intention to interfere with such legitimate pursuits, nor does this bill intend that.

For many years it was a crime to steal valuable artifacts. It is just that a court has ruled that, since we did not define the term "artifact," we were going to have to let criminals loose. The purpose of this bill is to plug that loophole, and at the same time grant those who have a reasonable and logical right to use the public domain to further their education and knowledge of American history to do so, without taking from it valuable artifacts.

Mr. President, as I say, recent court decisions have made the 1906 Antiquities Act unenforceable in certain States. In order to reinstate protection of archeological sites on public lands and to provide a more streamlined system for enforcement, this legislation was introduced. Joined by my distinguished colleagues in the Senate from New Mexico and Arizona, this legislation was introduced in February 26, 1979, as S. 490. The House passed a version of this legislation on July 10, 1979.

Since 1906, the law has stated that any antiquity found on public land is the property of the United States. Land managers were given authority to protect such finds with criminal prosecution of violators.

In recent years, the rise in prices of prehistoric Indian artifacts and other archeological resources has created a large international demand. Professional looters have been active in the Southwest and elsewhere pirating these sites on public lands, in some cases with bulldozers. Virtually tens of thousands of dollars worth of artifacts have been taken from public lands in New Mexico. Mimbres pots are being illegally dug out on consignment and sold in the international art market. And since the court decision, prosecutors in certain States are powerless to protect these national resources.

The general intent of this legislation is to deter this sort of criminal conduct

by restoring the enforcement provisions of the old act.

The bill provides that no archeological resources may be disturbed or removed from public lands without first receiving a permit from the Secretary of the agency whose lands are involved. In order to be able to enforce this provision, both criminal and civil procedures are provided. The civil prorcedures are designed to insure that casual, unwitting violators are protected from criminal prosecution. I believe this a significant improvement over the old act.

Other changes in the revised language of S. 490 which we consider today demonstrate a concern for those uncertainties raised by citizens of the Southwest in recent correspondences.

I am concerned as are Senators GOLDWATER, DECONCINI, and SCHMIDT about the rights of the legitimate private collector and private museums. I agree with Senator DECONCINI in his recommendation to delete possession of an object as one of the prohibited acts.

Another change that may be needed which is included is to insure that protection and deterrence is provided without infringing on Indian land rights and contributing to the destruction of Indian religious, cultural, or historical values. If a site is currently used for religious purposes, we must respect that use.

I want to make sure that the permitting procedures in this bill do not lay out another cumbersome, time-consuming constraint on legitimate mining, exploration and other activities on public lands. This bill in no way requires or obligates or burdens mining companies. I say that in no uncertain terms and with the concurrence of all committee members.

Finally, I say to the agencies which will be administering this law that it is incumbent upon them to educate the publice about these provisions. The old act was generally unenforced and little understood by the public. Perhaps the reluctance to subject a naive citizen to criminal prosecution was the reason for this. This new language will no longer necessitate such drastic measures. Enforcement has been greatly simplified yet retains the teeth necessary to deter the criminal. However, only proper promulgation of this bill and a conscientious educational effort to inform the citizens of what is expected of them on public lands will insure its practicability.

Mr. President, this bill embodies a workable, enforceable law to protect our national archaeological heritage while at the same time expanding the enjoinment of using the public lands by our citizens.

I ask unanimous consent to have printed in the RECORD an editorial from the Santa Fe New Mexican, dated Thursday, March 1, 1979, indicating that the adoption of this measure is a matter of considerable importance for our area, and an article published in the Albuquerque Journal of April 15, 1979, outlining the dimensions of the problem.

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

[From the New Mexican Opinion, Mar. 1, 1979]

ADOPT ARTIFACTS ACT

New Mexico's U.S. Sen. Pete V. Domenici and Arizona's U.S. Rep. Morris Udall have introduced measures in Congress which would prohibit the raiding of archaeological sites for profit.

The bills would have a direct effect on the looting and plundering of old Indian sites in New Mexico by collectors seeking priceless pottery, carvings and other artifacts.

The prices and demand for these prehistoric Indian materials have risen so high that unscrupulous collectors and dealers are using mechanical equipment to rip open sites.

Because of this greed and careless destruction of archaeological sites, important scientific information is being lost forever.

Domenici and Udall have introduced identical measures which would make raiding Indian ruins a federal offense punishable by up to two years in prison and up to $20,000 in fines. Any archaeological resources which are recovered would be confiscated.

This proposed federal act contains several features which make it a good law which both federal and state officials can use to protect archaeological sites.

If enacted, the law would dovetail with existing state laws, such as New Mexico's, so that offenders could not skip to another state to avoid prosecution.

The bill would provide for civil penalties such as light fines and confiscation of artifacts for pottery hunters who accidently violate the law.

The bill would provide a $2,500 reward to people who report illegal activity. Hunters, hikers and other outdoor recreation enthusiasts would be encouraged to report archaeological raiding if they knew they would be eligible for a reward.

This act is needed to prevent the wholesale destruction of our Indian heritage by persons bent on profits not preserving history. Legitimate archaeological research would be permitted through an Interior Department permit system.

Congress should act favorably on this measure as soon as possible to provide the umbrella of federal jurisdiction needed to adequately protect these sites.

[From the Albuquerque Journal, Apr. 15, 1979]

LOOTERS DESTROYING UNWRITTEN HISTORY; NEW BILL SUPPORTED

(By Larry Brown)

Professional and amateur archaeologists, who have been watching with mounting rage and frustration as looters destroy America's unwritten past in the southwest, are applauding the course through Congress of a bill aimed at stopping the pillage.

Today the systematic looting of archaeological sites is a high-profit, small-risk venture.

Looters find eager markets for pottery, shards, effigies, stone tools and other relics on the east and west coasts, in Japan and in Europe. They are leaving behind trails of desecration.

Reportedly one pottery bowl taken from a Mimbres cultural site in southwest New Mexico was marketed on the east coast for $20,000.

Prices ranging from $1,000 to $4,000 are not unusual.

Professional looters rip into sites using backhoes and bulldozers, and, says Jerry Brody, head of the Maxwell Museum at the University of New Mexico, "They literally destroy the site and completely ruin any possibility of scientific investigation."

Current law, the Antiquities Act of 1906, provides only a $500 fine and 90 days in jail as a maximum penalty for such looting, and, in addition, has come under attack as being constitutionally vague.

The U.S. Tenth Circuit Court of Appeals, with jurisdiction in New Mexico, Kansas, Oklahoma, Colorado, Utah and Wyoming, has upheld the act in the case of two Deming pottery dealers sentenced in U.S. District Court in Las Cruces in January to serve 90 days on each of 11 counts after being found guilty of excavating Mimbres Indian bowls.

Tenth Circuit Court of Appeals judges ruled the act "gives a person of ordinary intelligence a reasonable opportunity to know that excavating prehistoric Indian burial grounds and appropriating 800- to 900-year-old artifacts is prohibited."

The Ninth Circuit Court of Appeals, which has jurisdiction in states west of the Tenth Circuit states, ruled the 1906 act unconstitutional.

In Albuquerque U.S. Magistrate Peter Gallagher found the law unconstitutional in the trial of a man charged with excavating pottery pieces at a 900-year-old Zuni ruin. In August 1977, Gallagher dismissed charges against a 25-year-old Harvard medical student because he said the law was vague.

Because of the conflict between the rulings by the Ninth and Tenth Circuit Courts of Appeals the issue may go to the Supreme Court.

Even when the law has been enforced, authorities say professional "pothunters"—the term most often used—see the penalties as part of the cost of doing business.

The new bill is being pushed in Congress by a number of sponsors from southwestern states, including all New Mexico senators and House members. New penalties could range as high as $100,000 in fines and five years in prison for two or more violations.

The maximum penalty for a first conviction is $20,000 and two years in prison.

And the bill—the "Archaeological Resources Protection Act of 1979"—seeks to overcome the fact that many sites are remote and there is a lack of federal manpower to police them by adding rewards up to $2,500 for information leading to the conviction of violators.

Brody said prior to the passage of a state law last year, which made the use of bulldozers at archaeological sites illegal, much of the fragile Mimbres culture which thrived around 950 to 1150 A.D. near Silver City was destroyed.

"Much of it was completely wiped out," he said. "Bowls were buried with individuals under the floors of rooms, and to reach them pothunters went in with bulldozers and zip, zip, zip—it's gone.

"We're not talking about a family out on a picnic picking up a piece, but big business that can afford bulldozers and expecting to make a couple of hundred thousand in their enterprise," he said.

Brody is especially distressed about the Mimbres Culture because he has studied it for years, and last year published a book about it. But other sites in the state have suffered a similar fate.

Richard Bice of Albuquerque, a member of the New Mexico Archaeological Society, said other areas raided by professional pothunters include the lava beds near Grants and a site on Forest Service land in the Jemez Mountains.

"It is primarily of concern in the Mimbres area because of the type of pottery the ancient peoples made was very well decorated with animal and human figures, and the price a bowl decorated like that can bring is in the thousands of dollars," Bice said.

The New Mexico Archaeological Society has strongly endorsed the proposed bill.

The proposed law is not without detractors, however.

Ironically, two people who have spoken out against it are amateur members of the Grant

County Archaeological Society, who have studied the Mimbres Culture around Silver City.

Mrs. Joe Haymes, of Silver City, calls the bill "a thievery act."

"Because it's retroactive they can take away private collections," she said. "The way it's written, a fossil collector can't even pick up an ordinary rock without ending up in the penitentiary."

She said because the bill identifies an "archaeological resource" as something at least 50 years old, the bill is going to hurt salvage operators, junk dealers, barbwire collectors, bottle collectors and other amateurs.

Kenneth Cookin, also of Silver City, said he is concerned about a section of the bill that requires such resources be preserved "for a satisfactory period of time" by a university, museum or other scientific or educational institution.

Cookin claims priceless items have passed through museums and universities after a "satisfactory period" to other countries.

A collection once at Western New Mexico University is now in Mexico City in a museum, he claims, and another collection given to the University of New Mexico is now in London, England.

"The real pothunters are from the universities," Cookin said, "and these people are a big marketing factor in pottery and artifacts. They are also interested in turning what belongs to us all into their own private collections."

Cookin said the bill will hurt "amateurs," and makes a strong case for amateur archaeologists.

"King Tut's tomb was found by an amateur," he said. "The old Viking coin, the Folsom sites over in Texas, all found by amateurs. In many cases amateurs are doing a finer, more dependable job, than professionals from universities."

Mrs. Haymes also claims university archaeologists . . . take the cream from sites they explore.

"Did you ever visit an archaeologists's home?" she asked. "Barry Goldwater has a fabulous collection—I've seen it."

Sen. Barry Goldwater, R-Arizona, is one of the sponsors of the bill.

"If this bill passes we'll have to stand by and watch our country be raped by pothunters with doctor's degrees behind their names," Mrs. Haymes said.

To support their argument against the bill, Mrs. Haymes and Cookin use exactly the same argument as those who support the bill.

"These things on federal land belong to all the people," they said, and the sentiment was echoed by Mark Michel, one of the bill's strongest supporters.

Michel, of Santa Fe, is also a member of the New Mexico Archaeological Society.

"These things are the property of the United States and should only be removed by a permit," Michel said. "Instead they are finding their way into the international market, in Japan, Paris, New York."

As far as the law allowing the government to take private collections, Michel said, "The government could seize them right now if they could prove they were taken illegally."

Michel said the chances of this happening are "not likely. It would be pretty hard to prove."

Brody, who supports the bill, defends the "professional" archaeologists from universities.

"We have a different philosophy, usually conservative and conservation minded. Amateurs frequently are not," he said.

POTHUNTERS OBLITERATE MIMBRES PAST

(By Dr. Jerry Brody)

Jerry Brody tenderly cradled a rough clay bowl in his hands.

Brody was in the basement of the Maxwell Museum standing in front of shelves of pottery and artifacts.

"We don't like to discuss the appraised value of a piece because when we put it on display we want people to think about the artifact and not think of dollar bills," Brody said.

He was talking about the fact a Mimbres bowl was reported sold to a dealer on the east coast for $20,000.

"We don't put a price tag on pots," he said, "but if we did . . ."

The outside of the Mimbres pottery bowl was earth colored and unfinished, but the inside was as smooth as glass and depicted two mountain sheep in a swirling pattern.

"I have personally handled about 4,000 Mimbres pots and if I didn't know where this came from I would be suspicious. It's in almost too fine a condition, but it is documented."

The pot was discovered by Steve LeBlanc, a member of the private Mimbres Foundation. The ancient Pueblo culture placed such pots over the heads of deceased people when they buried them.

"After he found it, it took him two days just to dig it out," Brody said. "If it had been found by a professional pothunter it would just have been grabbed. They don't consider that with documentation it would be more valuable, they are after the quick buck."

Brody said Mimbres pottery is particularly valuable to researchers because the execution is remarkably fine and because it fits the ideals of what a work of art is.

The pottery has pictures of life forms, animals, people, birds, interaction, and Brody said, "Not only carries an awful lot of information about people but appeals to our humanity." The ancient culture near Silver City was unique to the southwest, he said. Evidence shows there was considerable trade with other parts of the southwest.

Unfortunately, many intriguing questions raised by Mimbres research may never be answered. Looters systematically destroyed sites searching for artifacts to market.

Brody reaches down another bowl, holding it up to show three holes smashed through the bottom.

"Sometimes when we find a hole in a pot we know it was a kill hole, and the pot was placed over a dead person. But what happened here is that a pothunter, probably using an eight to 10 foot long iron bar, poked around in the ground.

"The pothunter hopes to hear a clink as a reward to tell him he'd found something," Brody continues, using the crafts of his trade to read the actions of a 20th century man.

"The hunter tried and missed, but he hit this pot three times," he said. "The vandalism at the site is terrible, and these pothunters are stealing property that belongs to all of us."

Mr. DOMENICI. I thank both Senators for their efforts, and for yielding me time.

Mr. BUMPERS. Mr. President, I ask unanimous consent that a statement by the Senator from Arizona (Mr. DECONCINI) be printed in the RECORD at this point.

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

STATEMENT BY SENATOR DECONCINI

ARCHAEOLOGICAL RESOURCES PROTECTION ACT OF 1979

Much of this Country's cultural heritage has evolved on what is now federally owned land, especially in the West and Southwest. The physical remnants of those cultures, including our own immediate past, remain on public lands and in public ownership. We share this heritage and share the responsibility and obligation to treat this great resource with respect, and in a manner that will best serve the present and future public interest.

American archaeological and historic artifacts have a great deal of cultural and sociological value; and, of course, monetary value. These artifacts are valued not only in the United States but throughout the world by public institutions, private collectors, and investors. Because of this wide interest, there has been, in recent years, a massive assault on archaeological sites and other historic resources which remain on Federal lands. Profit-minded looters, using sophisticated equipment, are stealing and destroying the last vestiges of our heritage.

Contributing to this deplorable situation has been the lack of the legal protection originally intended by Congress through the Antiquities Act of 1906. Relevant provisions of the Antiquities Act have been held unconstitutionally vague in the Ninth Circuit by the U.S. Court of Appeals, (which includes Arizona). In effect, this ruling invites professional looters to raid the public lands in nine Western States by tying the hands of Federal enforcement agencies.

I commend my distinguished colleague, Senator Bumpers and his capable staff, for their dedication to the purposes of this act. Through their efforts, a legislative proposal has been reported that is structured enough to meet our objectives, but flexible enough to accommodate the many and sometimes conflicting demands on our public lands and resources.

The Archaeological Resources Protection Act clearly defines, for the first time, the term "Archaeological Resource." Artifacts and objects which have historical significance are included, but the Act differs from the Antiquities Act by excluding the paraphernalia of our present-day society. It should be stressed that this proposal includes only those objects which are already on public lands and which are already in public ownership. Certain specific exemptions have been recommended, but it should be pointed out that simply omitting a class of objects from this definition of an archaeological resource, and from the scope of this Act, would not allow the acquisition of those objects by private individuals. To infer otherwise would be misleading.

From the letters and comments I received from my constituents after the bill was introduced, it became clear that certain provisions of the Act as originally drafted would unintentionally affect some individuals and businesses who have legitimate concerns and interests. Most of conflicts were addressed and corrected in committee mark-ups.

However, my greatest concern with the bill as reported, was with the prohibition against selling or exchanging resources currently in private possession. It was the intent of this sponsor to prevent the future destruction of archaeological treasures and not unjustly punish private collectors and others who have acted legally in the past. It has been my concern that the provisions of Section G, subsections (b) and (c) should not be applicable with respect to any archaeological resource, if the resource was removed from the public land or Indian lands prior to the date of enactment of this Act.

Since the bill has been amended to include the "grandfather" provision, I am satisfied that it can be workable and practical. This amendment insures museums, institutions, and thousands of individuals who legally own archaeological artifacts that they will not be in violation of Federal law if they wish to sell, exchange, or transport

those artifacts. There should be, of course, no exemption for the sale of artifacts taken illegally from the public lands after the date of enactment of this act.

The bill as reported by the committee, and amended, differs in several respects from the companion bill reported by the House of Representatives, (H.R. 1825). Some of the differing provisions of the House bill are not without merit and should be given consideration by the conferees. For example, the House bill would permit a Governor of any State to receive a permit on behalf of the state or its educational institutions, for any designee as the Governor deems qualified. I could support such a provision if the designee is required to possess the same qualifications or meet the same requirements as any other individual who would apply for a permit through regular channels. Protection of our public resources is a responsibility willingly shared by our State governments and by the citizens of the State. This law, like any other law, can only work if it has the active support of the local people. The people of Arizona are known for their respect of the public lands. They have done much over the past 100 years to protect the character and vitality of the public lands and Indian lands while promoting the careful and rational use of our natural resources.

In that regard, nothing in this Act is intended to restrict public access to the Federal lands or modify multiple use activities now permitted under existing laws.

I truly regret that it is necessary to legislate to protect the interests of the vast majority from the reckless greed of a relative few, but I am pleased to note the bill is an improvement over the Antiquities Act in several positive aspects. It not only eliminates criminal penalties for most minor violations, it expands the permit process and will have the positive effect of including a greater segment of our population in orderly excavations. It will also promote a greater knowledge and understanding of our heritage through an expanded exchange program between museums and other institutions.

In total, it is my belief that this Act will serve notice that our common heritage should be shared openly and that the plundering of our publicly owned archaeological and historic resources will no longer be tolerated.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 1825, the House companion measure to S. 490.

The PRESIDING OFFICER. Will the Senator withhold for a moment on that? The bill is open to further amendment. Are there further amendments?

Mr. DOMENICI. 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. BUMPERS. 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. BUMPERS. Mr. President, if there be no further amendments, I move the adoption of the committee amendment, as amended.

Mr. GRAVEL. Mr. President, I wonder if I might be recognized at this point.

The PRESIDING OFFICER. Does the Senator from Arkansas yield time to the Senator from Alaska?

Mr. BUMPERS. Are we under controlled time?

The PRESIDING OFFICER. We are under controlled time. The Senator has 8 minutes remaining on the bill.

Mr. BUMPERS. How much time does the Senator need?

Mr. GRAVEL. How much time is there on amendments?

The PRESIDING OFFICER. Twenty minutes, equally divided, on each amendment.

Mr. GRAVEL. If I may have about 8 or 10 minutes, it is not my purpose to delay. I just want to raise some items for the RECORD that are very important to me and my State. I would hope I might have this time.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Arkansas and the distinguished Senator from Oregon may have an additional 10 minutes each on the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I yield 10 minutes to the Senator from Alaska.

Mr. GRAVEL. Mr. President, although the people putting this bill together apparently took deliberate effort to avoid direct amendment of the 1906 Antiquities Act, the major effect of the legislation before us would be to amend the original act to include a more comprehensive list of prohibited activities, such as purchasing and transporting artifacts, and more severe penalties for such activities.

I wholeheartedly concur that such revisions are necessary to deal more effectively and realistically with the problems of the theft and destruction of our historical and archeological heritage on Federal lands. But, just as the Antiquities Act is not effective today in doing what it was intended to do, other portions of the act are being used for purposes which were never envisioned or intended by the original authors. I submitted testimony to the committee when hearings were held on this measure encouraging the members to examine all the intents and provisions of the 1906 Antiquities Act to see if it is working in the way it was designed. I sincerely feel the following amendments are vital to make this act truly responsive to the goals of protecting historic and archéological resources:

HISTORIC AND SCIENTIFIC INTEREST

The act gives the President authority to withdraw "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest" as national monuments. Yet, on December 1, 1978, the Secretary of the Interior proclaimed 56 million acres in Alaska as national monuments which have long been studied and acclaimed by the Interior Department and environmental groups for their scenic, recreational, wilderness, and fish and wildlife values. In only a very few distinct areas have historic and archeological values been of prime concern. In the House and Senate reports on the Antiquities Act it is clear that the purpose of the act is to protect distinct archeological areas and sites and "objects," not for the far broader purposes attributed to our national park or wildlife refuge systems.

Thus, I would recommend the definition of "objects of historic or scientific interest" be amended in the act to include only historic, archeological remains associated with human behavior.

SIZE OF WITHDRAWALS

The act further provides that the land withdrawn "shall be confined to the smallest area compatible with the proper care and management of the objects to be protected." In a floor colloquy on the bill in the House in 1906, the following exchange took place:

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

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

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

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

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

Despite this clear intent, the President in his proclamation last year in Alaska withdrew 56 million acres of land. The 56 million acres—over half the area of California—is by no stretch of the imagination the "smallest area" necessary for the "objects" protected. Clearly the Congress needs to clarify the limits of this authority. I would strongly recommend that any proposal to create a monument greater than 5,000 acres be submitted to Congress for approval by joint resolution under expedited procedures similar to those under the Alaska Natural Gas Transportation Act. The 5,000-acre provision conforms to the limits of the discretionary authority granted the Secretary of the Interior for land classification decisions under the Federal Land Policy and Management Act of 1976—the BLM Organic Act. These provisions should also be made retroactive to the end of the last Congress to cover the President's actions in Alaska.

LAND USES

Because the designation of national monuments places the units within the National Park System, the areas by definition fall under prescribed rules and regulations governing park units. One such prohibition, that on hunting, has presented an especially capricious and onerous situation in Alaska. There appears no clear reason why the protection of historic or scientific artifacts or other objects should, by definition, be lessened by such land uses as hunting and perhaps other activities. Rather than arbitrarily ruling out various land uses validly existing at the time of proclamation, the act should be modified to permit such uses to the extent that they do not interfere in the protection of or result in harm to archaeological or historic resources.

Mr. President, I ask unanimous consent to have printed in the RECORD S. 1176, which I introduced earlier this

year, which contains the specific amendments I have discussed along with related background material. This measure has been cosponsored by 14 other Senators. It has received the backing of the Alaska State Legislature, the National Cattlemen's Association, the Public Lands Council, the National Wool Growers Association, the Western States Legislatitve Forestry Task Force, and other Alaskan and national organizations. I ask unanimous consent to have printed in the RECORD resolutions from these organizations.

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

S. 1176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "the Antiquities Act and Federal Land Policy and Management Act Amendments of 1979".

ANTIQUITIES ACT AMENDMENTS

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

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

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

"(2) For purposes of this section—

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

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

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

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

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

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

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

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

FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976 AMENDMENT

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

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

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

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

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

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

THE "EMERGENCY"

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

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

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

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

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

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

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

ANTIQUITIES ACT PROVISIONS

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

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

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

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

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

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

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

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

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

The President of the United States is authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. When such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is authorized to accept the relinquishment of such tracts in behalf of the Government of the United States. (June 8, 1906, ch. 3080, § 2, 34 Stat. 225.)

[REPORT No. 3797]

PRESERVATION OF AMERICAN ANTIQUITIES

REPORT

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

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

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

[REPORT No. 2224]

PRESERVATION OF AMERICAN ANTIQUITIES

REPORT

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

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

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

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

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

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

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

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

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

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

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

PRESERVATION OF AMERICAN ANTIQUITIES

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

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

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

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

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

PRESERVATION OF AMERICAN ANTIQUITIES

House, June 5, 1906.

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

The clerk read as follows:

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

Be it enacted, etc., That any person who shall appropriate, excavate, injure, or destroy

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

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

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

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

The SPEAKER. Is there objection?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Public Law 94-579—Oct. 21, 1976]

FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976

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

WITHDRAWALS

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

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

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

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

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

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

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

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

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

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

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

(7) a statement of the consultation which has been or will be had with other Federal departments and agencies, with regional,

State, and local government bodies, and with other appropriate individuals and groups;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PUBLIC LANDS COUNCIL,
Washington, D.C.,
NATIONAL CATTLEMEN'S ASSOCATION,
Denver, Colo.,
NATIONAL WOOL GROWERS ASSOCIATION,
Washington, D.C.,
JULY 12, 1979.

Senator MIKE GRAVEL,
Dirksen Building,
Washington, D.C.

DEAR SENATOR GRAVEL: A formal note to insure our support for your bill S. 1176, "An Act for The Preservation of American Antiquities."

Please keep us informed as to any action which you feel we could undertake to enhance enactment of this measure.

Sincerely,

RONALD A. MICHIELI,
Director, Government Affairs for Land and Natural Resources-NCA, Executive Director-PLC.

[Western States Legislative Forestry Task Force]

A RESOLUTION RELATIVE TO LIMITING PRESIDENTIAL POWERS UNDER ANTIQUITIES ACT

Whereas, the "property clause" of the U.S. Constitution reserves unto Congress the authority to appropriate federal lands; and

Whereas, the 95th Congress considered legislation directed to appropriation of large quantities of federal lands in Alaska and refused to pass such legislation; and

Whereas, the 96th Congress is again considering such federal land appropriation proposals; and

Whereas, in December of 1978, notwithstanding the appropriate provisions of the U.S. Constitution, acted to declare 17 National Monuments in Alaska totaling some 56 million acres, relying upon provisions of the Antiquities Act of 1906; and

Whereas, the Antiquities Act is intended to grant to the President the authority to

protect "objects of historic or scientific interest" in the "smallest area compatible with the proper care and management of the objects"; and

Whereas, the President in declaring such 17 National Monuments clearly exceeded the authority granted pursuant to the Antiquities Act of 1906 and usurped authority reserved to Congress; and

Whereas, the Secretary of Interior withdrew an additional 40 million acres of federal lands in Alaska as wildlife refuges in reliance upon authority granted the Secretary of Interior by the BLM Organic Act with respect to emergency situations; and

Whereas, the action of the Secretary of Interior was precipitous and not for the purpose of dealing with a true emergency; and

Whereas, the actions of the President and his Secretary of Interior resulting in the incredibly large federal land withdrawals have caused substantial harm to many Alaskans as well as clouding the ability of our nation to realize important energy and mineral potential contained in such lands; and

Whereas, the Congress may remedy the harm caused by the precipitous acts of the President and the Secretary of the Interior

Now, Therefore, Be It Resolved that the Western States Legislative Forestry Task Force does hereby support legislation that would:

1. Require any proposal to create National Monuments aggregating more than 5000 acres of federal land located in any one state be submitted to Congress for approval by joint resolution under expedited procedures similar to those under the Alaska Natural Gas Transportation Act; and

2. Provide that land uses validly occurring at the time a National Monument is established will not be prohibited unless they directly impact historic or archaeological sites or remains; and

3. Define "objects of historic or scientific interest" as used in the Antiquities Act of 1906 to include only historic, archaeological remains associated with human behavior; and

4. Provide more direct, positive congressional review of administrative land withdrawals

Be It Further Resolved that the Executive Director be and he is hereby authorized and directed to forward copies of this Resolution to the President of the United States, the Secretary of Interior, the Congressional Delegations and Governors of the Task Force member states.

Upon motion by Representative Oral Freeman of Alaska, seconded by Senator Lowell Peterson of Washington, the foregoing Resolution was unanimously passed and adopted by the Western States Legislative Forestry Task Force at a regular meeting thereof on March 26, 1979, held in the Rayburn House Office Building in Washington, D.C.

RICHARD A. ROBYN,
Executive Director.

RESOLUTION

Be it Resolved by the House of Representatives:

Whereas the vast areas of land in Alaska withdrawn under the 1906 Antiquities Act and the Federal Land Policy and Management Act of 1976 by the President of the United States and the Secretary of the Interior far exceed any reasonable concern for the temporary protection of the land until such time as Congress can dispose of it as provided for in 17(d) (2) of the Alaska Native Claims Settlement Act of 1971; and

Whereas the 1906 Antiquities Act was originally intended to protect archaeological sites in the Southwest, and not to close large tracts of land to exploration for and development of oil, gas, minerals, and other natural resources; and

Whereas the effect of creating 17 national monuments in Alaska, covering approximately 56,000,000 acres under the 1906 Antiquities Act, and withdrawing approximately 40,000,000 acres under sec. 204(c) of the Federal Land Policy and Management Act of 1976, not only prevents the exploration for and utilization of natural resources for the benefit of the whole Nation, but also blocks access to adjacent areas which have high natural resources potential; and

Whereas it makes no sense that while the Nation is experiencing a continuing and increasing dependency on foreign oil at great cost, and frequently from unstable and unreliable foreign sources, the Nation should foreclose opportunities for development of energy resources and non-fuel minerals at home; and

Whereas a majority of the American public favors exploration for energy resources within federal wilderness areas;

Be it resolved that the Alaska House of Representatives wholeheartedly supports proposed legislation presently being circulated in Congress that would curb the powers of the President of the United States and of the Secretary of the Interior to arbitrarily withdraw federal land under the 1906 Antiquities Act and the Federal Land Policy and Management Act of 1976 without Congressional approval; and be it

Further resolved that the Alaska House of Representatives favors an amendment to the 1906 Antiquities Act to require that the creation of any national monument in excess of 5,000 acres under the Act be approved by Congress by concurrent resolution; and be it

Further resolved that existing land uses, including hunting, mining, guiding, hiking, boating, and use of motorized vehicles, not impacting the historic or archaeological sites or remains for which a national monument was created under the 1906 Antiquities Act, be allowed to continue; and be it

Further resolved that a more precise definition of "objects of historic or scientific interest" as used in the 1906 Antiquities Act be required to avoid having almost any land proclaimed a national monument; and be it

Further resolved that sec. 204(c) of the Federal Land Policy and Management Act of 1976 be amended to require Congressional approval for administrative land withdrawals instead of the existing Congressional veto.

Copies of this resolution shall be sent to the Honorable Jimmy Carter, President of the United States; the Honorable Cecil D. Andrus, Secretary of the Interior; the Honorable Henry S. Jackson, Chairman of the Senate Committee on Energy and Natural Resources; the Honorable Morris K. Udall, Chairman of the House Committee on Interior and Insular Affairs; the Honorable John B. Breaux, Chairman of the House Subcommittee on Fisheries and Wildlife Conservation and the Environment; the Honorable John M. Murphy, Chairman of the House Committee on Merchant Marine and Fisheries; the members of the Special Task Force on Alaska Lands; John W. Katz, Special Counsel to the Governor of Alaska on (d) (2) Lands; Earl Miller, President of the Citizens for the Management of Alaska Lands; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

Mr. GRAVEL. The distinguished chairman of the Parks and Recreation Subcommittee, Senator BUMPERS, has most graciously offered to hold hearings on S. 1176 in the near future and I would hope that the issues I have raised here could be thoroughly examined by the committee at that time. I am sure that they also will come to the conclusion that the 1906 Antiquities Act has been greatly abused and that changes are required most expeditiously.

I would just like to state that I am very grateful to the floor managers for this opportunity to present my thoughts on this legislation. The efforts of my staff have been coordinated with those of the staff of the Senator from Arkansas, and I believe the minority as well, to seek a date for hearings on the bill that I had introduced (S. 1176).

Apparently, those hearings have been scheduled tentatively for the 13th of September. I wonder if there has been a final decision made on that. It was my hope originally to couple my efforts with this legislation, but this legislation has moved along faster than I could have my legislation move. Obviously, this bill before us has merit and should go forward. But I am deeply concerned that we can arrive at some focus on this other legislation for a lot of reasons, not the least of which, Mr. President, is that the President is misusing the law.

For those Senators who want to avail themselves of the information, I am placing in the RECORD a colloquy that took place in 1976 between Mr. Stephens and Mr. Lacey where they talked about the intent of the Antiquities Act. It is very clear that the intent of that act was not to set aside large blocks of Federal domain, but to set aside small sites to protect artifacts, and scientific sites. That use has been totally exaggerated. In fact, I think it would be better if we called it misuse.

In the case of Alaska the Secretary of the Interior and the President of the United States were pressing for passage lands legislation in the Congress and Secretary Andrus and even the President had said repeatedly, "If that legislation does not pass the Congress, we are going to invoke the Antiquities Act." It was a clear threat and had nothing to do with the merits of what that Antiquities Act was intended for; those merits being a protection of a scientific or historic site. When legislation was not effected in the Congress the President of the United States, in my mind, totally breached the law.

His actions are now being litigated by the sovereign State of Alaska, by the Anaconda Co., and a Native corporation of Alaska, all litigating the Federal Government over this abusive use of existing law. It becomes almost ironic that the President would cite that law for the taking of 56 million acres of land in Alaska creating national monuments when in no other part of Federal law can the President unilaterally and permanently take more than 5,000 acres. In this particular case he took 56 million acres. The impact of this and other withdrawals is to take 40 million acres of sedimentary basins out of U.S. inventory of potential oil and gas.

So that you, Mr. President, may understand what 40 million acres of sedimentary basins means in Alaska, the Prudhoe Bay find, which has one-third of all the oil in the U.S. reserve and one-fourth of all the U.S. gas in the U.S. reserve, occupies 190,000 acres. Forty million acres

will be taken out of inventory. Frequently in meetings I have had with the White House staff, we are told, "Even if we had gotten all the money we needed through oil and gas, oil and gas are not out there to be discovered. Therefore, we do not need the money in that area of our economy." What an irony, that they have established a self-fulfilling prophecy by withdrawing this kind of acreage through the specious exercise of a law which was not intended for this purpose.

I thank my colleague from Arkansas for giving me this time. I have essentially stated my piece. My hope is that the committee will grant us the hearing so that the State of Alaska can make its case and so that the Secretary of the Interior can come before the Energy Committee and state his reasons for the use of the Antiquities Act on the scale that it was used in Alaska. I think that would be edifying to the Senator from Arkansas. It would also be edifying to the committee, to the Congress, and to anybody else who is concerned about the misuse of power.

I make that respectful request with regard to those hearings and thank my colleague for the accommodation he has already indicated both publicly and privately to me in this regard.

Mr. BUMPERS. I would say to the Senator from Alaska that we have set September 13 as the date for the hearings I promised him on the Antiquities Act.

Mr. President, I move adoption of the committee amendments to S. 490.

The PRESIDING OFFICER. If there is no further amendment, the question now is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. BUMPERS. Mr. President, I yield back the remainder of my time.

Mr. HATFIELD. Mr. President, I yield back the remainder of my time.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 1825, Calendar No. 252.

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

The legislative clerk read as follows:

A bill (H.R. 1825) to protect archeological resources on public lands and Indian lands, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed immediately to the consideration of the bill.

Mr. BUMPERS. Mr. President, I ask unanimous consent that all after the enacting clause be stricken and that the language of S. 490, as amended, be inserted in lieu thereof.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

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

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 1825), as amended, was passed.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate bill S. 490 be indefinitely postponed.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business not to exceed 30 minutes and that Senators may speak therein up to 5 minutes each.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business extend for not more than 1 hour and that Senators may speak therein up to 20 minutes each.

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

MESSAGES FROM THE PRESIDENT

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

MESSAGES FROM THE HOUSE

At 10:08 a.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the amendment of the House to the bill (S. 976) to authorize appropriations for the international affairs functions of the Department of the Treasury for fiscal year 1980.

At 12:03 p.m., a message from the House of Representatives delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following bill, with an amendment in which it requests the concurrence of the Senate:

S. 640. An act to authorize appropriations for the fiscal year 1980 for certain maritime programs of the Department of Commerce, and for other purposes.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 244. A joint resolution to authorize and request the President to issue annually a proclamation designating the first Sunday of September following Labor Day of each year as National Grandparents Day.

ENROLLED BILLS SIGNED

At 12:30 p.m., a message from the House of Representatives delivered by Mr. Gregory, announced that the Speaker has signed the following enrolled bills:

S. 976. An act to authorize appropriations for the international affairs functions of the Department of the Treasury for fiscal year 1980; and

H.R. 1786. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

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

At 3:29 p.m., a message from the House of Representatives delivered by Mr. Berry, announced that the House has passed the bill (S. 230) to amend title VIII of the Public Health Service Act to extend through fiscal year 1980 the program of assistance for nurse training, and for other purposes, with an amendment; that the House insists upon its amendment and requests a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. STAGGERS, Mr. WAXMAN, Mr. SATTERFIELD, Mr. PREYER, Mr. BROYHILL, and Mr. CARTER were appointed managers of the conference on the part of the House.

The message also announced that Mr. Boland was appointed a manager of the conference on the part of the House on the disagreeing votes of the two Houses on the amendments of the Senate to H.R. 4389, an act making appropriations for the Departments of Labor, and Health, Education, Welfare, and related agencies, for the fiscal year ending September 30, 1980, and for other purposes, vice Mr. FLOOD, resigned.

At 5:28 p.m., a message from the House of Representatives delivered by Mr. Berry, announced that the House disagrees to the amendments of the Senate to H.R. 111, an act to enable the United States to maintain American security and interests respecting the Panama Canal, for the duration of the Panama Canal Treaty of 1977; requests a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. MURPHY of New York, Mr. DINGELL, Mr. BOWEN, Mr. HUBBARD, Mr. BONIOR, Mr. WYATT, Mr. ZABLOCKI, Mr. FASCELL, Mr. HANLEY, Ms. HOLTZMAN, Mrs. SCHROEDER, Mr. HARRIS, Mr. MCCLOSKEY, Mr. BAUMAN, Mr. CARNEY, Mr. Mr. BROOMFIELD, Mr. DERWINSKI, and Mr. FISH were appointed managers of the conference on the part of the House.

The message also announced that the House has passed the following joint

resolution, in which it requests the concurrence of the Senate:

H.J. Res. 244. A joint resolution to authorize and request the President to issue annually a proclamation designating the first Sunday of September following Labor Day of each year as National Grandparents Day.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 168. A concurrent resolution providing for an adjournment of the House from August 2 to September 5, 1979, and a recess of the Senate from August 3 to September 5, 1979.

HOUSE JOINT RESOLUTION REFERRED

The following joint resolution was read twice by its title and referred as indicated:

H.J. Res. 244. A joint resolution to authorize and request the President to issue annually a proclamation designating the first Sunday of September following Labor Day of each year as National Grandparents Day.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on July 30, 1979, he presented to the President of the United States the following enrolled bill:

S. 976. An act to authorize appropriations for the international affairs functions of the Department of the Treasury for fiscal year 1980.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Energy and Natural Resources, with an amendment:

S. 885. A bill to assist the electrical consumers of the Pacific Northwest through use of the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes (Rept. No. 96–272).

By Mr. LONG, from the Committee on Finance, with an amendment:

S. 566. A bill to authorize a targeted fiscal assistance program for payment to local governments requiring fiscal relief, an antirecession fiscal assistance program, and for other purposes (Rept. No. 96–273).

By Mr. LONG, from the Committee on Finance, with an amendment and an amendment to the title:

S. 1204. A bill to strengthen and improve medicaid services to low-income children and pregnant women, and for other purposes (Rept. No. 96–274).

By Mr. LONG, from the Committee on Finance, without amendment:

S. Res. 213. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 566. Referred to the Committee on the Budget.

By Mr. PELL, from the Committee on Rules and Administration:

S. Res. 170. A resolution to require documentation for reimbursements out of Senators' official office expense accounts from the contingent fund of the Senate (Rept. No. 96–275).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JACKSON, from the Committee on Energy and Natural Resources:

Charles William Duncan, Jr., of Texas, to be Secretary of Energy.

(The above nomination from the Committee on Energy and Natural Resources 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.)

Mr. JACKSON. Mr. President, I am today filing the report of the Committee on Energy and Natural Resources on the President's nomination of Charles W. Duncan, Jr., to be Secretary of Energy. The committee unanimously recommends that the Senate confirm Mr. Duncan for this critical job. The committee held hearings on Mr. Duncan's nomination this morning and concluded by recommending approval by a 17 to 0 vote.

As a member of the Committees on Armed Services, I participated in Mr. Duncan's confirmation hearings for his present position. I was impressed at that time by his record of accomplishment in private industry. Since then, Mr. Duncan has performed well at the Department of Defense.

The broad array of programs administered by the Department of Energy, many of which are highly controversial, present a management challenge of the highest order. The Secretary of Energy must be both capable and credible. Mr. Duncan's background indicates that he has the capablity to meet that challenge.

I ask unanimous consent that a biographical sketch of Mr. Duncan be printed in the RECORD at this point.

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

Charles William Duncan, Jr., Deputy Secretary of Defense, nominated by President Jimmy Carter, January 13, 1977, confirmed by U.S. Senate, January 31, 1977, took oath of office same day at the Pentagon; born in Houston, Tex., September 9, 1926; son of Mr. and Mrs. Charles William Duncan, Sr., of Houston, Tex.; attended public schools in Houston; B.S., chemical engineering, Rice University, 1947; 2 years of graduate study in management, University of Texas; roustabout and chemical engineer, Humble Oil & Refining Co.; served in U.S. Army Air Corps in World War II; joined Duncan Coffee Co., predecessor of Duncan Foods Co., 1948; elected administrative vice president, 1957; president, 1958; elected to the Coca-Cola Co. board of directors when Duncan Foods Co. merged into the Coca-Cola Co., 1964; lived in London, England, for 3 years and had responsibility for the company's European operation; elected executive vice president of Coca-Cola Co., May 1970; elected president, November 1971; resigned in May 1974 to return to Houston; held following positions and board memberships when nominated Deputy Secretary of Defense: chairman and director, Rotan Mosle Financial Corp.; board of directors: A.P.S., Inc., Coca-Cola Co., Great Southern Corp., Southern Railway System; advisor-director, Texas Commerce Bank Shares. Inc.; Advisory Council, Trust Co. of Georgia; member, vice chairman, Rice University; board of trustees: Rice University, St. John's School, Texas Children's Hospital, all of Houston, Tex.; Emory University, Atlanta, Ga.; board of directors: Houston Chamber of Commerce, Rice Center of Community Design and Research, Houston Symphony Society; board of visitors, Cancer Foundation, University of Texas; married to the former Anne Smith; two children: Charles William Duncan III, 19; Mary Anne, 17.

ORDER FOR JOINT REFERRAL—S. 1574

Mr. FORD. Mr. President, I ask unanimous consent that a bill introduced by the Senator from Oklahoma (Mr. BELLMON), S. 1574, to amend the Food, Drug, and Cosmetic Act, the Federal Alcohol Administration Act, to provide for health warning labels on alcoholic beverages, which was referred to the Committee on Labor and Human Resources, be re-referred jointly to the Committee on Labor and Human Resources and the Committee on Commerce, Science, and Transportation, with instructions that when ordered reported by the Committee on Labor and Human Resources, the Committee on Commerce, Science, and Transportation then have 20 days in which to report the bill.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object—and I will not object—this request has been cleared with the majority, the minority, and the committee chairmen?

Mr. FORD. The Senator is correct.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. DANFORTH (for himself, Mr. ARMSTRONG, Mr. BAKER, Mr. BELLMON, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. COCHRAN, Mr. COHEN, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. GARN, Mr. GOLDWATER, Mr. HATCH, Mr. HATFIELD, Mr. HAYAKAWA, Mr. HEINZ, Mr. HELMS, Mr. HUMPHREY, Mr. JAVITS, Mr. JEPSEN, Mrs. KASSEBAUM, Mr. LAXALT, Mr. LUGAR, Mr. MATHIAS, Mr. MCCLURE, Mr. PACKWOOD, Mr. PERCY, Mr. PRESSLER, Mr. ROTH, Mr. SCHMITT, Mr. SCHWEIKER, Mr. SIMPSON, Mr. STAFFORD, Mr. STEVENS, Mr. THURMOND, Mr. TOWER, Mr. WALLOP, Mr. WARNER, Mr. WEICKER, and Mr. YOUNG):

S. 1597. A bill to amend the Internal Revenue Code of 1954 to provide for the economic stimulation of the economy through increased savings and investment; to the Committee on Finance.

By Mr. NELSON (for himself, Mr. EXON, Mr. MOYNIHAN, Mr. BAUCUS, Mr. HOLLINGS, Mr. LEAHY, Mr. NUNN, Mr. TALMADGE, Mr. COCHRAN, Mr. COHEN, Mr. RANDOLPH, Mr. EAGLETON, Mr. ROTH, Mr. JAVITS, Mr. CHILES, Mr. GOLDWATER, Mr. SCHMITT, Mr. BELLMON, Mr. MCGOVERN, Mr. ZORINSKY, Mr. SARBANES, Mr. LUGAR, Mr. DANFORTH, Mr. WILLIAMS, Mr. STEWART, Mr. DOLE, Mr. HAYAKAWA, Mr. DECONCINI, Mr. LEVIN, Mr. PACKWOOD, Mr. GRAVEL, Mr. DURENBERGER, Mr. DO-

MENICI, Mr. BENTSEN, Mr. HATFIELD, Mr. PRESSLER, Mr. BRADLEY, Mr. STONE, and Mr. HUDDLESTON):

S. 1598. A bill specifying the period within which contributions, equivalent to social security taxes, should be made by States having in effect agreements for social security coverage of State and local employees under Section 218 of the Social Security Act; to the Committee on Finance.

By Mr. GRAVEL:

S. 1599. A bill entitled the Federal Water Projects Financing Act of 1979; to the Committee on Environment and Public Works, with instructions that if and when reported then it be referred to the Committee on Energy and Natural Resources for 15 calendar days exclusive of periods when the Senate is out for more than 3 days.

By Mr. KENNEDY (for himself, Mr. BELLMON, Mr. BAKER, Mr. BOSCHWITZ, Mr. BUMPERS, Mr. COCHRAN, Mr. CRANSTON, Mr. CULVER, Mr. DANFORTH, Mr. DOMENICI, Mr. DURKIN, Mr. HELMS, Mrs. KASSEBAUM, Mr. MCCLURE, Mr. METZENBAUM, Mr. NELSON, Mr. RANDOLPH, Mr. RIEGLE, and Mr. SIMPSON):

S. 1600. A bill to amend the Higher Education Act of 1965 to strengthen and improve the student loan programs so as to assure the availability of funds to students to attend the institution of higher education of their choice, to strengthen the procedures for the repayment of such loans, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SASSER:

S. 1601. A bill to assure that the Department of Energy Organization Act collects and compiles sufficient and timely information from oil companies with which to monitor a steady supply of needed crude oil and derived products; to the Committee on Energy and Natural Resources.

S. 1602. A bill to provide for the appointment by the President of a Special Investigator of Petroleum Fuels Shortages; to the Committee on Governmental Affairs.

By Mr. CRANSTON (for himself, Mr. NELSON, Mr. RIEGLE, Mr. JACKSON, Mr. BURDICK, Mr. LEVIN, Mr. TSONGAS, Mr. GOLDWATER, Mr. WEICKER, Mr. DANFORTH, Mr. HAYAKAWA, Mr. WARNER, Mr. DECONCINI, Mr. PERCY, and Mr. JAVITS):

S.J. Res. 99. Joint resolution to provide for the designation of a week as "National Lupus Week"; to the Committee on the Judiciary.

By Mr. SASSER:

S.J. Res. 100. Joint resolution authorizing the President to proclaim May 1, 1980, "National Bicycling Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DANFORTH (for himself, Mr. ARMSTRONG, Mr. BAKER, Mr. BELLMON, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. COCHRAN, Mr. COHEN, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. GARN, Mr. GOLDWATER, Mr. HATCH, Mr. HATFIELD, Mr. HAYAKAWA, Mr. HEINZ, Mr. HELMS, Mr. HUMPHREY, Mr. JAVITS, Mr. JEPSEN, Mrs. KASSEBAUM, Mr. LAXALT, Mr. LUGAR, Mr. MATHIAS, Mr. MCCLURE, Mr. PACKWOOD, Mr. PERCY, Mr. PRESSLER, Mr. ROTH, Mr. SCHMITT, Mr. SCHWEIKER, Mr. SIMPSON, Mr. STAFFORD, Mr. STEVENS, Mr. THURMOND, Mr. TOWER, Mr. WALLOP, Mr. WARNER, Mr. WEICKER, and Mr. YOUNG):

S. 1597. A bill to amend the Internal Revenue Code of 1954 to provide for the economic stimulation of the economy through increased savings and investment; to the Committee on Finance.

(The remarks of Mr. DANFORTH when he introduced the bill appear earlier in today's proceedings.)

By Mr. NELSON (for himself, Mr. EXON, Mr. MOYNIHAN, Mr. BAUCUS, Mr. HOLLINGS, Mr. LEAHY, Mr. NUNN, Mr. TALMADGE, Mr. COCHRAN, Mr. COHEN, Mr. RANDOLPH, Mr. EAGLETON, Mr. ROTH, Mr. JAVITS, Mr. CHILES, Mr. STONE, Mr. GOLDWATER, Mr. SCHMITT, Mr. BELLMON, Mr. MCGOVERN, Mr. ZORINSKY, Mr. SARBANES, Mr. LUGAR, Mr. DANFORTH, Mr. WILLIAMS, Mr. STEWART, Mr. DOLE, Mr. HAYAKAWA, Mr. DECONCINI, Mr. LEVIN, Mr. PACKWOOD, Mr. GRAVEL, Mr. DURENBERGER, Mr. DOMENICI, Mr. BENTSEN, Mr. HATFIELD, Mr. PRESSLER, Mr. BRADLEY, and Mr. HUDDLESTON):

S. 1598. A bill specifying the period within which contributions, equivalent to social security taxes, should be made by States having in effect agreements for social security coverage of State and local employees under section 218 of the Social Security Act; to the Committee on Finance.

STATE SOCIAL SECURITY DEPOSIT ACT OF 1979

Mr. NELSON. Mr. President, today I am introducing a proposal to allow States to deposit social security contributions related to the employment of State and local employees within 30 days following the end of the calendar month in which covered wages are paid.

Presently, State and local governments and their employees are covered under the social security system through agreements entered into between the Federal Government and the States. Liability for the collection and payment into the Treasury of contributions for local government employees as well as State government employees rests with each State. Payments from local entities are made by the locality to the State which, in turn, is responsible for assuring the correctness of those payments and depositing them with the Treasury.

Currently States deposit their social security contributions four times a year, 45 days after the end of each calendar quarter. However, on November 20, 1978, the Department of Health, Education, and Welfare published final regulations designed to require more frequent deposits.

Under the new regulations which become effective July 1, 1980, deposits will be required within 15 days following the end of the first and second months in a calendar quarter and 45 days following the close of the third month in the quarter.

As chairman of the Social Security Subcommittee, I conducted a hearing on January 29, 1979, to examine the impact of the new HEW regulations on State and local governments and on the social security trust funds.

HEW and the State witnesses offered entirely different views as to the impact of the new depository regulations on State and local governments, both financially and administratively. In particular, there was a significant difference between each side's estimate of the amount of interest income State and local governments would lose as a result of the new regulations and whether these governments would incur an increase in paperwork and administrative costs.

HEW argued that the continuation of the quarterly deposit system would permit the States to retain about $200 million a year in interest income which HEW contends should go to the social security trust funds. Commissioner Ross testified that even under the new regulations, the States would continue to earn some $75 million in interest income, more than enough to offset any increase in the States' administrative costs. He also said that if the States employed more efficient collection procedures, they should have no difficulty in complying with the new 15-day deposit schedule.

State witnesses alleged they could not possibly comply with the new deposit schedule. They testified they would need a minimum of 22 working days following the end of each month to deposit their social security contributions. The States also challenged HEW's estimate of the amount of interest income the States would continue to earn under the new regulations. State witnesses did not offer their own estimate of continued interest earnings, but they indicated their administrative costs would increase by $5 million a year.

After reviewing the hearing record, I am convinced the present quarterly deposit schedule should be changed. There is no justification for allowing the States to retain some $200 million a year in interest income at the expense of the social security trust funds. This is far in excess of what is needed by the States to cover their reporting and collection expenses. However, any change in the schedule must be reasonable and must take into account the administrative problems and costs the States and municipalities incur.

State governments have taken great care over the years to verify the accuracy of payments made for each social security participant. They have maintained highly accurate records in the reporting of earnings on which social security benefits are calculated. Based upon hearings and extensive discussions with State and local representatives, 15 days is simply not enough time to allow verification of reports from the hundreds of thousands of cities, towns, and local school districts participating in the social security program.

A 30-day deposit schedule would be a fair compromise between HEW's proposal and the present quarterly system. Representatives of State and local governments agree they can meet this 30-day schedule.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1598

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That (a) this Act may be cited as the State Social Security Deposit Act of 1979.

(b) subparagraph (A) of section 218(e)(1) of the Social Security Act is amended to read as follows:

"(A) that the State will pay to the Secretary of the Treasury, within the 30-day period immediately following the last day of each calendar month, amounts equivalent to the sum of the taxes which would be imposed by sections 3101 and 3111 of the Internal Revenue Code of 1954 if the services for which wages were paid in such month to employees covered by the agreement constituted employment as defined in section 3121 of such Code; and.

(c) The amendment made by subsection (b) shall be effective with respect to the payment of taxes (referred to in section 218(e)(1)(A) of the Social Security Act, as amended by subsection (b)) on account of wages paid on or after July 1, 1980.

(d) The provisions of section 7 of Public Law 94–202 shall not be applicable to any regulation which becomes effective on or after July 1, 1980, and which is designed to carry out the purposes of subsection (b) of this Act.●

● Mr. STEWART. Mr. President, I am pleased to join with the Senator from Wisconsin (Mr. NELSON) and others in introducing the State Social Security Deposit Act of 1979. This bill will permit States to deposit social security contributions from State and local employees within 30 days following the end of the month in which covered wages are paid.

Mr. President, this legislation is a response to the Department of Health, Education, and Welfare regulations that will require States to make deposits within 15 days following the end of the first and second months within 45 days after the close of the quarter. These regulations will result in administrative chaos for State and local governments. It would also increase the cost to State and local governments of participating in the social security system.

I believe that the Social Security Deposit Act of 1979 is a responsible alternative to those regulations. This bill represents a compromise between the existing deposit scheme whereby States make quarterly deposits and the HEW proposed deposit scheme. This bill would insure that States make timely deposits of social security contributions, yet it would not impose unreasonable time constraints on them. It would permit States to make their deposits without disrupting their existing administrative mechanisms and procedures.

Mr. President, I urge my colleagues to support this legislation. It is an opportunity for us to show our concern for and responsiveness to the needs of our State and local governments while maintaining the fiscal integrity of the social security trust fund.●

By Mr. GRAVEL:

S. 1599. A bill entitled the "Federal Water Projects Financing Act of 1979"; to the Committee on Environment and Public Works, and if and when reported, then to the Committee on Energy and Natural Resources for 15 calendar days, exclusive of periods when the Senate is out of session for more than 3 days, by unanimous consent.

FEDERAL WATER PROJECTS FINANCING ACT OF 1979

Mr. GRAVEL. Mr. President, today I am introducing legislation proposed by the President to implement cost sharing reforms for Federal water projects in accordance with his message to the Congress of June 6, 1978.

The proposed bill would apply to projects constructed by the Bureau of Reclamation, the Corps of Engineers, the Soil Conservation Service, and the Tennessee Valley Authority.

States would be required to commit at the front end of project development 10 percent of project costs attributable to vendible outputs. States would be responsible for 5 percent of the project costs attributable to nonvendible outputs, such as flood control, navigation, and fish and wildlife protection. The committed financing share would be spent on a pro rata basis, directly proportionate to Federal expenditures.

The legislation would impose a "cap" on a State's contribution of one-quarter of 1 percent of its general revenues per project per year, thus protecting small States.

In addition to contributing to project costs, States would receive a 10-percent share of revenues derived from sales of water and power. Again, they would be paid back on the same schedule and proportion as is the Federal agency.

In cases where more than one State would benefit from a project, the home State would serve as agent and obtain cost contributions from other benefiting States.

The proposed bill would also standardize cost-sharing for localities in the construction of flood protection projects. Currently, localities are responsible for 20 percent of the cost of nonstructural flood control projects and land, easements and rights-of-way for structural projects. The legislation would equalize cost sharing for all local flood control projects at 20 percent. This would eliminate a bias toward structural flood control solutions prompted by the possibility of the Federal Government assuming a greater share of the project cost.

The State share under this proposal is considerably lower than some of the options suggested in December 1977 by the administration task force on cost-sharing established among the Federal agencies during the President's water resources policy review.

The legislation is not primarily intended to alleviate the burden on the Federal budget. The major objective is that the State's responsibility for the kind of projects, their dimensions and timing be decidedly increased.

In January, I had the opportunity to review a draft of the President's cost-sharing proposal. At that time, I felt the draft proposal was unworkable. I made my concerns known to the administration and was assured those concerns would be addressed. Considerable reworking of the draft followed.

The final proposal demonstrates the cooperative attitude with which these major issues were resolved. I commend President Carter and his administration for this attitude. I am pleased with the final proposal which was transmitted to the Congress. Cost sharing, or joint financing, of major Federal water projects is an idea which has been recommended for years, and it is clearly time now to consider it actively, and move a workable plan forward. The administration's bill is a good place to begin. This is not to say, however, that all of my concerns or the concerns of my colleagues have been satisfied. Nevertheless, I feel the President's proposal can be worked with as a basis for the development of cost-sharing legislation which will be acceptable to both the President and the Congress.

In March I joined 23 Senators in support of Senate Resolution 83, relative to national water resources policy. That resolution expressed "the sense of the Senate" that water resources policies developed by the executive branch should be implemented through congressional action.

Many have indicated that they "support the concept" of cost sharing, but the time has now come to put the support into practical and positive terms. I believe the administration has provided us with a reasonable beginning, and it is my intention to move forward to develop a final program based on many of their concepts.

I personally feel the most positive feature of this legislation is that relating to local flood protection. This proposal would replace existing local flood control cost-sharing requirements by requiring local entities to pay for 20 percent of project costs allocated to flood control no matter how the flood control is achieved, whether by structural or nonstructural means and no matter which agency does the construction. This change in flood control cost sharing follows the 20-percent rule now established in section 73 of Public Law 93–251, the Water Resources Development Act of 1974 which concerns cost sharing by nonstructural means. The local entities responsible for the 20-percent payment would be allowed to provide lands, easements, and rights-of-way—or a combination of both—to meet the requirement. This improvement in local cost sharing would be separate and apart from the State cost sharing established by the bill.

I would urge my colleagues in the Congress to review the President's proposal on cost sharing and would welcome their comments and recommendations regarding this legislation.

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

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

S. 1599

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 Federal Water Projects Financing Act of 1979."

DECLARATION OF POLICY

SEC. 2. It is hereby declared to the intent of Congress that States should have a greater involvement in decisions affecting the de-

velopment and management of water and related land resources, and an increased responsibility in the financing of Federal and Federally-assisted water projects and programs, and that the conflicting rules governing cost sharing for flood damage reduction should be reconciled; therefore, the Congress hereby establishes new financing, cost and revenue sharing levels for various project purposes.

DEFINITIONS

SEC. 3. For the purpose of this Act:

(a) The term "project" means a land acquisition or construction activity which is financed, wholly or in part, from appropriated funds by the Corps of Engineers of the Department of the Army, the Bureau of Reclamation of the Department of the Interior, the Tennessee Valley Authority, or the Soil Conservation Service of the Department of Agriculture, as an independent unit or a separable addition to an existing facility within a specified area for the conservation, utilization, control, development, or management of water and related land resources.

(b) The term "non-Federal entity" means a State or any public entity now existing or henceforth created under State law or interstate compact, or any private entity, having authority to contract with the Federal Government in the implementation of a project.

(c) The term "State" means a State, the District of Columbia, Puerto Rico, the Virgin Islands, Guam or the Northern Mariana Islands.

(d) The term "agent State" means a State in which a project is wholly or partially located.

(e) The term "vendible outputs" means the beneficial products, services, or activities listed below:

1. Agricultural water supply—the provision of water, including storage, distribution, and drainage facilities, for the production of agricultural commodities.

2. Municipal and industrial water supply—the provision of water, including storage facilities, for domestic, municipal and industrial uses, including all other uses except agriculture.

3. Hydroelectric power—the provisions for production of electricity by converting the energy of flowing water, including Federal transmission and marketing facilities.

(f) The term "in kind" means those lands, easements, rights-of-way, relocations and other real property interests necessary to and a part of a project.

(g) The term "implementation" means all planning and development activities occurring subsequent to authorization of a project for construction and which are necessary to produce the intended products, services, or activities. It does not include operation and maintenance of a project.

(h) The term "financing share" means the division among Federal entities and States of those funds necessary for implementation of a project.

(i) The term "cost share" is differentiated from financing share in that cost shares may be satisfied by in kind contributions or by monetary contributions over time in lieu of cash payments at the time that costs are incurred.

(j) The term "revenue sharing" means the division among Federal entities and States of net operating revenues from vendible outputs of a project.

(k) The term "net operating revenues" means gross receipts from vendible outputs less all operation and maintenance costs allocated to vendible outputs.

STATE FINANCING AND REVENUE SHARING FOR VENDIBLE AND NONVENDIBLE PROJECT OUTPUTS

SEC. 4. (a) Participation by the Corps of Engineers of the Department of the Army, the Bureau of Reclamation of the Department of the Interior and the Tennessee Valley Authority in the acquisition of land for, or construction of a Federal water resource project shall be contingent upon the receipt of a binding commitment from one or more of the agent States to fund the total State financing share consisting of:

(1) Ten percent of all implementation costs allocated to vendible outputs as defined in Section 3(e); and (2) 5 percent of all implementation costs allocated to nonvendible outputs, except as limited by subsection (b) below.

(b) For each project subject to the requirements of subsection (a) an agent State's annual financing share is not to exceed ¼ of 1 percent of its general revenues in the State's fiscal year preceding the fiscal year in which financing share payments are required.

(c) The total State financing share as required by subsection (a) shall be determined by the Federal agency responsible for the project. The State's share shall be paid to the Federal Government by the agent State or States and contributions to defray this requirement in whole or in part may be made by other benefiting States to an agent State. If an agent State does not wish to contribute, with its consent, other States may contribute the required total State financing share.

(d) The State financing share described in subsection (a) through (c) of this section shall be based on the amount of Federal obligations for the project for each fiscal year commencing with the initiation of land acquisition or construction, whichever comes first. Payments of such share shall be made to the Treasury of the United States no later than 6 months after the end of the fiscal year in which such Federal funds have been obligated and shall be credited to miscellaneous receipts. Federal obligations for implementation activities carried out prior to initiation of land acquisiton or construction shall be treated as if they occurred during the year in which land acquisition or construction funds were first obligated.

(e) A share of the net operating revenues from the sale of vendible outputs of a project affected by this act shall be paid annually to each agent State participating in the financing of the project. The State's share of net operating revenues for each project shall be determined by the Federal agency responsible for marketing the project's vendible outputs pursuant to the guidelines promulgated by the Water Resources Council under section 6. Each State's share of net operating revenues shall bear the same ratio as that State's share in financing of project implementation as specified in this section. This sharing shall continue as long as revenues are produced by the project.

(f) There are hereby authorized to be appropriated to each agency responsible for a project such sums as may be necessary to carry out subsection (e) of this section.

NON-FEDERAL ENTITY COST SHARES FOR FLOOD DAMAGE REDUCTION

SEC. 5. (a)(1) Participation by the Corps of Engineers of the Department of the Army, the Bureau of Reclamation of the Department of the Interior, the Soil Conservation Service of the Department of Agriculture and the Tennessee Valley Authority in the acquisition of land or the construction of a project to reduce flood damages shall be contingent upon the receipt from one or more non-Federal entities of a binding commitment for payment of a total of 20 percent of structural or non-structural project implementation costs allocated to flood damage reduction. The cost sharing requirement is in addition to the financing requirements of Section 4 and supersedes all other costs sharing requirements for implementation of flood damage reduction projects.

(2) The non-Federal payment required by this Section may be made in cash or in kind (i) prior to commencement of project construction, (ii) during project construction, or (iii) in annual installments if the non-Federal entity enters into a binding contract with the United States Government to pay its proportionate share of implementation costs in not to exceed 10 annual installments beginning with commencement of project construction. When the Federal Government finances the required non-Federal cost share for a project, such financing shall have the effect of a loan, and the amount of such financing shall be repaid by the non-Federal entity on an annual basis and at the rate of interest determined by the Secretary of the Treasury for each fiscal year, beginning with the fiscal year in which project construction commences. The interest rate for each fiscal year shall be determined by the Secretary of the Treasury taking into consideration the average market yield during the month preceding the beginning of each fiscal year on outstanding marketable obligations of the United States of comparable maturities, adjusted to the nearest one-eighth of 1 per centum. The computation shall be made as of the first day of each fiscal year, and the rate thus computed shall be used during the succeeding 12 months.

(b) The requirements of subsection (a) in excess of lands, easements and rights-of-way and relocations may be waived in whole or in part in the case of temporary services or facilities provided under existing emergency legislative authorities.

(c) For purposes of this section the 20 percent non-Federal entity cost share may include any combination of monetary and in kind contributions.

GUIDELINES AND REGULATIONS

SEC. 6. To ensure uniformity among the Federal agencies in implementing this Act, the Chairman of the Water Resources Council shall promulgate, within ninety days of enactment of this legislation, guidelines for the Federal agencies' rules necessary to implement this Act. Each of the responsible agencies shall promulgate final rules to implement this Act no later than one-hundred eighty days after its enactment.

WRITTEN AGREEMENT

SEC. 7. After the date of enactment of this Act, a written contract must be entered into between the appropriate Federal department or agency and non-Federal entities prior to initiation of land acquisition or construction specifying the financing, revenue and cost sharing arrangements for each project affected by this Act. Each written agreement shall provide that in the event an agent State does not remit its current cost or financing share, as provided in section 4, for any project to which it is a party, all implementation activities on that project within such State and subject to the requirements of this Act shall be terminated at the earliest practicable date, as determined by the appropriate Federal entity, until such time as the obligations of the State are made current.

TERMS OF THE ACT

SEC. 8. The provisions of this Act shall be applicable to all projects authorized after the date of enactment of this Act.

VOLUNTARY STATE CONTRIBUTIONS

SEC. 9. Voluntary State financing, as described in section 4, of projects authorized prior to enactment of this Act is authorized and encouraged to assist Federal authorities in setting priorities in the implementation of projects previously authorized but for which no construction funds have been appropriated.

INDEPENDENT AND SEPARATE REQUIREMENTS

SEC. 10. The financing and cost sharing requirements of sections 4 and 5, respectively, shall each be separate from and in addition

to the other; and, except as provided in subsection 5(a), both shall be in addition to other cost and financing sharing required of non-Federal entities by law or administrative practice.

CHANGES TO EXISTING LAW

SEC. 11. Existing provisions of law and administrative rules which are in conflict with this Act are hereby repealed or superseded to the extent of such conflicts.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, on behalf of Mr. GRAVEL, that the bill introduced by Mr. GRAVEL to implement cost-sharing reforms for Federal water projects, in accordance with the President's message to Congress, or any bill dealing with costsharing for water resources development projects which affects Bureau of Reclamation projects, when reported by the Committee on Environment and Public Works, be referred to the Committee on Energy and Natural Resources for a period of 15 calendar days, exclusive of any period for which the Senate is in recess or adjournment for more than 3 days.

I understand this has been cleared with the Energy Committee and with the minority.

Mr. TOWER. That is my understanding.

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

By Mr. KENNEDY (for himself, Mr. BELLMON, Mr. BAKER, Mr. BOSCHWITZ, Mr. BUMPERS, Mr. COCHRAN, Mr. CRANSTON, Mr CULVER, Mr. DANFORTH, Mr. DOMENICI, Mr. DURKIN, Mr. HELMS, Mrs. KASSEBAUM, Mr. MCCLURE, Mr. METZENBAUM, Mr. NELSON, Mr. RANDOLPH, Mr. RIEGLE, and Mr. SIMPSON):

S. 1600. A bill to amend the Higher Education Act of 1965 to strengthen and improve the student loan program so as to assure the availability of funds to students to attend the institution of higher education of their choice, to strengthen the procedures for the repayment of such loans, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL STUDENT LOAN REFORM ACT

Mr. KENNEDY. Mr. President, I send a bill to the desk, on behalf of myself, Senator BELLMON, and others, and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. KENNEDY. Mr. President, today I am introducing, for myself and Senator BELLMON, as well as Senators BAKER, CRANSTON, BOSCHWITZ, BUMPERS, COCHRAN, CULVER, DANFORTH, DOMENICI, DURKIN, HELMS, KASSENBAUM, MCCLURE, METZENBAUM, NELSON, RANDOLPH, RIEGLE, and SIMPSON, the National Student Loan Reform Act of 1979.

Mr. President, as a member of the Education Subcommittee since I have come to the U.S. Senate, I have reviewed and worked on a variety of education programs.

I have seen the needs of young people, needs which must be answered. I have seen the needs of their parents, needs which must be answered. And, I have seen the needs of our country for a better educated people—needs which must be answered.

We believe that this particular program, Mr. President, is going to offer new opportunities to young Americans to attend college. It is going to strengthen educational opportunity for millions of Americans who today are denied that opportunity because they have been denied the financing for it. And by strengthening this opportunity we strengthen our country.

The legislation introduced today will help us achieve our objectives and will do so at the same cost as the present student loan programs.

This program is good for the student. It is good for their parents. It is good for higher education. And it is financially sound.

Mr. President, it has been a pleasure to have the opportunity to work with the distinguished Senator from Oklahoma (Mr. BELLMON) on this legislation. I welcome the opportunity to work closely with him and our cosponsors when the Senate Education Subcommittee will consider the higher education legislation this fall in a series of hearings.

Enactment of this legislation will strengthen higher education.

Mr. President, the bill we are introducing today will improve the Federal higher education loan effort, an effort which is an important part of the way in which we help our society to become better educated.

The legislation contains the following features:

It assures the availability of loans to all students who need them;

It assures an amount which will let all students go to college and will let those students go to the college of their choice;

It will make payback mechanisms more flexible so that students will not be suddenly overburdened just as they graduate, when their incomes tend to be lower;

It will take the loan collection burdens off of the colleges and will cut down on defaults by placing collection responsibility in banking agencies; and

It will provide a supplemental loan program for parents of college students who are not able to meet the expected family contribution.

This legislation will cost the same amount as the current collection of student loan programs, which it is reforming: The national direct student loans, the guaranteed student loans and the federally insured student loan programs. There will be no additional cost to the Treasury.

Mr. President, the education of our students cannot be a game of chance; the repayment of loans to the Government cannot be a game of chance. Yet, now, students do not know if they will find a loan to go to school. Yet, now, students do not know if they will get enough to go to school. Yet, now, we do not employ the most effective ways of collecting those loans.

Under the legislation we are submitting today, a regular process will be set up, so that students can know they will get a loan they need, know that it will cover the difference between a reasonable contribution and the cost of going to school—and the Government can know that it is going to be repaid.

I hope that we can incorporate the measure proposed today in the higher education programs which will be reauthorized in the coming months.

The legislation proposed today would work as follows:

The Student Loan Marketing Association (Sallie Mae), a currently existing institution, would expand its activities. It will raise funds through the Federal Financing Bank for dispersal, through the State education agencies, to colleges and universities. The financial aid officers at the campuses would, in turn, provide a loan to every college student who needs one. Need, and the top amount of the loan would be determined by this formula:

First. Cost of going to college—tuition, room and board, fees, books, et cetera,

Minus second. Scholarship and other aid (such as work study funds) granted to the student.

Minus third. A reasonable parental contribution, as figured in the manner in which the contribution is figured for the basic education opportunity grant program.

For instance, if a student goes to a school whose costs are $5,000, and he has a scholarship for $1,000 and a parental contribution of $1,000, he could take a loan of up to $3,000.

Such loans would be due after the student graduated from college or graduate school. They would be payable at 7 percent interest, but no interest would accrue during the time that the student is an undergraduate, nor would interest accrue for undergraduate loans while the student is in graduate school.

The State agencies and Sallie Mae would be responsible for collection of the loans. They would be able to consolidate various loans that the student had taken into one repayment. They would also be able to provide optional repayment terms to the student—adjusting the time repayment for the size of the loan, graduating the repayment schedule, and providing for much lower payments where a student's income is low.

The legislation would also provide a new program for parents. They would be able to borrow an amount of up to the parental contribution from private lenders. This loan would be guaranteed by the Federal Government. Parents would pay the Treasury rate minus 1 percent, while the banks would get the special allowance for these loans that they now get under the guaranteed student loan program.

We need to take this step to assure access to higher education for all the young people of our country. We will allow students to go to college when and where they want—and to repay the loans when they are able.

Mr. President, I ask that the background and explanation statement, as well as the sectional summary of the bill, be printed in the RECORD following my remarks.

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

(See exhibits 1 and 2.)

EXHIBIT 1

THE NATIONAL STUDENT LOAN REFORM ACT

BACKGROUND AND EXPLANATION

I. What are the current programs that this program would replace:

Currently, the federal government provides loan aid to students in institutions of higher education through two main means.

First, it provides loan guarantees and subsidies to private lenders to enable them to lend their funds to students. This is the Guaranteed Student Loan Program (GSL). This is the largest federal program. Private lenders choose which college students will receive loans. A loan of up to $2,500 is made. The student repays the loan, after graduation, at 7 percent interest. The federal government guarantees the loan, and provides the lender interest calculated at the Treasury rate plus 3.5 percent. Thus, during the time that the student is in school, the government pays the lender all of the interest which is due; when the student begins repaying, the government pays the difference between 7 percent and the Treasury rate plus 3.5 percent.

The second government program is the National Direct Student Loan Program (NDSL). This provides capital contributions to institutions of higher education. These institutions make backup loans for students who need more money for school than they have been able to get elsewhere. The availability of these loans is very limited, and the loans are much smaller than under the GSL program, averaging $700.

II. What are the advantages of the New legislation over the current programs:

The new legislation provides a program which contains the following advantages over the current programs:

LOAN ASSURANCE

The Guaranteed Student Loan program cannot assure to a prospective college student that he or she will get a loan, which may be necessary before the student can go to the college of his choice, or to college at all. In certain regions of the country, like the west, few banks participate. In certain cycles in the economy, such as the current period, competing demands for capital make loans difficult to obtain in many places. And in all regions and in all cycles, banks have an incentive to loan to better credit risks and those who are more likely to establish other relationships with the bank. Some 70 percent of the loans are made to those who have a prior relationship with the bank.

The NDSL program has limited funds and provides no assurance to students. At 2,700 of the 6,000 institutions which award Federal grants, no student can obtain any NDSL loan.

Under the proposal introduced today, students would be assured that they will get a loan to cover their needs, at all eligible institutions, regardless of region, point in the economic cycle, or poorer economic background.

LOAN AMOUNT

Neither the GSL nor the NDSL program assure that the funds which are provided are related to the need of the student. Under the GSL program, private lenders can usually lend up to $2,500 to anyone, in any economic circumstance—but no more than that to anyone. Nor need it lend any particular amount to anyone. The amount of the NDSL loan is usually much smaller, around $700, and depends upon the amount of the funds available at a particular time at the particular institution and the demands of other students.

Under the proposal introduced today, the financial aide officer will systematically determine an amount available to the student and this amount will cover the student's needs. The formula will be: Cost of attendance at the institution, minus scholarship and other aid, and also minus a reasonable parental contribution.

LOAN PAYBACK

Both the Guaranteed Student Loan and the NDSL programs have straight mortgage payback provisions. The loan is paid, at the respective interest rates, over a ten year period, in equal installments. The rigidity of this schedule places burdens on the students as they are just entering the work world. Those burdens place a great weight on the student who tries to meet them; they contribute to student defaults.

Under the proposal introduced today, the borrower will be able to choose among repayment options. If he chooses, he may repay more of the loan at a time when he is better able to do so. The time to repay will be larger if the loan is larger. The student will be able to graduate repayments over the course of time. Repayments will be lower if the student is earning little money; repayment will be cancelled upon death or total disability.

DEFAULTS

GSL loans are fully guaranteed by the government. NDSL loans are collected by educators rather than financial specialists. These factors contribute to a relatively high default rate. In the GSL program the rate is 10 percent; in the NDSL program it is 17 percent.

Under the proposal introduced today, collection for all loans will be placed in the hands of the state agencies, or, where there is no state agency, or the state agency does not handle such functions, in the hands of Sallie Mae. Experienced financial specialists and collection specialists should reduce the default rate.

PARENTAL PROGRAM

Neither the GSL nor the NDSL programs provide funds for parents of college students. Parents are expected to make a contribution to their children's education. But, often they are unable to come up with this contribution.

Under the proposal introduced today, Sallie Mae will guarantee private lender loans to parents for up to the contribution, and will provide a subsidy to the lenders to make these loans. Lenders should be more willing to lend to parents, who will usually receive smaller amounts than do students under the current programs and who are usually more permanent residents in the community.

CAMPUS FOCUS

The main aid program, the GSL program, is administered off-campus. By putting student loan programs on campus, we give a greater opportunity for the student to receive counseling by the college financial aid officer. We make it easier to consolidate all loans into one repayment schedule.

III. How Will The New Program Work:

A) The program for students would work as follows:

The Student Loan Marketing Association (Sallie Mae), a currently existing institution, would expand its activities. It will raise funds through the Federal Financing Bank for dispersal, through the state education agencies, to colleges and universities. The financial aid officers at the campuses would, in turn, provide a loan to every college and graduate student who needs one. Need, and the top amount of the loan would be determined by this formula:

(1) Cost of going to college (tuition, room and board, fees, books, etc.),

Minus (2) Scholarship and other aid (such as Work Study funds) granted to the student,

Minus (3) A reasonable parental contribution, calculated in the manner in which the contribution is figured for the Basic Education Opportunity Grant program.

For instance, if a student goes to a school whose costs are $5,000, and he has a scholarship for $1,000 and a parental contribution of $1,000, he could take a loan of up to $3,000.

Such loans would be due after the student graduated from college or graduate school. They would be payable at 7% interest, but no interest would accrue during the time that the student is an undergraduate, nor would interest accrue for undergraduate loans while the student is in graduate school.

The state agencies and Sallie Mae would be responsible for collection of the loans. They would be able to consolidate various loans that the student had taken into one repayment. They would also be able to provide optional repayment terms to the student—adjusting the time repayment for the size of the loan, graduating the repayment schedule, and providing for much lower payments where a student's income is low.

B) The program for parents would work as follows:

Parents would be able to borrow an amount of up to the parental contribution from private lenders. This loan would be guaranteed by the federal government. Parents would pay the Treasury rate minus one percent, while the banks would get the "special allowance" for these loans that they now get under the Guaranteed Student Loan Program.

IV. What Will The New Program Cost:

The new program will cost the same amount as the existing programs. Currently, the federal government spends $1.3 billion for existing programs. This is made up of a $970 million expenditure for the GSL program and a $329 million expenditure for the NDSL program.

Improvements can be made without increasing costs for the following reasons:

First, students who borrow under the NDSL program currently repay loans at 3 percent interest. This amount is far below the cost of money to the government and below the 7 percent rate charged under the GSL program. The new proposal would charge all students 7 percent.

Second, the government today pays a heavy subsidy to private lenders to lend under the GSL, the primary program. They receive the Treasury bill rate plus 3.5 percent and only 7 percent of this is paid by the student. The new proposal shifts the lending to the campuses, and uses the Federal Financing Bank rather than private lenders. The government will only pay the difference between 7 percent and the Treasury rate. The new parental program will be smaller than the current GSL program, and in addition, each loan under it will require a smaller subsidy.

Third, the new program should cut defaults. Such defaults in the NDSL program now total over $700 million.

Fourth, in some instances, where the need is less than the current NDSL ceiling, the loan might be smaller than the current subsidized loan.

V. What Will Happen to Independent Students:

Independent students will be expected to provide a reasonable amount from "self-help" to replace the parental contribution. Such self-help might come from summer or school term jobs. Independent students would be able to borrow an amount to make up for the self-help expectation. This amount will be available at the campus, but will be repaid at the rate available to parents in the parental loan program. Such students would continue to get their basic loans at the same rate as that paid by other students, 7 percent.

VI. What Role Will the State Education Agencies Have:

State agencies, which enter into contractual relations with Sallie Mae, will distribute funds to institutions, monitor and audit student loan activity, collect loans, provide information and assistance to students, parents and institutions, and facilitate bank participation in the parental loan program.

VII. What Is the Legislative Timetable:

The higher Education programs—loans, scholarships and institutional aid—are up for reauthorization in this Congress. The House Subcommittee on Post-Secondary Education has been holding hearings on the reauthorization and will continue those hearings this week. The Senate Subcommittee on Education will hold hearings in the fall.

The authors of the proposal introduced today intend to incorporate the National Student Loan Reform Act of 1979 into the higher education reauthorization which emerges from Congress.

EXHIBIT 2

SECTIONAL SUMMARY

Section 1: Short Title: National Student Loan Reform Act.

Section 2: Statement of Purpose.

To ensure capital availability for student loans by strengthening the campus-based direct loan program.

To adjust repayment schedules, and otherwise improve collection procedures, to make repayment sensitive to ability to repay and to reduce the default rate.

To guarantee loans to eligible borrowers so as to facilitate providing the expected family contributions (or, in the case of independent students, the expected self-help contribution) to the cost of higher education.

Section 3: Amends existing student loan legislation.

A. Phases out existing student loan programs, terminating the authority to make loans under those programs six months after the date of enactment; and

B. The Student Loan Marketing Association (Sallie Mae) is converted to a non-profit corporation. The Federal Government will purchase the existing shareholders' equity. Sallie Mae's powers are expanded, so that it becomes a direct lender to students—in the case of the campus-based program; and it becomes the guarantor of loans made to eligible borrowers—in the case of the bank-based program.

SUBPART I

Authorizes the Association (Sallie Mae) to enter into agreements with eligible institutions, for the purpose of making low-interest loans to students in need, to pursue their course of study.

A. The agreement shall provide that the Association will make payments to eligible institutions.

B. Institutions shall make loans available to all eligible students.

C. The Association shall receive, in return for such payments, notes or other evidence of loans to eligible students orginated by the institution.

D. The Association shall manage cash flow, to minimize the accumulation of the funds not needed immediately for student loans.

Loans must be made subject to such forms, conditions, limitations and requirements as the Association shall prescribe by regulation.

A. Loan amount equals:

Cost of attendance minus the aggregate of . . .

1. Financial assistance under other titles of this Act (basic education opportunity grants, supplemental education opportunity, and college work study).

2. Scholarships, grants, or other loans.

3. The expected family contribution (or, in the case of independent students, the expected self help contribution).

B. Loans will be made only to students:

1. Who have been accepted for enrollment at an eligible institution—or in the case of students already in attendance, who are in good standing academically.

2. Who are carrying at least one-half the normal academic workload.

C. All loans shall be made in accordance with the following terms and conditions:

1. Repayment begins not more than 9 months after the student ceases to carry at least one-half the normal academic workload, and continues a maximum of 15 years; and

2. Repayment may be either in equal installments, or in graduated installments over the term of the loan, at the option of the borrower; and

3. The loan may be repaid in full, at any time, without penalty, at the option of the borrower; and

4. The interest rate shall be 7 percent.

a. except that no interest shall accrue on loans made for undergraduate education, so long as the student borrower is enrolled at least half-time at an eligible institution.

b. interest shall accrue, for loans made for graduate education only, while the student is in school, but that interest may be deferred until repayment begins.

5. No security, nor cosignor, shall be required—except in the case of a student borrower who is a minor unable under law to enter into a billing agreement.

6. Loans will be cancelled, in the case of death of the borrower.

7. Repayment is not required while the student is in school; or for up to three years while the borrower is in the armed forces, is a Peace Corps volunteer, or is a volunteer under the Domestic Volunteer Act of 1973. These periods of deferral do not count toward the 15 year maximum repayment period.

8. The Association may extend the repayment period, in individual cases, for good cause.

9. For low-income individuals, repayment may be extended to 25 years with payments adjusted to reflect income.

10. Borrowers may be required to pay penalties and bear the cost of collections, in the case of delinquent loans.

There is provision for partial cancellation for each year of service in certain high-priority, low-paid, public service careers, e.g., teachers of disadvantaged students in Title 1 and Head-Start programs, teachers in handicapped programs in public and non-profit schools, members of the Armed Forces in combat.

SUBPART II

Established a guaranteed loan program to enable eligible borrowers to obtain loans, on behalf of students to meet the expected family contribution to the cost of the student's education; and provides for the payment of special allowances to the commercial lending institutions which make such loans.

Loans shall be guaranteed by the Association (Sallie Mae).

Loans under this program can be made only to meet the cost of the expected family contribution.

A. The institution the student is attending must certify to the lender the amount of the expected family contribution; and

B. Loans shall be 100 percent insured.

Terms and Conditions of Insured Loans, under the Act.

A. The student must be enrolled at least half-time and must be in good standing, academically.

B. Loans shall be made without security and without cosigners.

C. Repayment of principal shall be over a period not less than five, nor more than ten years beginning no more than nine months after the student ceases to attend an eligible institution at least half-time.

D. Interest shall accrue and be paid during the entire term of the loan, except that interest payment may be deferred until repayment of principal begins.

E. Principal payments need not be paid, but interest shall accrue and be paid, if the student on whose behalf the loan was made, is enrolled at least half-time in school (including graduate school), or if the student is in a training program for the rehabilitation of the disabled, or (for a period of up to 12 months) if the eligible borrower is seeking and unable to find full-time employment.

F. The Association and lenders shall enter into agreements providing for payments by the Association to the lenders, in the event of death or permanent disability of the borrower—or in the event the borrower is relieved of the obligation to repay the loan through a discharge in bankruptcy.

The Association shall issue certificates of insurance, upon application by an eligible lender, containing such information as the Association may require.

These certificates need not be made separately for each loan, but the Association may issue to a lender a certificate of comprehensive coverage to cover all qualifying loans made by the lender within a specified time period and up to a specified aggregate maximum.

Procedures for recovery by the lender, upon default of an eligible borrower; and definition of recoverable costs.

Establishes the insurance fund.

Proscribes the powers and responsibilities of the Association, including (A) repayment by the Association of loans of bankrupt, deceased, or disabled borrowers; and (B) the payment of special allowances.

Special allowances will equal the Treasury Bill rate minus 3.5 percent minus the difference between the rate for guaranteed loans (in the quarter for which the payment is being made) and the student loan rate (7%).

T — (3.5) — (Parent loan rate — student loan rate) = special allowance.

C. Credit unions may participate as lenders under the program.

D. Definitions section.

E. Terminates lending activity under existing programs 6 months after enactment of this bill.

A. Gives institutions the choice of 4% administrative cost based on College Work Study, plus Supplemental Education Opportunity Grants, plus new loan program—up to a maximum of $350,000; or 4% of Supplemental Grants and College Work Study up to a maximum of $350,000, plus $30 loan origination fee on loans made under the new program.

B. Defines "Association" as Student Loan Marketing Association.

Section 4: Expands Sallie Mae and proscribes the purposes, structure, powers, and functions of the Association.

Sallie Mae may contract with State Guarantee agencies for some or all of the following; and Sallie Mae may compensate the state agencies for services performed by the state agencies under contract.

A. To distribute funds to institutions within the states or multi-state area covered by the contract; and to collect from the institutions notes and other evidence of loans made to eligible students with such funds.

B. To collect loans made to students within the state or multi-state area covered by the contract.

C. To monitor and audit student loan activity at institutions within the area covered by the contract.

D. To provide information and technical assistance to students and to institutions, within the area covered by the contract.

E. To facilitate guaranteed loans to eligible borrowers on behalf of students in the area covered by the contract.

F. For any other functions of the Association, as agreed to by the Association and the state agencies.

The Treasury will purchase the present shareholders' equity in Sallie Mae and the Association is authorized to assume the existing assets (except for the shareholders' equity) and obligations of Sallie Mae.

The obligations of the Association shall constitute general obligations of the United States. The Association may—in consultation with the Secretary of the Treasury—issue notes, debentures, bonds or other obligations, in such amounts as shall be necessary to carry out its functions. The Secretary of the Treasury may direct that such insurance be sold to the Department of the Treasury for its own account or to the Federal Financing Bank.

Proscribes regular audits and reports to Congress and to the President.

Section 5: Transition provisions for winding down the activities of the existing Student Loan Marketing Association—and their assumption, together with expanded responsibilities by the non-profit Sallie Mae.

Section 6: Effective date—October 1, 1980.

Mr. BELLMON. Mr. President, I am very pleased to join the distinguished Senator from Massachusetts in introducing this important legislation. Along with other Members, I have long been convinced that sound spending for education of young people is the wisest investment government can make. This investment includes making funds available to students and their families, to insure that qualified individuals have the financial means to attend institutions of higher education of their choice. I am convinced that neither existing programs, nor tuition tax credits, are the best or most cost-effective way of meeting that objective.

In August last year, both Senator KENNEDY and I introduced bills, each of which would have created student loan banks. At that time, a Germond and Witcover column in the Washington Star, entitled "There are Some Alternatives to 'Free Lunch' Tuition Tax Credit" said of the then separate Bellmon and Kennedy bills:

Each plan would require initial federal outlays but would replace existing, limited federal loan programs, and in a few years, at least in concept, would be nearly selfsustaining. Each would provide real relief to all taxpayers, middle-class and otherwise, by making the student responsible for his own education.

Mr. President, I ask unanimous consent that the Germond and Witcover article be printed in the RECORD, following my remarks.

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

(See exhibit 1.)

Mr. BELLMON. Mr. President, having let Germond and Witcover blow their horns for us, let me point out a few things about the bill we are introducing today. The Kennedy-Bellmon bill is the result of many meetings and hearings Senator KENNEDY and I each held between the end of the last Congress and the convening of this one. It is the result of many hours of thought and discussions, between our staffs—and with many other interested institutions and individuals. It is also the product of compromise. It comes as no surprise, I am sure, to any Member of the Senate that the distinguished Senator from Massachusetts and I do not always see eye to eye on everything. On the other hand, I like to think our different points of view have helped to make this a better bill.

I believe our bill balances the issues of equity and capital availability with concerns about affordability. Under this act, all qualified individuals will be able to borrow the funds they need to attend the school of their choice. Repayment terms will be tailored to reflect after-college income—so that people can afford to repay. The expanded Sallie Mae—which under this bill becomes a national student loan bank—will be able to ascertain from the Internal Revenue Service the current addresses and places of employment of borrowers; so collections should improve substantially as compared to existing programs. And, maybe surprising to most of us, preliminary estimates indicate that this bill will cost less than the programs it will replace.

Mr. President, all of our higher education programs are scheduled for reauthorization this year. The chairman of the Education Subcommittee on Labor and Human Resources, Mr. PELL, has assured Senator KENNEDY and me that the subcommittee will hold hearings in the near future on this bill—in conjunction with that reauthorization. I look forward to working with the subcommittee, with the full Labor and Human Resources Committee and with all of my colleagues—and I sincerely hope our efforts will see enactment of this important legislation in time for students to take advantage of the new program during the 1980–81 school year.

As Senators may know, Mr. President, the Education Subcommittees, on both sides of the Hill, are working actively right now—trying to get a bill passed to increase the interest subsidies we pay to banks, under the existing guaranteed student loan program. There are many good things to be said about the programs now in place, but we cannot continue much longer to place ourselves—and our young people in the position of emergency reaction to head off potential shortages of capital to fund loans for higher education. It is a sad but true fact that when capital dries up, it is inevitable that children from low-income families are those who are left out. So long as the existing programs remain in place, this will continue to be a recurring problem.

The solution to this dilemma, Mr. President, is to act—and to act quickly—on this bill. I want to take this opportunity to invite all of our colleagues to join Senator KENNEDY and me in working toward this goal. Also I would like to take this opportunity to thank and commend Carol Cox for the dedicated and creative staff work she has done in working out this bill with members of the staff of Senator KENNEDY.

Mr. President, I commend the distinguished Senator from Massachusetts for the leadership he has given in this field. It has been a pleasure to work with him in developing this proposed legislation, which is a combination of bills introduced separately by Senator KENNEDY and myself during the last session. I believe that, by working together, we have a bill that will gain the support of a majority of the Senate.

EXHIBIT 1

THERE ARE SOME ALTERNATIVES TO "FREE LUNCH" TUITION TAX CREDIT

(By Jack W. Germond and Jules Witcover)

Congress has handed President Carter an ideal vehicle with which to demonstrate his celebrated new "toughness." The Senate's approval of a tuition tax credit, after similar action in the House, calls him on his pledge to veto a proposal that is popular but deserves rejection on several counts.

In a vain attempt to deter the Senate from voting for the tax credit, Sen. Edmund Muskie dug out the old bromide that "there is no such thing as a free lunch." His point was that the taxpayers, as always, would pick up the tab. But the scheme is indeed a free lunch for many middle-to-upper-income American families who send their children to college. At the same time, it offers meager help to lower-income families who really need tuition help. And it is a ripoff of the childless and the elderly who already have sweated to send their kids to school but still pay taxes.

Anyone who is sending a child off to college next month knows that the $250 parents would get in the first year of the Senate plan and the $500 in late 1980 is hardly the answer. Few colleges and universities charge less than $3,500 for tuition, room and board, and in the elite schools such as Harvard it is up to $7,500. So what the tax credit really amounts to is a massage of the middle-class taxpayer by a Congress hellbent on proving that the echoes of California's Proposition 13 tax revolt have been heard along the Potomac.

William Roth, the chief Senate sponsor, argues that for every $100 in aid, 2 to 3 percent more students are able to enroll. That may apply to the lower-tuition colleges, but $500 isn't likely to make a difference for a student accepted at one of the more costly institutions. Not every university is as cheap as Roth's University of Delaware, where tuition is only $940 a year for in-state students and $2,200 for out-of-state students.

The tuition tax credit actually flies in the face of much conservative gospel. According to the Congressional Budget Office, it could add $14 billion to the federal deficit by 1983. It would increase federal support to parochial schools, raising the constitutional question of separation of church and state. And what about the good old conservative doctrine of self-reliance?

Tuition being such a monster, however, it is no longer feasible for many men and women to work their way through college waiting on tables as they did in the old Mickey Rooney movies. So it is clear that some way must be found to assist those qualified students who can't pay the costs themselves, or don't have parents who can.

At least two such schemes are before Congress, but in the pell-mell rush to soothe the middle class, neither is destined to get anywhere soon. One is the proposal of Sen. Henry Bellmon of Oklahoma, a Republican, for a public National Student Loan Bank. The other is a plan for a Tuition Advance Fund sponsored by two Massachusetts Democrats, Rep. Michael Harrington and Sen. Ted Kennedy. Each follows the principle that the student be responsible for his own four-year tuition, to be paid after graduation when he enters the work force.

Bellmon's plan would permit any student to borrow his full tuition, room and board costs regardless of his own or his parents' income. Starting nine months to a year after graduation, he would repay the loan at a low-interest rate, on the basis of 1 percent of his taxable income.

The Harrington-Kennedy bill, the brainchild of Boston University President John Silber, would enable any student to borrow his tuition plus $1,000, up to $5,000 a year. He would repay the loan after graduation at the rate of 2 percent of gross income until he had paid 150 percent of the loan at an interest rate of no more than 3.5 percent.

Each plan would require initial federal outlays but would replace existing, limited federal loan programs, and in a few years, at least in concept, would be nearly self-sustaining. Each would provide real relief to all taxpayers, middle-class and otherwise, by making the student responsible for his own education.

Labor Department statistics have indicated that the average college graduate makes $232,000 more in his lifetime than a nongraduate, so both the incentive and the money are there. If independence and individual enterprise remain sought-after American characteristics, these proposals ought to be popular among the same conservative legislators now clamoring for the free lunch of a tax credit. A Carter veto could be the first step toward serious consideration of such a comprehensive and fair loan program—and, for Jimmy Carter, it might be good politics, as well.

By Mr. SASSER:

S. 1601. A bill to assure that the Department of Energy Organization Act collects and compiles sufficient and timely information from oil companies with which to monitor a steady supply of needed crude oil and derived products; to the Committee on Energy and Natural Resources.

S. 1602. A bill to provide for the appointment by the President of a Special Investigator of Petroleum Fuels Shortages; to the Committee on Governmental Affairs.

● Mr. SASSER. Mr. President, today I am introducing two bills which respond to problems created by the delayed and insufficient information on oil production with which Congress and the public have been supplied. If we are to maintain a consistent policy on energy, we must have current and up-to-date facts.

I have been disturbed to read in recent days that the oil companies are reporting substantial increases in their earnings. Their profits have shot up in the last quarter, with gains ranging up to 132 percent.

The memory of the gasoline shortage during which our Nation was filled with angry motorists fuming in gas lines is still fresh in our minds, and I am outraged to learn of these enormous profits while the Nation was suffering. But, it is some consolation, Mr. President, to have learned immediately of this profit situation. No information was delayed and no statistics were withheld. I may not enjoy what I read, but at least I was kept informed. The oil companies tell us their profits quickly, but not their production statistics.

A few weeks ago, we learned from the news media that production of crude oil in this country had dropped dramatically at the same time that Iran cut off its exports to us. Only a steady flow of domestically produced oil could have warded off a potential shortage. Instead, we lost 22.8 million barrels of crude oil. That supply could have eased the gasoline crunch with an estimated 11.5 million barrels of refined product.

Yet, the people, whose lives were disrupted by the resulting supply shortage, were not informed of the drawdown in production until months after it occurred. Moreover, the Department of Energy, which has the duty to predict and if possible to avoid such national panics, did not learn of the lowered production until spring.

Frankly, I am disturbed about such a delay in discovering and reporting this essential information. I believe the bills which I am introducing today will hasten the process of revealing the truth about our energy situation. I fail to accept further neglect from the Department of Energy in compiling timely statistics.

The monthly reports now published by DOE contain figures which are 3 to 4 months out of date at best. Many of the most recent numbers are based on sources outside DOE and are not independently audited by the Department. The final reports which do emerge contain aggregated figures rather than the company-by-company detail which would allow monitoring of the production procedure.

My first bill requires that DOE meet its responsibility to inform the public about current and future supplies of crude oil. Comprehensive studies on each company's oil supplies, actual capacity, and final output of gasoline, distillates and other petroleum products would be collected monthly for use by the DOE and Congress. This information is necessary for consistent Government policy.

The bill also authorizes DOE to set production schedules after consultation with each company. These reasonable quotas will be based on facts which DOE received. If any company fails to produce at least 95 percent of the agreed amount, the Secretary of the Department may penalize that company by revoking entitlement rights or by suspending mineral leases. These measures are designed to encourage domestic production of oil.

My second bill will create the position of Special Coordinator of Investigations to look into the causes of the fuel shortages. The Departments of Energy and Justice have endlessly delayed a joint study of the crisis. I believe it is imperative to speed along this review, to expedite future investigations, and to establish an investigator who is directly accountable to the people.

Without this information, we can have no control over our energy resources nor over our daily lives. We are left at the mercy of the oil companies who certainly, as we have read, have not suffered much in the past few months.

Finally, I ask unanimous consent that several articles relating to the recent profits of the oil companies and the shortages be printed in the RECORD.

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

THIS SPRING MOST PROFITABLE FOR OIL INDUSTRY

TEXACO EARNS 132 PERCENT MORE DURING SECOND QUARTER

(By William H. Jones)

Final second-quarter earnings reports by major oil companies yesterday showed that the April–June period this year was the most profitable for those months in industry history.

With Texaco Inc., the third-largest oil firm, posting an increase of 132 percent, and No. 11 Sun Co. reporting an advance of 57 percent, all of the 20 biggest petroleum companies (and 23 of the top 26) had reported second-quarter results by last night.

According to a Washington Post compilation, second-quarter profits of the 23 reporting companies totaled $5.47 billion—an increase of 66 percent over profits of $3.28 billion reported for the same months last year, when oil prices had been depressed by an oversupply of crude oil.

In contrast a Wall Street Journal survey of 367 industrial companies that have reported on second-quarter results showed an average increase of 20.3 percent. Only mining and nonferrous metal businesses reported a larger percentage gain—91.8 percent—than that of the oil industry.

Moreover, Wall Street analysts have forecast that petroleum profits will continue at high levels during the rest of 1979 and for next year, even though national recession will trim most corporate profits.

Although levels of spending for exploration and expansion by oil firms are at record levels, soaring world crude oil prices have brought about sharp increases in the petroleum firms' revenues.

Crude prices of the Organization of Petroleum Exporting Countries are now 60 percent above last December's level, according to a Chemical Bank assessment. And nationwide gasoline retail prices have jumped 40 percent over the same period.

A number of oil company executives noted this week the difference between a higher rate of increase in OPEC prices and other costs than for prices at gasoline pumps. An Exxon official said "we deliberately held back somewhat in our pricing in the first six months. We exercised some restraint."

Shell Oil President John Bookout said that with costs rising so rapidly, it is unlikely that profits from sales of gasoline and other products will be up for the full year. "While gasoline and other refined product prices increased substantially for the first half of the year, price increases have been offset by higher costs and lower volumes . . ." Bookout asserted.

Similarly, Exxon Chairman Clifton Garvin said costs for the recent quarter and six months rose "much more than selling prices." Exxon's second-quarter refining and marketing earnings were less than a half of those in the 1978 period, he added. At the same time, Exxon wrote off some of its investment in the search for oil off New Jersey, in the Atlantic Ocean, and that trimmed reported profits.

With Carter administration pressure being applied on Congress for passage of a "windfall profits" tax, the oil companies have become an obvious target with their glowing earnings statements—even if many of the companies' gains were the result primarily of foreign operations or a substantial recovery from a depressed period last year.

And the controversy is expected to continue because oil profits will benefit in future months from higher domestic crude oil prices, under phased decontrol.

"We think the political rhetoric may get worse but we don't think in the final analysis anything very serious is going to come out of that," said analyst Bill Randol, of Blyth Eastman Dillon, of the tax legislation and proposals to ban non-energy acquisitions by oil firms.

Texaco Chairman Maurice Granville emphasized yesterday that his firm's sharp 1979 profit increase—the greatest among the biggest firms—partly show that earnings last year were "abnormally low."

Second-quarter profits were $365.4 million ($1.35 a share) compared with $157.4 million (58 cents) in the 1978 period, for a gain of 132 percent as sales rose 25 percent to $8.5 billion. Granville noted that Texaco had

earned $222.7 million (82 cents) in the similar 1977 period.

For the first six months, Texaco earnings were up to 105½ percent from last year to $672 million ($2.48 a share) compared with $327 million ($1.21) and sales climbed 22 percent to $17 billion. Granville made these points:

Texaco profits had been reduced in 1978 because of generally weak prices worldwide, inflationary cost increases and large losses from foreign currency translation.

The firm's rate of return on investment was at an annual rate of 6.6 percent in the first half, on total assets of $21 billion. According to government data, the return on assets for all U.S. manufacturing firms last year was 7.9 percent.

Texaco's return on average stockholders' equity (stock investment) in the firm of $9.6 billion was 14 percent; the average return on equity for all manufacturing industries was 16.5 percent last year, not counting petroleum, according to regular Citibank surveys.

"The company's earnings are not excessive in relation to the large and growing amount of funds needed for reinvestment in the business, for capital and exploratory expenditures and for other increasing cash needs," Granville stated. "In the final analysis," only profits can generate such funds, he added.

Sun Co., of Radnor, Pa., said yesterday its second-quarter profits were $158.5 million ($2.74 a share) compared with $101.2 million ($1.74) a year ago, a gain of 57 percent. Sales rose from $1.86 billion to $2.5 billion.

Getty Oil Co., of Los Angeles, said second-quarter profits rose to $139.5 million ($1.70 a share) from $56 million (67 cents), and American Petrofina Inc., of Dallas, reported second quarter earnings of $16.2 million ($1.52) vs. $6.2 million (58 cents).

INDUSTRY SAYS EARNINGS NOT OUT OF LINE

Several major oil companies yesterday followed the industry trend in announcing huge profits for the second quarter of 1979, a time when many drivers were waiting in gas lines.

Mobil, the nation's second largest oil firm, said profits had risen 38 percent in the period. No. 6 ranked Standard Oil of California reported a 61 percent rise; No. 7 ranked Atlantic Richfield announced a 23 percent increase and No. 8 ranked Shell Oil Co. said its profits were up 55 percent in the second quarter.

In addition, Exxon, the nation's largest oil company which announced a 20 percent increase in second quarter profits at the start of the week, yesterday raised its quarterly dividend from 90 cents a share to $1.

The companies listed several reasons for the big increases, including rising prices of gasoline, better results from chemical operations and more profits from overseas operations.

Among the oil company profits announced yesterday:

Mobil said profits rose to $404 million ($1.91 a share) compared with $293 million ($1.38) a year ago. Revenues rose to $10.6 billion from $8.8 billion.

In the first half, Mobil said, income was $841 million ($3.97) compared with $534 million ($2.52). Sales were $21 billion compared with $17.5 billion.

Mobil Chairman Rawleigh Warner Jr. said most of the company's gain came from foreign operations.

Standard Oil of California said its worldwide earnings increased primarily also on the strength of foreign operations offsetting a decline in earnings from domestic petroleum activities.

Net income was $412 million ($2.41) against $256 million ($1.51) a year ago. Sales were $7 billion against $6 billion.

First half profit was $759 million ($4.44) on sales of $13.9 billion compared with $499 million ($2.93) a year ago on sales of $11.7 billion.

Atlantic Richfield attributed its gain primarily to an increase in production and price of oil from Alaska. Strong downstream petroleum markets and an improved chemical business also enhanced earnings.

The company reported a record $260 million in earnings (or $2.12), up from $211 million ($1.73) last year. Sales rose to $3.7 billion from $3.1 billion a year ago.

Earnings for the first six months were $503 million ($4.10) on revenues of $7.2 billion, compared with $361 million ($2.97) on sales of $6.1 billion last year.

Shell credited higher oil and natural gas prices, as well as more sales of chemical products, for its gains. But Shell President John Brookout said rising costs would make it unlikely that the company's profits on sales of gasoline and other products will be up for the year.

In the second quarter, Shell's profits rose from $179 million last year to $277 million in this year's second quarter. Earnings per share climbed from $1.21 to $2.80, and revenues from $2.8 billion to $3.5 billion.

For the first six months, Shell said profits were up 35 percent to $501 million, ($3.27) from $372 million ($2.52). First half revenues totaled $6.5 billion compared with $5.4 billion last year.

Conoco Inc. had quarterly earnings of $215.8 million ($2.01), up 40 percent from $153.8 million ($.43) last year. The ninth-ranked oil company reported sales of $3 billion, compared with $2.5 billion a year ago.

Phillips Petroleum, ranked 11th, had profits of $214.6 million ($1.39), up 44 percent from $149 million (97 cents) last year. Revenues rose to $2.2 billion from $1.7 billion.

For the first half, Phillips' profits were $391.6 million ($2.54) up from $319.8 million ($2.08) last year. Revenues were $4.20 billion compared to $3.47 billion.

Higher prices and greater sales also pushed up profits for Union Oil Co. of California. Union, the nation's 13th largest oil firm, reported quarterly earnings of $128.2 million ($1.48) up 48 percent from $88.6 million (99 cents) a year ago. Revenues rose to $1.9 billion from $1.6 billion.

Sixth month earnings for 1979 were $242.3 million compared to $165.9 million last year. Per share earnings were up to $2.79 from $1.87 last year, and revenues rose to $3.6 billion from $3.1 billion.

Cities Service Co., ranked 16th in the industry, reported a 90 percent jump in second quarter profits over the same period last year.

Quarterly earnings for Cities Service were $76.7 million ($2.77) on revenues of $1.44 billion compared with $40.4 million ($1.45) on revenues of $1.15 billion last year.

First half earnings were $155.2 million ($5.60) on revenue of $2.90 billion compared with $95.7 million ($3.45) on revenue of $2.33 billion last year.●

By Mr. CRANSTON (for himself, Mr. NELSON, Mr. RIEGLE, Mr. JACKSON, Mr. BURDICK, Mr. LEVIN, Mr. TSONGAS, Mr. GOLDWATER, Mr. WEICKER, Mr. DANFORTH, Mr. HAYAKAWA, Mr. WARNER, Mr. DECONCINI, Mr. PERCY, and Mr. JAVITS):

S.J. Res. 99. A joint resolution to provide for the designation of a week as "National Lupus Week"; to the Committee on the Judiciary.

NATIONAL LUPUS WEEK

● Mr. CRANSTON. Mr. President, today I am introducing a resolution providing for the designation of the week of September 16 through 22, 1979 as "National Lupus Week." This resolution has been introduced each of the last three years by my good friend and colleague GLENN M. ANDERSON, the representative from California's 32d District, and each year I have been happy to facilitate Senate action to agree to action taken in the House on his resolution. This year the Judiciary Committee policy requires a Senate-introduced bill before it will act on a bill designating special weeks such as "National Lupus Week." Once again, I am happy to provide my assistance to my colleague in his efforts to focus national attention on the serious nature of the disease lupus erythematosus and am introducing a bill identical to that reported from the House Post Office and Civil Service Committee. I am delighted to have as cosponsors of this resolution the distinguished Senator from Wisconsin (Mr. NELSON), the distinguished Senator from Michigan (Mr. RIEGLE), the distinguished Senator from Washington (Mr. JACKSON), the distinguished Senator from North Dakota (Mr. BURDICK), the distinguished Senator from Arizona (Mr. DECONCINI), the distinguished Senator from Michigan (Mr. LEVIN), the distinguished Senator from Massachusetts (Mr. TSONGAS), the distinguished Senator from Arizona (Mr. GOLDWATER), the distinguished Senator from Connecticut (Mr. WEICKER), the distinguished Senator from Missouri (Mr. DANFORTH), the distinguished Senator from California (Mr. HAYAKAWA), the distinguished Senator from Virginia (Mr. WARNER), the Senator from Illinois (Mr. PERCY), and the Senator from New York (Mr. JAVITS).

Mr. President, I would like to explain briefly the nature of lupus erythematosus and the intent of the resolution.

Lupus erythematosus is a disease of the connective tissue of the body including the skin. It causes are unknown. It is essentially a disorder of the body's immune system, which is the first line of defense against infection and inflammation anywhere within the body. Its main target is women in the early and young adult age bracket—ages 14 to 40. There may be as many as 500,000 cases in the United States with approximately 50,000 new cases diagnosed each year. The majority of the cases can be effectively treated, however, tragically, lupus causes 5,000 deaths annually.

The intent of the resolution is to help the American Lupus Society, the volunteer organization, make the public aware of the tragedy of lupus erythematosus. The American Lupus Society is a nonprofit organization originally founded in 1973 in California. The purpose of the organization is to assist lupus patients and their families in their fight against the disease, to develop and engage in programs aimed toward making the public aware of lupus, and to raise funds for lupus research and patient care. With a nationally proclaimed week, the chances for success of the voluntary organization's efforts are considerably heightened. A national week gives its members a focus for their efforts to increase public awareness of lupus.

President Carter has designated a National Lupus Week in 1977 and in 1978.

This resolution calls on him to make that designation again in 1979.

I urge my colleagues to support this resolution.●

By Mr. SASSER:

S.J. Res. 100. A joint resolution authorizing the President to proclaim May 1, 1980, "National Bicycling Day"; to the Committee on the Judiciary.

NATIONAL BICYCLING DAY

● Mr. SASSER. Mr. President, today I am reintroducing a joint resolution to authorize the President to proclaim May 1 as National Bicycling Day. I believe the benefits to be derived from bicycling are of such importance that this simple, human-powered machine deserves national recognition.

I introduced a similar resolution last February, which would have authorized the proclamation of May 1, 1979, as National Bicycling Day. That resolution, however, was not considered by the Senate.

I have brought to the Senate's attention on previous occasions a number of facts about bicycling: That there are approximately 92 million bikes in use, compared to 114 million automobiles; that bicycle riding "earns" about 17 cents a mile in energy savings; that the Senate has made a commitment to biking in its authorization of $20 million to be spent on bikeways and bike facilities.

Mr. President, every day one of my distinguished colleagues rises to discuss some aspect of the Nation's energy problem—long gas lines, rising prices, our dependence on oil imports, the need to reconcile our lifestyles with the reality of diminishing energy supplies.

The bicycle represents a viable supplement to motor transport, under certain circumstances. Indeed, it is estimated that some 131 million gallons of gasoline can be saved each year if only 1 percent of all short trips of less than 5 miles are made on a bike, rather than in an automobile.

On May 1, 1979, I participated in a small tribute to the bicycle held just outside the Russell Building, Mr. President. The tribute was in honor of National Bicycling Day, and to kickoff American Bike Month, which has been recognized by American bicycle manufacturers for over 20 years. It is estimated that approximately 105 million Americans in some small way celebrated American Bike Month during May. Mr. President, I ask unanimous consent that my statement, as well as those of Senator JEPSEN, Congressman GLENN ANDERSON, and Mr. Randolph Swart be entered in the RECORD at this time.

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

STATEMENT OF SENATOR JIM SASSER, MAY 1, 1979

I am delighted to have this opportunity to welcome all of you to Washington today for this dramatic exercise in cycling. I appreciate your interest and I appreciate the cooperation from the Bicycle Manufacturers Association and the Washington Area Bicylists Association.

Bicycling today is growing by leaps and bounds—or I should say by wheels and gears. There are bicycles today that do everything but send up smoke signals at intersections.

With the energy crisis and the emphasis on exercise, bicycling is coming into its own. There are now about 92 million bikes in use in the United States. This compares with 114 million automobiles.

Bicycles are moving up on the cars statistically—and if they keep adding gears—perhaps even on the road.

Bicycling is popular around Capitol Hill. And, if all employees are required to pay for parking on the hill, it will be even more popular.

We may wind up with the most athletic office force in the country before this energy crisis is resolved.

I think it is appropriate that the Congress promote bicycling across the country.

Our Nation will be healthier, our air cleaner and our gasoline consumption lower.

In this connection, I have cosponsored legislation introduced by Senator Stafford of Vermont to require bike parking and locking facilities at every Federal building. Such a development encourages people to bring their bikes to work.

Other innovative promotions for bike riding are being conducted here in the Washington area. Bike lockers are now available at numerous metrorail stations so commuters can "park 'n ride." The Washington Area Bicyclist Association is also involved in creating effective commuting routes into Washington with the help of area bicyclists. The "pedal pool", as it is known, is rapidly becoming a huge success.

Congress has also been involved in bicycling. Last year, we recognized the increasing role of bicycles as a viable means of transportation through the Surface Transportation Assistance Act of 1978. This act authorized $200 million annually for fiscal years 1979 through 1982 for grants to be used in the construction of bicycle paths and projects which enhance the safety of biking. Unfortunately, no funds have yet been appropriated. It is my hope that the benefits to be derived from an additional Federal investment in bikeways will soon be made.

American Bike Month starts today, and I commend the industry for promoting the health, safety, commuting and recreation purposes of the bicycle.

STATEMENT OF SENATOR ROGER JEPSEN, MAY 1, 1979

I'm here today to demonstrate my support for National Bicycling Month and to tell you of the tremendous interest in bicycling that exists in my home State of Iowa.

Iowa's bicyclists are among the Nation's most devoted.

Each summer, two columnists for the Des Moines Register, Donald Kaul and John Karras, organize a one week "Register's Annual Great Bike Ride Across Iowa", otherwise known as Ragbrai. In the six years of its existence, Ragbrai has attracted thousands of riders from across the country.

This summer, Ragbrai riders will trek across 480 miles of scenic Iowa countryside in six days. They will be fed, bedded and cheered on by each small town through which they pass.

To me, Ragbrai's success and the many bicycle clubs in Iowa demonstrate the increasing national popularity of bicycling. The number of bicycles in this country may soon outnumber cars. While the bicycle cannot be a total solution to our increasing energy problem, expanded bicycle use together with other energy-saving programs can help this Nation achieve greater energy independence.

I'd like to recognize all bicycle enthusiasts and encourage Americans to bike their way to fun and fitness. Ride on!

STATEMENT OF CONGRESSMAN GLENN ANDERSON, May 1, 1979

WASHINGTON'S THIRD ANNUAL BIKE WEEK

The variety of Bicycle related events in Washington during the past 4 days shows the versatility of the bicycle and suggests the many ways in which it can help to enrich life in America. The bicycle has important contributions to make in saving scarce energy, in helping to improve public health through regular exercise, and in cutting pollution and congestion on urban streets.

Last year Congress took the first major step by passing the bicycle provisions of the Surface Transportation Assistance Act to turn the bicycle's promise into reality. This Spring Congress should take the second big step by appropriating the full $20 million authorized under that Act for bicycle facilities and programs. I have testified in support of that full appropriation.

But Congress can only make the general policy. The Executive branch must do its share. The Environmental Protection Agency has already shown leadership by urging inclusion of the bicycle in urban transportation planning under the Clean Air Act. The Federal Highway Administration needs to demonstrate that it has grasped the great potential of the bicycle, by moving swiftly to develop new design standards that include the bicycle as part of the traffic flow on the entire road system, and not merely on separate bicycle paths and lanes.

State and local governments also must move forward. They need to remove the many unnecessary obstacles and hazards in our road network that now inhibit daily bicycle use by millions of Americans. They need to create better and more widely available programs to teach bicyclists and motorists to share the road safely and amicably.

The energy situation in which the nation finds itself will put increasing pressure on everyone, and especially on the Federal Government, to develop new solutions to the problem of energy conservation. I am proud to have been the author of last year's principal legislation in the bicycle field, namely Section 141 of the Surface Transportation Assistance Act. The new program under Section 141 can serve as one important way of addressing the energy shortage. Short trips of five miles or less use up vast amounts of gasoline. Each 1 percent of the short-trip mileage that can be switched from the auto to the bicycle will save 131 million gallons of gasoline per year. There is no reason why we should not set a target of switching the next 1 percent of these short trips in each of the next three years, for an annual saving in the third year of nearly 400 million gallons.

But, you the cyclists, will have a keep the pressure on if this is to happen. The League of American Wheelmen has helped the Congress to legislate for bicycling by speaking up clearly and forcefully for the needs of the cyclists, but the league and other groups such as the Bicycle Manufacturers Association of America, Inc., cannot do this job alone. It is up to every individual cyclist to tell his or her Congressman or Senators, and the President, that the time has come to make the bicycle a full partner in American transportation. The next move, my bicycling friends, is up to you. Thank you!

STATEMENT OF RANDY SWART, PRESIDENT, WASHINGTON AREA BICYCLIST ASSOCIATION, MAY 1, 1979

Thank you, Senator Sasser, for your encouraging words.

Although the primary focus of the Washington Area Bicyclist Association is the improvement of the cycling environment in Washington, D.C., we are inevitably drawn, as are all bicyclist activist organizations, to the

source of Federal Government involvement in our effort—the U.S. Congress. We count on a few forward-looking individuals in the Congress for the support which moves bicycle legislation through the maze of committee study and eventually onto the floor for a vote.

In the present Congress we have identified three Bills which are vital to our members' needs. The first two relate to the provision of adequate bicycle parking facilities for Federal buildings. They are S. 460 (Senator Stafford) and H.R. 2118 (Congressman Mineta). Those bills are essential to the effort to make it possible for more Federal employees to reach their jobs each day without wasting our precious fossil fuel resources, and to enjoy the health benefits which accrue to the regular cyclist.

The second major area of concern to us is the appropriation for the bicycle-related portions of the Surface Transportation Assistance Act. The authorization of these progressive programs last year excited bicycle groups such as WABA with the prospect of a greatly enhanced Federal response to the needs of transportation cyclists throughout the country. The program must now be funded, however, and we are concerned that it may be shoved aside in this year of pressure on the Federal budget. The programs to be funded represent an investment in an improved transportation system for American cities, an investment which will repay itself many times over in relieving traffic congestion, saving irreplaceable petroleum resources, and reducing air pollution. We must make an effort to provide safer and more useful bicycle facilities for those who are willing to give up their cars and pedal for a better city environment. In addition we can add an important element of flexibility to our transportation mix by allowing commuters and other travelers the option of using a bicycle when gasoline is scarce, relieving pressure on the dwindling supply. The appropriation for the bicycle-related parts of the Surface Transportation Assistance Act is vital to that effort.

WABA thanks the Senators and Congressmen who came on this ride today to emphasize their recognition of the value of the bicycle in our transportation system. We will look to you in coming months for the working support of the legisaltion which will evidence your commitment to our cause, and will pledge in turn the active support of the bicycle community in your future election campaigning to ensure that bicycling voters are well-informed of your good work here and the fine legislative record you are compiling here on their behalf. You have earned the WABA salute—"Ride On!"

Mr. SASSER. In closing, Mr. President, I again want to stress versatility and convenience of the bicycle in such areas as commuting, shopping, and recreation. However, I hope the Senate will recognize the importance of this inexpensive mode by approving this resolution.●

ADDITIONAL COSPONSORS

S. 742

At the request of Mr. PERCY, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 742, the Nuclear Waste Management Reorganization Act of 1979.

S. 1046

At the request of Mr. MOYNIHAN, the Senator from New Hampshire (Mr. DURKIN) was added as a cosponsor of S. 1046, a bill to amend the Solid Waste Disposal Act (as amended by the Resource Conservation and Recovery Act of 1976) to establish a program for the identification and reclamation of abandoned hazardous waste sites, to establish a fund to be used for the reclamation of hazardous waste sites and for the compensation of persons injured by hazardous waste, to provide a Federal cause of action for damages caused by hazardous waste, and for other purposes.

S. 1287

At the request of Mr. GOLDWATER, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1287, a bill to repeal the earnings ceiling of the Social Security Act for all beneficiaries age 65 or older.

S. 1427

At the request of Mr. SCHMITT, the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1427, the United States-Mexico Good Neighbor Act of 1979.

S. 1465

At the request of Mr. TALMADGE, the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 1465, the Farm Credit Act Amendments of 1979.

S. 1533

At the request of Mr. TOWER, the Senator from Connecticut (Mr. WEICKER) was added as a cosponsor of S. 1533, to amend the Investment Company Act to provide an exemption for qualified venture capital companies.

SENATE RESOLUTION 213—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. LONG, from the Committee on Finance, reported the following resolution, which was referred to the Committee on the Budget:

S. RES. 213

Resolved, (a) That pursuant to section 402(c) of the Congressional Budget Act of 1974, section 402(a) of such Act shall not apply with respect to the consideration in the Senate of the bill S. 566 to authorize a targeted fiscal assistance program for payments to local governments requiring fiscal relief, an antirecession fiscal assistance program, and for other purposes, or with respect to the consideration of an amendment the substance of which is the same as the substance of such S. 566 as reported by the Committee on Finance of the Senate; and

(b) That waiver of such section 402(a) is necessary in order to enable the Senate to consider legislation which will establish a program of targeted and antirecession fiscal assistance; and

(c) That it was infeasible to complete action on this legislation within the usual time limits prescribed by such section because the program is so particularly related to economic conditions as to make it highly desirable to delay action beyond the usual deadline in order to obtain as accurate a view of present economic trends as possible; and further

(d) That, although the legislation was not reported by the date established in such section, action on this program was anticipated and considered in the fiscal 1980 budget process as evidenced by a specific discussion of the legislation in the statement of managers accompanying the conference report on the first concurent resolution on the budget for fiscal year 1980.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS HEARINGS

● Mr. RIBICOFF. Mr. President, I wish to announce that the Committee on Governmental Affairs will hold hearings on S. 930, a bill to amend the National Energy Conservation Policy Act to prohibit free Federal employee parking, on Wednesday, August 1, 1979.

The hearings will begin at 9 a.m. in room 3302 Dirksen Senate Office Building. There will also be an afternoon session beginning at 2:30 p.m.●

DEPARTMENT OF EDUCATION CONFERENCE

Mr. RIBICOFF. Mr. President, I wish to announce that the committee on conference, House and Senate, will meet Wednesday, August 1, at 2 p.m., in room H328 of the Capitol, to consider S. 210, the Department of Education Organization Act of 1979.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION, MARKETING, AND STABILIZATION OF PRICES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Agricultural Production, Marketing and Stabilization of Prices Subcommittee of the Committee on Agriculture, Nutrition and Forestry be authorized to meet during the sessions of the Senate today and Tuesday, July 31, 1979, to hold hearings on agricultural transportation problems.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the sessions of the Senate this week to continue markup of pending calendar business.

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

COMMITTEE ON ARMED SERVICES

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the sessions of the Senate this week to consider the SALT II Treaty.

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

ADDITIONAL STATEMENTS

AN UNLEARNED LESSON FROM SALT I

● Mr. GARN. Mr. President, I would just briefly like to call the attention of my colleagues to a recent article, "The SS-19 Loophole", published in the Washington Post. It highlights one of the key weaknesses of the proposed SALT II treaty and the American negotiating position vis-a-vis the Soviet Union.

It seems that we have failed to learn from our experience with the Soviets after the signing of SALT I. Too often we relied on unilateral statements regarding important aspects of the SALT I. Too often we relied on unilateral statements regarding important aspects of the SALT I accords. And, without ex-

ception, the Soviets have rejected our assertions on the grounds that they were never regarded as binding on Soviet actions. We have heard time and again that SALT is not the cause of our land-based ICBM vulnerability problem. Yet, the failure of SALT I to prevent the Soviets from replacing their light SS-11 ICBM with the much larger SS-19, has, indeed, contributed to the vulnerability problem we will face in the near future.

Now it seems that the United States is once again determined to rely on unilateral interpretations—this time for the SALT II provisions—in the curious hope that the Soviets will be more accommodating this time around. The Soviets refuse to agree on a specific definition of the size of the SS-19, yet the SS-19 is intended as the limit on the size of the one new-type ICBM allowed under the terms of SALT II. In negotiating SALT II, we have ignored the lessons of SALT I, and the U.S. Senate must not legitimize this error by ratifying SALT II as presently proposed.

Mr. President, I ask that the Washington Post article by Evans and Novak, "The SS-19 Loophole," be printed in the RECORD.

The article follows:

[From the Washington Post, July 17, 1979]

THE SS19 LOOPHOLE

(By Rowland Evans and Robert Novak)

A reading of the fine print in the SALT II treaty after it went to the Senate has revealed, to the horror of supporters of the Arms-control pact, an uncanny repetition of the worst U.S. blooper in the 1972 SALT I treaty.

The 1972 mistake, not discovered until long after ratification, failed to pin down specific limits on the size of a replacement for the SS11 intercontinental ballistic missile (ICBM). Now, in a new negotiating blooper discovered as the Senate ratification debate begins, SALT II does not clearly define the size of Moscow's mainstay SS19 ICBM, which it sets as the limit on the size of any new missiles.

That history should be so sadly replayed is explicable only by this fact: The Russians simply refused to agree on a specific definition of the size of the SS19. This adds new evidence that U.S. negotiators, under orders from Washington for an agreement at almost any cost, bowed to the iron will of their Soviet counterparts.

Ironically, the 1979 mistake occurred in an effort to correct the effect of the 1972 negotiating blunder. By failing to pin down the size of the new Soviet ICBMs, SALT I contributed to the vulnerability of land-based U.S. missiles. Limiting future Russian ICBMs to the size of the SS19 is an effort to protect the land-based U.S. missile force.

But if there was no agreement on the size of the SS19, how can Moscow legally be held to the terms of the treaty?

The answer: It cannot, any more than it could be forced to comply with the clear understanding of limits on "new" missiles in the 1972 treaty, negotiated by Henry Kissinger.

Kissinger relied, to his later dismay, on what he called the "safeguard" of Soviet assurance "that no missiles larger than the heaviest light missile that now exists can be substituted." In 1972, that was the SS11. But after SALT I took effect, the SS11 was replaced by the SS19, which was almost three times as big.

President Carter's negotiators retraced Kissinger's slippery footsteps, relying on their own understanding of the size of the SS19. The Soviets typically refused to agree or disagree with the U.S. definition.

The State Department virtually admits that it could not nail down the Soviets. Its "detailed analysis" of the treaty, sent to all senators, spells out this country's position: the United States "considers" the SS19 to have a launch-weight (weight in the silo) of 90,000 kilograms and a throw-weight (weight of the warheads) of 3,600 kilograms. These are key measurements of size.

"These figures are based on our estimate for the SS19," the senators were told. "The Soviet Union did not respond to this statement [but] the United States will regard these figures as the limits for the one new type of . . . ICBM permitted to the United States."

But will the Russians? Realists here doubt it, anymore than in 1972. Kissinger learned the hard truth slowly, as U.S. monitors in Iran began to accumulate data on the true size of the new SS19 being tested to replace the old SS11.

Trapped by Soviet duplicity three years later, Kissinger found himself lamely explaining away the sudden appearance of the big SS19. "We obviously did not know in 1972 what missiles the Soviet Union would be testing in 1974," Kissinger told a State Department press conference on Dec. 9, 1975.

But there was no way to stop SS19 development. Moscow blithely kept insisting its new missile was just a slightly updated model of the old SS11. Now, following SALT II, the Russians have a loophole to sustain their own version of a "legal" follow-on missile to the SS19 by claiming that the U.S. definition of the SS19's size is simply wrong, and that Moscow never agreed to it.

This would not come up if the Russians played fair and square. But they play to win; they take advantage of whatever opportunity is granted.

Discovery of Soviet deception on the SS19 by the Nixon-Ford administration long after SALT I took effect depended on American's ally, Iran. But the true size of the SS19 almost certainly would have eluded U.S. intelligence for even longer had it not been for U.S. monitoring stations in northern Iran, just south of the main Soviet test range.

Those stations no longer exist, and the United States is not close to duplicating them. This enhances the strong probability that the one new Soviet missile permitted under the treaty will not only greatly exceed limits set forth by U.S. negotiators but also that the Soviets will not reveal its full launch-weight and throw-weight until it has been tested repeatedly—ready to enter the Soviet missile force.

This undermines the SALT-sellers' argument that the treaty, while not accomplishing all that much, does no harm. On the contrary, this new revelation of non-Yankee bargaining suggests that the Soviet Union, under SALT II as under SALT I, will loophole its way to nuclear supremacy while Americans play by the rules.●

THE UNIVERSITY OF RICHMOND

● Mr. HARRY F. BYRD, JR. Mr. President, I wish to call to the attention of the Senate a remarkable institution on the occasion of its 150th anniversary.

Over that span of time, the University of Richmond has provided superior education to Virginians.

The university was founded in 1830 by the Virginian Baptist General Association as a seminary to train candidates for the ministry. Over the years the University of Richmond has changed dramatically. It has grown from a small church school of 35 students to the largest, privately endowed college or university in Virginia. This prodigious growth has only been interrupted once in 150 years.

During the War Between the States, the university was closed. The university buildings served in the early part of the war as a Confederate hospital and later as barracks for Union soldiers.

Paralleling the University of Richmond's growth in size has been a diversification of the school's curriculum. Throughout this expansion the university has never lost sight of its founding tenet—to provide a sound, Christian education.

At present the University of Richmond operates a fine undergraduate program in addition to a comprehensive graduate program which includes a graduate school, a school of law, and a school of business administration. In both programs, undergraduate and graduate, emphasis is placed upon individual achievement and scholarship.

The University of Richmond provides an important service to the Commonwealth of Virginia and to the United States. It is through the dedication to education exemplified by the Univeristy of Richmond's 150-year history, that the State and Nation will continue to benefit from trained and effective leadership.

I am confident that this leadership will continue to be available as long as persons such as the University of Richmond's president, Dr. E. Bruce Heilman, remains involved in education.

As a Virginian, I am proud of the University of Richmond.●

STEMMING THE TIDE OF STOLEN SECURITIES

● Mr. PERCY. Mr. President, I have spoken out on the floor of the Senate before concerning white-collar crime in general, and in particular, crimes involving stolen securities.

Between 1971 and 1974, the Permanent Subcommittee on Investigations, on which I serve as the ranking minority member, held hearings concerning the connection between organized crime and the trafficking in stolen and counterfeit securities. At these hearings, expert witnesses testified that perhaps more than $50 billion worth of bogus securities could be found in the Nation's brokerage houses, banks, and other financial institutions.

On June 20 of this year, along with Senators THURMOND, BIDEN, RIBICOFF, JACKSON, NUNN, JAVITS, and DECONCINI, I introduced S. 1380, the Securities Protection Act of 1979. This bill is designed to insure the vigorous pursuit, arrest, and prosecution of those involved in fraudulent securities transactions.

Since that date, additional attention has been focused on this problem. In an article appearing in the Wall Street Journal on July 10, Burt Schorr described the system already in effect, under the management of the Securities and Exchange Commission, that monitors trade in securities. This SEC reporting system attempts to keep track of all

securities that have been reported as lost, missing, or stolen. If, at any time, someone attempts to trade a security which had previously been reported as missing, the SEC can instantly inform law enforcement officials.

As I noted in my original floor remarks, this system meshes perfectly with the legislation we have proposed. S. 1380 is designed to bring the full weight of the Federal Government to bear on those white-collar criminals who attempt to traffic in stolen or counterfeit securities. Recent articles have identified securities theft and fraud as one of the top three white-collar crimes.

This important legislation is neither capricious nor burdensome. It has been carefully drafted to complement law enforcement and regulatory procedures that already exist.

With this SEC system operating so effectively, along with increased attention from the FBI, we have won half the battle. S. 1380 would help win the war.

Mr. President, at the conclusion of my remarks, I request that Mr. Schorr's article, entitled "Uncle Sam's Securities Recovery Plan Proving Simple, Cheap, and Efficient" be printed in the RECORD.

The article follows:

UNCLE SAM'S SECURITIES RECOVERY PLAN PROVING SIMPLE, CHEAP AND EFFICIENT

(By Burt Schorr)

NEW YORK.—Date: July 13, 1978. Time: 10:10 a.m. Edward Collins, 19 years old, waits behind the wheel of the Bradford Securities Processing Service Inc. station wagon parked on Maiden Lane in Manhattan's financial district. Suddenly, a bearded man in blue jeans approaches the vehicle. The man, with a pistol in his belt, says, "Move over before you get hurt." Mr. Collins complies and the stranger slides in behind the wheel.

A moment later, a Bradford messenger that Mr. Collins is waiting for emerges from 110 Maiden Lane with two satchels full of stocks and bonds valued at more than $5 million. A confederate of the bearded man steps behind the messenger and forces him into the back seat of the station wagon. Then the vehicle is driven to a nearby alley where the holdup men grab the satchels and disappear.

Thefts of stocks and bonds have cost securities firms and banks or their insurers hundreds of millions, if not billions, of dollars during recent decades. Strong-arm tactics like those used in the Bradford heist are rare; usually securities find their way into the wrong hands through the connivance of financial-district insiders. But this case is memorable for another reason.

In the months following the Maiden Lane robbery, a computer system recently established by Uncle Sam to track lost or stolen securities helped law-enforcement agencies block attempts to put the Bradford loot back into circulation at no less than eight locations around the country.

OVER DOZEN ARRESTS

Although the two holdup men are still at large, more than a dozen individuals have been arrested so far and more than $3.3 million of the stolen stocks and bonds recovered, largely with the computer's help. The Federal Bureau of Investigation expects to make still more arrests in the case. The FBI has also acquired valuable leads on how stolen securities move in underworld conduits through Las Vegas and other cities.

Indeed, the securities-recovery program is proving itself an anomaly among made-in-Washington ideas. It's simple, it's cheap—and it works.

Under Securities and Exchange Commission regulations, the more than 17,000 participating securities firms and banks must advise the computer center in Wellesley, Mass., whenever any of the generally traded stocks, bonds or other securities in their possession are stolen or turn up missing. (The certificates are identified by the numbers printed on their face.) Every time a subscriber takes in more than $10,000 of securities from a customer, foreign bank or other source outside the reporting network, it must inquire of Wellesley whether the securities are listed as lost or stolen.

In its first 17 months of operation, through May 31 this year, the computer tallied 623 "hits," with a subscriber's inquiry matching another subscriber's lost-or-stolen report, says Securities Information Center Inc., the Itel Corp. subsidiary that runs the system for the SEC. The information prevented crooks from passing off more than $15 million of securities, and many of those have been recovered. As SEC officials see it, the record thus far is ample justification for the $1 million in annual fees that subscribers are paying the center for the service.

POLICE ENTHUSIASTIC

The police are enthusiastic, too. "Now a Wall Street house finds out right away when it's got a problem and can give us a quick call," says Vincent Hogan, head of the New York Police Department's bond and property recovery squad. Before the tracking program began, securities thefts usually wouldn't be reported "until after someone lost a lot of money," Lieutenant Hogan adds.

Eugene Howard, director of security for Bradford National Corp., the parent of Bradford Securities Processing, sees the Wellesley computer center as discouraging securities thefts by insiders. "Once you take away the market on the outside, you take away the motive to steal," he believes.

Uncle Sam's computer eye has its blind spots, however, and security men for Wall Street brokerage firms fear organized crime already is on to them. For example, the Wellesley data bank retains subscriber inquiries for only 21 days. If a loss or theft isn't discovered during that time, inquiries that could provide leads to crooks passing stolen securities would be erased before the theft report actually came in.

Gregory Yadley, the SEC attorney who oversees the checkup on lost or stolen securities, acknowledges that longer retention of subscriber inquiries would be helpful in tracking down thieves. But he says that the idea has been turned down for now as too costly.●

SURFACE MINING CONTROL AND RECLAMATION ACT AMENDMENTS OF 1979

● Mr. JACKSON. Mr. President, the Committee on Energy and Natural Resources reported the Surface Mining Control and Reclamation Act Amendments of 1979, S. 1403, on Friday, July 27.

Over my objections and those of several other Senators, the committee adopted a substitute text offered by Senators HATFIELD and FORD. Whereas the text of the bill which I introduced would have extended the deadlines in the act by 7 months as requested by the administration and recommended by the National Governors' Association, the substitute text would delay the timetable in the act by an additional 5 months and make other changes in the law. These changes are highly controversial. So controversial in fact that the Secretary of the Interior has written to me indicating that he will recommend a veto of the legislation if it reaches the President's desk in its present form.

I want Senators to be aware of the Secretary's letter because I think that his strong feeling on this issue makes a convincing argument by itself against adopting the substitute text.

I ask that the Secretary's letter be printed in the RECORD.

The letter follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C.

Hon. HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR Mr. CHAIRMAN: I am extremely disappointed by the action of the Committee in passing the Hatfield-Ford substitute to S. 1403.

This substitute language would do such harm to the Surface Mining Control and Reclamation Act of 1977 and to the Administration's effort to assure that coal be mined in a safe, environmentally acceptable manner that, if the bill is ultimately sent to the President in its present form, I will recommend that it be vetoed.

As you know, the Administration supports a simple amendment to the Act which would give back to the States the seven months that were lost due to the late appropriation to the Office of Surface Mining Reclamation and Enforcement (OSM) and the consequent seven-month delay in promulgation of the permanent regulations. This would push back the date for submission and approval of State programs by seven months, providing time for more orderly preparation and review of these programs. We believe ours was a very logical and fair proposal and I deeply appreciate your personal support of it.

The substitution to your bill passed by the Committee has, at a minimum, the following adverse effects on the Act and program:

1. Twelve-month extension of State program approval deadlines.—The substitute language not only extends the time period for filing State programs by 12 months, but leaves intact the option of an additional six-month extension, should a State indicate that legislative action is necessary—a total extension of 18 months (not 12 months, as some reports on the substitute language have indicated).

It extends the period of dual Federal/State enforcement. Although desirable during the initial program to accomplish some national uniformity and allow for a period of transition, this extension prolongs the opportunity for Federal/State conflict. Such conflict, when it occurs, gives operators mixed signals and different interpretations of the law at the same time they are expected to expand coal output to meet our Nation's energy policy and needs.

It delays implementation of the full public safety and environmental protection standards thereby continuing the damaging effects of mining which the Act is intended to prevent.

It delays the time when the State abandoned mine land programs may be approved, thereby delaying the correction of hazards and detrimental effects of blighted, polluting and dangerous abandoned mine sites.

2. Removal of the requirement that the States' regulations be consistent with the Secretary of the Interior's regulations.—

This change removes my ability to compare a State program submittal against a standard (OSM's regulations) that sets forth acceptable interpretations of the minimum requirements the Act mandated. Without this standard, which was developed after considerable consultation with all interested parties, public hearings and thousands of

pages of comments, my decisions on program approvals may well appear arbitrary and capricious, thus increasing the likelihood of litigation. If implementation of a State program is enjoined as part of that litigation, the Act requires me, after twelve months, to place a Federal program in that State. This is clearly a result none of us wants.

Court challenges of some State programs are probable, in any event, but the effect of the amendment is to multiply these challenges. Current litigation on OSM's regulations will resolve a number of issues subject to challenge; whereas, without these regulations, the issues will arise in the context of each separate State program, resulting in a proliferation of conflicting judicial interpretations on any number of the Act's critical elements.

The Act requires the concurrence of the Environmental Protection Agency, U.S. Army Corps of Engineers, Mining Safety and Health Administration, and the Department of Agriculture, as well as coordination under other Acts (Fish and Wildlife Service, Heritage Conservation and Recreation Service, and Advisory Council on Historic Preservation). OSM's regulations have achieved these concurrences and coordinations. Since State programs would have to meet the requirements of these agencies, extraordinary delays would be encountered under the substitute language, unless the State submission was consistent with OSM's regulations, as the Act presently requires.

With the provision in OSM's regulations for flexibility in State programs allowed by the "State Window," the frequent allowance of State discretion in the choice of alternative design criteria, the broad authority to institute experimental departures from the environmental protection performance standards, and my ability to approve a State program conditionally, it is my considered judgment that the amendment is unnecessary, since sufficient flexibility already exists.

3. Delay of implementation of a Federal Lands Program in a State until implementation of a State program in that State.

This amendment makes a substantive change behind an innocent appearing coinciding of dates. In fact, the change could well result in the elimination of the interim performance standards on Federal lands, a retreat from the environmental protection presently occurring as a result of OSM's interim regulations. This could occur from the deletion of the words "and implement" from the first sentence of Section 523(a) of the Act, which language I have relied upon to put into place the interim program on Federal lands.

Tying the Federal Lands Program implementation scheme to the implementation scheme devised by Congress for State programs not only delays the effective date of the former program eight months beyond the date of State program approval (Section 506(a) of the Act), but also eliminates one of the incentives for States to assume primacy and enter into cooperative agreements at an early date—i.e., to reduce the Federal presence in a State and shorten the period of dual enforcement under the interim program.

The amendment undercuts the basis and assumption used in my approval of a new Federal Coal Management program and new competitive leasing schedules for Federal coal lands. That program is predicated on strong regulation of the impact of future coal mining.

Putting off my authority to apply the tests required by Section 510 on Federal lands may be interpreted by courts in a manner which would constrain or preclude my ability to disapprove a mine plan where the area could not be reclaimed, in areas where Congress precluded mining on alluvial valley floors, on prime farmlands and where material damage to the hydrologic balance is a possibility.

In summary, Mr. Chairman, the enactment of S. 1403, as amended, would so seriously jeopardize my ability to carry out the mandates and the requirements of the Surface Mining Control and Reclamation Act that I will be forced to recommend its veto.

Sincerely,

CECIL D. ANDRUS,
Secretary.●

IMPACT ON NATO OF AMERICAN FOREIGN AND NATIONAL SECURITY POLICIES

● Mr. TOWER. Mr. President, last Thursday the Senate Armed Services Committee received testimony on the proposed SALT II Treaty from Gen. Alexander Haig, the distinguished former Supreme Allied Commander to Europe. Al Haig presented powerful testimony on the weakness and confusion which exists in American strategic thinking and national leadership. He painted a distressing picture of the impact on our NATO allies of this drifting in American foreign and national security policy.

Last Friday, in the Washington Post, I noted that his concerns are being echoed, openly now, in Europe.

Alois Mertes, a leading member of the German Parliament and one of the most significant foreign policy experts of the Christian Democratic Party, said yesterday in Bonn that the Carter administration's inability to bring cohesion to its international leadership was "endangering the life" of the North Atlantic Alliance.

I know that European leaders do not like to be critical of American leadership with respect to our great alliance of democracies, but recent events such as the mishandling of the enhanced radiation warhead decision have been painful to our NATO allies. And now, in the SALT debate, they see evidence of those very developments they have most feared.

The weakening of the American strategic nuclear umbrella and its linkage to deterrence in Europe.

The use of theater weapons systems such as ground- and sea-launched cruise missiles to shore up a weak bargaining position at SALT.

The exclusion of intercontinental systems such as the Backfire bomber based upon assurances that they will be aimed only at our allies.

The unwillingness of the present American administration to live up to its commitment to increase defense spending by a real 3 percent.

Mr. President, I wish to point out to my colleague Michael Getler's article "West German Says Carter Moves Threaten NATO" and ask that it be printed in the RECORD.

The article follows:

[From the Washington Post, July 27, 1979]

WEST GERMAN SAYS CARTER'S MOVES THREATEN NATO

(By Michael Getler)

BONN.—A leading figure in West Germany's main opposition party said today that President Carter's policies and the personnel upheaval in his administration are alarming West Europeans, cutting to the core of European security and "endangering the life" of the North Atlantic alliance.

"The belief in the American security guarantee for Europe does not only stand on power," said Christian Democrat member of parliament Alois Mertes, a party specialist on foreign and security policy. "It stands especially on the trust of Europeans in the political leadership, capability and calculability of the American president. The constant insecurities and uncertainties, are for that reason, endangering the life of NATO," he said.

Mertes, a frequent visitor to the United States, is well known among U.S. congressmen and has a reputation as a supporter of strong U.S.-West German ties. He said these concerns must be openly discussed and that he spoke as an act "of well-understood loyalty which was the opposite of anti-Americanism."

Mertes' views appeared in an interview on the front page of the respected Frankfurter Allgemeine newspaper today and Mertes' office confirmed the accuracy of the report.

It was the first major public criticism of recent events in Washington by a leading West German politician. The Christian Democrats, although in opposition, are the largest single party in West Germany and form the nucleus of the conservative bloc.

In the current situation, Mertes said, one was forced to sound the alarm because "Soviet policy is coming to be more effective toward the European allies of America—because it was more disciplined, competent and calculable—than the one coming from Washington."

Mertes portrayed Soviet strategy toward Western Europe as skillful, switching from the tactic of confrontation to one of influence, which had as its long-term goal the estrangement of Europe from America.

Soviet policy, he said, "speculates on a slow worsening of the German trust in the dependability of the geographically distant and, for the first time, militarily vulnerable America and at the same time a discreet intimidation of the Europeans by enormous military superiority of neighboring Russian forces."

Mertes said he doubted that Carter and his White House chief of staff, Hamilton Jordan, recognized sufficiently what he called "this Russian masterpiece."

Mertes said he did not see any acceptable alternative for West German politics other than the alliance with Washington. Change could only come about if Moscow completely overturned its policy toward the entire German nation, meaning East and West, and under present conditions yielding to Moscow "would be suicidal" for West Germany.

In West Germany today, he said, trust in the United States "is still alive, but I know from many talks with people from all social levels that it is greatly endangered." Trust, he said, cannot be decided or come about by praying. It rather has to grow from inner conviction and must root in credibility.

In view of what he called the obvious weakness of American leadership, Mertes said it was necessary for both Chancellor Helmut Schmidt and opposition leaders to balance more closely their foreign policy views. Schmidt, and opposition challenger Franz Josef Strauss, have one thing in common, Mertes said: a "great concern about America."

Mertes' comments came one day after Chancellor Schmidt returned from a private vacation in the United States that, nevertheless, turned out to be politically interesting. Schmidt was invited to California to visit his long-time friend George Schultz, who was Treasury Secretary under president Nixon at the time Schmidt was finance minister in Bonn.

The trip was arranged before the Carter Cabinet upheaval.

While in California, Schmidt was Shultz'

guest at an elite club of industrialists and diplomats and had discussions with former secretary of state Henry Kissinger and former NATO commander Gen. Alexander Haig.

In 1976, Schmidt let it be known that he favored President Ford over the challenger, Jimmy Carter, primarily on the ground that Ford was a known quantity in Bonn.

West German officials are playing down Schmidt's meetings in California. They tend to emphasize that the chancellor also met with Carter's nominee to head the Treasury, William Miller, and had an airport meeting in Washington with National Security Affairs Adviser Zbigniew Brzezinski and a telephone conversation from the airport with President Carter.

No substantive details of Schmidt's California discussions have been revealed.●

PROFESSIONAL ENGINEERS

● Mr. SCHMITT. Mr. President, it is an honor for me to take this opportunity to congratulate Herbert G. Koogle, P.E., who was recently elected as vice president of the southwestern region and selected as the chairman of the prestigious Legislative and Government Affairs Committee of the National Society of Professional Engineers, a nationwide organization which represents nearly 80,000 individual members working in all engineering fields.

Herb has a remarkable history of service to his profession, having served on a national level as chairman of the Professional Engineers in Private Practice Division of NSPE and president of the New Mexico Society of Professional Engineers. He was also president of the Albuquerque chapter.

A registered professional engineer and land surveyor in New Mexico, Herb is president and chairman of the Board of Koogle and Pouls Engineering, Inc., located in Albuquerque.

It is with great pleasure and great pride for the State of New Mexico that Herb has been selected for these positions within NSPE. I would like to extend my best wishes and luck.●

ORDER FOR RECESS TODAY UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until the hour of 10 o'clock tomorrow morning.

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

EXTENSION OF TIME TO FILE REPORT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance have until midnight to file a report on S. 566, the countercyclical revenue-sharing bill.

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

NURSE TRAINING AMENDMENTS OF 1979

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 230.

The PRESIDING OFFICER (Mr. STEVENSON) laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 230) entitled "An Act to amend title VIII of the Public Health Service Act to extend through fiscal year 1980 the program of assistance for nurse training, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

TITLE I—NURSE TRAINING

SEC. 101. (a) This title may be cited as the "Nurse Training Amendments of 1970".

(b) Whenever in this Act (other than sections 205 and 314) an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

SEC. 102. Section 801 (relating to authorizations for construction grants) (42 U.S.C. 296) is amended by striking out "and" after "1977," and by inserting after "for fiscal year 1978" the following: ", and $2,000,000 for the fiscal year ending September 30, 1980".

SEC. 103. (a) Subsections (a) and (b) of section 805 (relating to loan guarantees and interest subsidies) (42 U.S.C. 296d) are each amended by striking out "1978" and inserting in lieu thereof "1980".

(b) Subsection (e) of such section is amended by inserting after "in fiscal year 1978" the following: "and in each of the next two fiscal years".

SEC. 104. Subsection (f)(1) of section 810 (relating to capitation grants) (42 U.S.C. 296e) is amended by inserting after "fiscal year 1978" the following: "and $24,000,000 for the fiscal year ending September 30, 1980".

SEC. 105. The first sentence of subsection (d) of section 820 (relating to special project grants and contracts) is amended by striking out "and" after "1977," and by inserting before the period the following: ", and $17,000,000 for the fiscal year ending September 30, 1980".

SEC. 106. Subsection (b) of section 821 (relating to advanced nurse training programs) (42 U.S.C. 296l) is amended by striking out "and" after "1977," and by inserting after "for fiscal year 1978" the following: ", and $13,500,000 for the fiscal year ending September 30, 1980".

SEC. 107. Subsection (e) of section 822 (relating to nurse practitioner programs) (42 U.S.C. 296m) is amended by striking out "and" after "1977," and by inserting before the period the following: ", and $15,000,000 for the fiscal year ending September 30, 1980".

SEC. 108. Subsection (b) of section 830 (relating to traineeships) (42 U.S.C. 297) is amended by striking out "and" after "1977," and by inserting before the period ", and $15,000,000 for the fiscal year ending September 30, 1980".

SEC. 109. (a) Subsection (b)(4) of section 835 (relating to loan agreements) (42 U.S.C. 297a) is amended by striking out "1978" and inserting in lieu thereof "1980".

(b) Section 837 (relating to authorizations for student loan funds) (42 U.S.C. 297c) is amended (1) by striking out "and" after "1977," in the first sentence and (2) by inserting before the period in the first sentence ", and $13,500,000 for the fiscal year ending September 30, 1980", (3) by striking out "fiscal year 1979" and inserting in lieu thereof "the fiscal year ending September 30, 1981", and (4) by striking out "October 1, 1978" and inserting in lieu thereof "October 1, 1980".

(c)(1) Subsection (a) of section 839 (relating to distribution of assets) (42 U.S.C. 297e) is amended by striking out "September 30, 1980, and not later than September 30, 1977" and inserting in lieu thereof "September 30, 1981, and not later than December 30, 1983".

(2) Paragraph (1) of such subsection is amended by striking out "1980" and inserting in lieu thereof "1983".

(3) Subsection (b) of such section is amended by striking out "1980" each place it occurs and inserting in lieu thereof "1983".

SEC. 110. (a) Subsection (b) of section 845 (relating to scholarship grants) (42 U.S.C. 297j) is amended (1) by striking out "next two fiscal years" in the first sentence and inserting in lieu thereof "next four fiscal years", (2) by striking out "1979" and inserting in lieu thereof "1981", and (3) by striking out "1978" and inserting in lieu thereof "1980".

(b) Subsection (c)(1) of such section is amended (1) by striking out "next two fiscal years" in subparagraph (A) and inserting in lieu thereof "next four fiscal years", (2) by striking out "1978" in subparagraph (B) and inserting in lieu thereof "1980", and (3) by striking out "1979" in such subparagraph and inserting in lieu thereof "1981".

(c) The amendments made by subsections (a) and (b) do not authorize appropriations for the fiscal year ending September 30, 1979, for scholarships under section 845 of the Public Health Service Act in addition to the amount available for such scholarships under section 101(a) of Public Law 95-482.

SEC. 111. Subpart I of part B of title VIII (relating to traineeships) is amended by adding after section 830 (42 U.S.C. 297) the following new section:

"TRAINEESHIP FOR TRAINING OF NURSE ANESTHETISTS

"SEC. 831. (a)(1) The Secretary may make grants to public or private nonprofit institutions to cover the costs of traineeships for the training, in programs which meet such requirements as the Secretary shall by regulation prescribe and which are accredited by an entity or entities designated by the Commissioner of Education, of licensed, registered nurses to be nurse anesthetists.

(2) Payments to institutions under this subsection may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary. Such payments may be used only for traineeships and shall be limited to such amounts as the Secretary finds necessary to cover the costs of tuition and fees, and a stipend and allowances (including travel and subsistence expenses) for the trainees.

"(b) For the purpose of making grants under subsection (a), there are authorized to be appropriated $2,000,000 for the fiscal year ending September 30, 1980.".

SEC. 112. Section 836(b)(3) (relating to student loans) (42 U.S.C. 297(b)(3)) is amended (1) by inserting after "(3)" the following: "in the case of a student who received such a loan before the date of enactment of the Nurse Training Amendments of 1979,", and (2) by striking out "any such loan" and inserting in lieu thereof "any such loan made before such date".

SEC. 113. (a) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall arrange, in accordance with subsection (b), for the conduct of a study to determine the need to continue a specific program of Federal financial support for nursing education, taking into account—

(1) the need for nurses under the present health care delivery system and under that system as it may be changed by the enactment of legislation for national health insurance,

(2) the cost of nursing education, and

(3) the availability of other sources of support for nursing education, including

support under general programs of Federal financial support for postsecondary education, under State and other public programs, and from private sources.

(b)(1) The Secretary shall first request the National Academy of Sciences (hereinafter in this section referred to as the "Academy"), acting through the Institute of Medicine, to conduct the study, required by subsection (a), under an arrangement whereby the actual expenses incurred by the Academy directly related to the conduct of such study will be paid by the Secretary. If the Academy agrees to such request, the Secretary shall enter into such an agreement with the Academy.

(2) If the Academy declines the Secretary's request to conduct such study under such an arrangement, then the Secretary shall enter into a similar arrangement with another appropriate public or nonprofit private entity to conduct such study.

(3) Upon completion of the study, the entity conducting the study shall report the results of it to the Secretary and shall include in such report any recommendations for legislation which the entity determines are appropriate.

(4) Any arrangement entered into under paragraph (1) or (2) of this subsection for the conduct of of a study shall require that such study be completed and reports thereon be submitted within such period as the Secretary may require to meet the requirements of subsection (c).

(5) The Secretary shall undertake such preliminary activities as may be necessary to enable the Secretary to enter into an arrangement for the conduct of the study at the earliest date authorized by subsection (d).

(c) Not later than six months after the date the arrangement for the conduct of the study is entered into under subsection (b), the Secretary and the entity conducting the study shall each report to the Committee on Human Resources of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives their respective preliminary recommendations respecting the need to continue a specific program of Federal financial support for nursing education and, if there is a need, the form in which the support should be provided. Not later than two years after such date, the Secretary shall report to such Committee recommendations respecting such need and form of support and the basis for such recommendations and shall include in that report the report submitted to the Secretary pursuant to subsection (b)(3).

(d) The authority of the Secretary to enter into any contract for the conduct of the study under this section shall be effective (1) only on and after October 1, 1979, and (2) for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

TITLE II—OTHER HEALTH PROFESSIONS PROGRAMS

SEC. 201. Section 729(a) (relating to limits on Federal loan insurance and insured loans) (42 U.S.C. 294b(a)) is amended—

(1) by inserting before the period in the first sentence a comma and the following: "except that in the case of loans to students in schools of medicine, osteopathy, and dentistry, the Secretary may increase the total of such loans which may be covered by Federal loan insurance to $15,000 if he determines that the costs of education at such schools requires such increase"; and

(2) by inserting before the period in the second sentence a comma and the following: "except that the Secretary may increase such amount for borrowers who are or were students in schools of medicine, osteopathy, and dentistry to $60,000 if he determines that the costs of education at such schools requires such increase".

SEC. 202. (a) Section 752(b)(5)(A) (relating to service requirements for National Health Service Corps scholarships) (42 U.S.C. 294u(b)(5)(A)) is amended by striking out "(not to exceed three years)" and inserting in lieu thereof "(not to exceed three years or such greater period as the Secretary, consistent with the needs of the Corps, may authorize)".

(b)(1) Such section 752(b)(5)(A) is further amended by adding after the first sentence the following: "With respect to an individual receiving a degree from a school of veterinary medicine, optometry, podiatry, or pharmacy, the date referred to in paragraphs (1) through (4) shall be the date upon which the individual completes the training required for such degree, except that the Secretary shall, at the request of such individual, defer such date until the end of such period of time, as determined by the Secretary by regulation but not less than one year, as is required for the individual to complete an internship, residency, or other advanced clinical training.".

(2) The last sentence of such section is amended by striking out "such".

(3) Section 752(b)(5)(B) is amended by striking out "other than a school of medicine, osteopathy, or dentistry" and inserting in lieu thereof "other than a school referred to in subparagraph (A)".

SEC 203. Subsection (b) of section 756 (42 U.S.C. 294y) is amended to read as follows:

"(b) Of the sums appropriated under paragraph (1), not less than 9 percent shall be obligated for scholarships for dental students.".

SEC. 204. Section 781(c) (relating to requirements for participation of schools in area health education center programs) (42 U.S. 295g-1(c)) is amended by adding after and below paragraph (4) the following:

"The requirement of paragraph (3) shall not apply to a medical or osteopathic school participating in an area health education center program if another such school participating in the same program meets the requirement of that paragraph.".

SEC. 205. Section 802(a) of the Health Professions Educational Assistance Act of 1976 (relating to transitional provisions on area health education centers) is amended—

(1) by striking out "for the next fiscal year" and inserting in lieu thereof "for the next three fiscal years";

(2) by striking out "no payment shall be made to an entity under such a contract" and inserting in lieu thereof "no payment under such a contract shall be made to an entity which had not first entered into such a contract before October 12, 1976, (1)"; and

(3) by inserting before the period at the end thereof the following: ", or (2) for any fiscal year beginning after September 30, 1979".

SEC. 206. Paragraph (4) of section 788(b) (42 U.S.C. 295g-8(b)(4)) is repealed.

SEC. 207. Subparagraph (B) of section 788 (e)(2) is amended by striking out "$5,000,000" and inserting in lieu thereof "$10,000,000".

SEC. 208. (a) Section 748(b)(3)(B) (42 U.S.C. 294e(b)(3)(B)) is amended (1) by striking out "or" at the end of clause (iv), (2) by striking out the period at the end of clause (v) and inserting in lieu thereof ", or", and (3) by adding after clause (v) the following:

"(vi) maternal and child health.".

(b) Section 792(a) (42 U.S.C. 295h-1(a)) is amended (1) by striking out "or" at the end of paragraph (3), (2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof ", or", and (3) by adding after paragraph (4) the following new paragraph:

"(5) maternal and child health.".

SEC. 209. Section 771(d)(5) (42 U.S.C. 295f-1(d)(5)) is amended by striking out "may waive (in whole or in part) application to a school of dentistry of the requirement of any paragraph of this subsection if the Secretary" and inserting in lieu thereof "may—

"(A) in the case of a school of dentistry which increased its enrollment of full-time first-year students in accordance with paragraph (3), waive (in whole or in part and under such conditions as the Secretary may prescribe) application of the requirement of subsection (a)(1) that it maintain its increased enrollment of such students, and

"(B) in the case of any other school of dentistry, waive (in whole or in part) application of the requirement of any paragraph of this subsection,

if the Secretary determines".

SEC. 210. Section 401 of the Health Programs Extension Act of 1973 (42 U.S.C. 300a-7) is amended by adding at the end thereof the following new subsection:

"(e) No entity which receives, after the date of enactment of this paragraph, any grant, contract, loan, loan guarantee, or interest subsidy under the Public Health Service Act, the Community Mental Health Centers Act, or the Developmental Disabilities Assistance and Bill of Rights Act may deny admission or otherwise discriminate against any applicant (including applicants for internships or residences) for training or study because of the applicant's reluctance, or willingness, to counsel, suggest, recommend, assist, or in any way participate in the performance of abortions or sterilizations contrary to his religious beliefs or moral convictions.".

TITLE III—PUBLIC HEALTH SERVICE ADMINISTRATION

SEC. 301. This title may be cited as the "Public Health Service Administrative Amendments of 1979".

SEC. 302. (a) Section 203 (42 U.S.C. 204) is amended by adding at the end thereof the following new sentence: "Warrant officers may be appointed to the Service for the purpose of providing support to the health and delivery systems maintained by the Service and any warrant officer appointed to the Service shall be considered for purposes of this Act and title 37, United States Code, to be a commissioned officer within the commissioned corps of the Service.".

(b) Section 205(b) (42 U.S.C. 206(b)) is amended by striking out "six" and inserting in lieu thereof "eight" and by inserting after "the Chief Dental Officer of the Service," the following: "the Chief Nurse Officer of the Service, the Chief Pharmacist Officer of the Service,".

SEC. 303. Section 205(c) (42 U.S.C. 206(c)) is amended to read as follows:

"(c)(1) The Surgeon General, with the approval of the Secretary, is authorized to create special temporary positions in the grade of Assistant Surgeons General when necessary for the proper staffing of the Service. The Surgeon General may assign officers of either the Regular Corps or the Reserve Corps to any such temporary position, and while so serving they shall each have the title of Assistant Surgeon General.

"(2) Except as provided in this paragraph, the number of special temporary positions created by the Surgeon General under paragraph (1) shall not on any day exceed 1 per centum of the highest number, during the ninety days preceding such day, of officers of the Regular Corps on active duty and officers of the Reserve Corps on active duty for more than thirty days. If on any day the number of such special temporary positions exceeds such 1 per centum limitation, for a period of not more than one year after such day, the number of such special temporary positions shall be reduced for purposes of complying with such 1 per centum limitation

only by the resignation, retirement, death, or transfer to a position of a lower grade, of any officer holding any such temporary position.

SEC. 304. (a) The third sentence of subsection (a) of section 206 (42 U.S..C 207(a)) is amended by striking out paragraphs (5) and (6) and inserting in lieu thereof the following:

"(5) Officers of the assistant grade—first lieutenant;

"(6) Officers of the junior assistant grade—second lieutenant;

"(7) Chief warrant officers of (W-4) grade—chief warrant officer (W-4);

"(8) Chief warrant officers of (W-3) grade—chief warrant officer (W-3);

"(9) Chief warrant officers of (W-2) grade—chief warrant officer (W-2); and

"(10) Warrant officers of (W-1) grade—warrant officer (W-1).".

(b) Section 206(c) (42 U.S.C. 207(c)) is repealed.

(c) The first sentence of section 206(d) (42 U.S.C. 207(d)) is amended by striking out "junior assistant grade" and inserting in lieu thereof the following: "warrant officer (W-1) grade".

SEC. 305. (a) Section 207(a)(1)(42 U.S.C. 209(a)(1)) is amended by inserting immediately after "original appointments to the Regular Corps may be made only in the" the following: "warrant officer (W-1), chief warrant officer (W-2), chief warrant officer (W-3), chief warrant officer (W-4),".

(b)(1) Section 207(d)(1) (42 U.S.C. 209(d)(1)) is amended to read as follows:

"(d)(1) For purposes of basic pay of any person appointed under subsection (a) or (b), and for purposes of promotion of any person appointed to the Regular Corps under subsection (a) or any person appointed under subsection (b), such persons shall, except as provided in paragraphs (2) and (3) of this subsection, be considered as having had on the date of appointment the following length of service: Three years if appointed to the senior assistant grade, ten years if appointed to the full grade, seventeen years if appointed to the senior grade, and eighteen years if appointed to the director grade.".

(2) Section 207(d)(2) (42 U.S.C. 209(d)(2)) is amended by striking out "to the grade of senior assistant in the Regular Corps, and any person appointed under subsection (b)," and inserting in lieu thereof the following: "or (b)".

(3) Section 207(d)(3) (42 U.S.C. 209(d)(3)) is amended by striking out "to the senior assistant grade or above".

SEC. 306. Section 209(c) (42 U.S.C. 210b(c)) is amended by striking out "assistant grade" and by inserting in lieu thereof the following: "warrant officer (W-1) grade".

SEC. 307.(a) Section 210(d)(1) (42 U.S.C. 211(d)(1)) is amended by striking out "Officers in the junior assistant grade" and by inserting in lieu thereof the following: "Officers in the warrant officer (W-1) grade, chief warrant officer (W-2) grade, chief warrant officer (W-3) grade, chief warrant officer (W-4) grade, and junior assistant grade".

(b) Section 210(g) (42 U.S.C. 211(g)) is amended—

(1) in the first sentence by striking out "an officer of the Regular Corps in the junior assistant grade" and inserting in lieu thereof the following: "an officer of the Regular Corps in the warrant officer (W-1) grade or junior assistant grade";

(2) in the second sentence by striking out "an officer of the Regular Corps in the assistant, senior assistant," and inserting in lieu thereof the following: "an officer of the Regular Corps in the chief warrant officer (W-2), chief warrant officer (W-3), assistant, senior assistant,";

(3) in paragraph (1) by striking out "if in the assistant grade" and inserting in lieu thereof the following: "if in the chief warrant officer (W-2) or assistant grade"; and

(4) in paragraph (2) by striking out "if in the senior assistant grade" and inserting in lieu thereof the following: "if in the chief warrant officer (W-3) or senior assistant grade".

SEC. 308. Section 211(e) (42 U.S.C. 212(e)) is amended by striking out "a part of a year of active service of six months or more shall be counted as a whole year and a part of a year of active service which is less than six months shall be disregarded" and by inserting in lieu thereof the following: "a part of a year that is six months or more is counted as a whole year, and a part of a year that is less than six months is disregarded".

SEC. 309. (a) Section 214(c) (42 U.S.C. 215(c)) is amended by striking out the comma immediately after "nonprofit educational research" and inserting immediately after "Service" the following: "to any appropriate committee of the Congress".

(b) Section 214(d) (42 U.S.C. 215(d)) is amended by inserting after the first sentence the following new sentence: "In the case of detail of personnel under subsections (b) or (c) to be paid from applicable Service appropriations, the Secretary may condition such detail on an agreement by the State, subdivision, or institution concerned that such State, subdivision, or institution concerned shall reimburse the United States for the amount of such payment made by the Service.".

SEC. 310. (a) The first sentence of section 218(b) (42 U.S.C. 218a(b)) is amended to read as follows: "Any officer whose tuition, fees and other necessary expenses are paid pursuant to subsection (a) while attending an educational institution or training program for a period in excess of thirty days shall be obligated to pay to the Service an amount equal to two times the total amount of such tuition, fees, and other necessary expenses received by such officer during such period, and two times the total amount of any compensation received by, and any allowance paid to, such officer during such period, if after return to active service such officer voluntarily leaves the Service within (1) six months, or (2) twice the period of such attendance, whichever is greater.".

(b) The third sentence of section 218(b) (42 U.S.C. 218a(b)) is amended by striking out "reimbursement" wherever it appears and by inserting in lieu thereof the following: "payment".

SEC. 311. Section 219(c) (42 U.S.C. 210-1(c)) is repealed.

SEC. 312. Section 221(a) (42 U.S.C. 213a(a)) is amended by adding at the end thereof the following new paragraphs:

"(12) Section 1552, Correction of military records: claims incident thereto.

"(13) Section 1553, Review of discharge or dismissal.

"(14) Section 1554, Review of retirement or separation without pay for physical disability.".

SEC. 313. The Public Health Service Act is amended by inserting immediately after section 227 (42 U.S.C. 236) the following new section:

"RESERVE CORPS OFFICERS; SEVERANCE PAY UPON INVOLUNTARY RELEASE FROM ACTIVE DUTY

"SEC. 228. (a) Except as provided in subsection (b), a commissioned officer of the Reserve Corps of the Service who is released from active duty involuntarily pursuant to (1) program abolition or contraction requiring a reduction in strength of the commissioned corps, (2) nonavailability of other assignment or failure of promotion, or (3) any other reason other than separation for cause or retirement, and who has completed, immediately before such release, at least five years of continuous active duty in the commissioned corps of the Service, is entitled to a severance payment computed by multiplying the years of active service in the commissioned corps of such officer (other than in time of war or national emergency declared by Congress after January 1, 1979) by two months basic pay of the grade in which such officer is serving at the time of such release, except that no such severance payment to any officer shall exceed an amount equal to the amount of two years of basic pay of the grade in which such officer is serving at the time of such release. For purposes of this subsection—

"(1) a period of active duty is continuous if it is not interrupted by a break in service of more than thirty days; and

"(2) in the computation of severance pay, a part of a year that is six months or more is counted as a whole year, and a part of a year that is less than six months is disregarded.

"(b) Subsection (a) shall not apply with respect to any officer referred to in such subsection who—

"(1) is released from active duty at the request of such officer;

"(2) is released from active duty for training;

"(3) upon release from active duty, is immediately eligible for retired pay from the Service; or

"(4) upon release from active duty, is immediately eligible for severance pay based on this section and any other provision of law and who elects to receive such severance pay under such other provision of law.

"(c) Any severance payment to which any officer becomes entitled under this section shall be reduced by the amount of any previous payment made to such officer under this section.".

SEC. 314. (a)(1) The table in section 201(a) of title 37, United States Code, is amended by striking out "Surgeon General." in the fourth column of such table and by inserting in such column to correspond with pay grade O-9 the following: "Surgeon General.".

(2) Section 205(a) of such title is amended by striking out "and" at the end of clause (8), by striking out "Corps." at the end of clause (9)(C) and inserting in lieu thereof "Corps;", and by inserting immediately after such clause (9)(C) the following new clauses:

"(10) for a commissioned officer of the Public Health Service, other than a medical or dental officer named in clause (7) or (8) or an officer who attains a doctoral degree named in clause (11), who attains a masters degree before entry or re-entry into active service where such degree is required for appointment—one year; and

"(11) for a commissioned officer of the Public Health Service, other than a medical or dental officer named in clause (7) or (8) or an officer who attains a masters degree named in clause (10), who attains a doctoral degree before entry or re-entry into active service where such degree is required for appointment—three years.".

(b)(1) Section 1006(a) of title 37, United States Code, is amended by inserting immediately after "member of an armed force" the following: "or of the Public Health Service".

(2) Section 1006(b) of such title is amended by inserting immediately after "member of an armed force" the following: "or of the Public Health Service".

(3) Section 1006(c) of such title is amended by inserting immediately after "member of an armed force" the following: "or of the Public Health Service".

(4) Section 1006(c) of such title is amended by inserting immediately after "members of the armed forces" the following: "or of the Public Health Service".

(5) Section 1006(d) of such title is amended by inserting immediately after "from his armed force" the following: "or from the Public Health Service".

(6) Section 1006(e) of such title is amended by inserting before the period the following: "and the Public Health Service.".

(7) Section 1006(h) of such title is amend-

ed by inserting immediately after "members of an armed force" the following: "or of the Public Health Service".

(c) Section 415(d) of title 37, United States Code, is amended to read as follows:

"(d) An allowance of $250 for uniforms and equipment may be paid to each commissioned officer of the Public Health Service who is—

"(1) on active duty or on inactive duty training status; and

"(2) required by directive of the Surgeon General to wear a uniform.

An officer is not entitled to more than one allowance under this subsection, except that an officer who has received one such allowance under this subsection may, upon transfer to or from the United States Coast Guard, be paid one additional such uniform and equipment allowance if pursuant to such transfer a different uniform is required.".

SEC. 315. The amendments made by sections 303, 304, 305, 306, 307, 313, and 314 shall take effect on October 1, 1979.

Mr. ROBERT C. BYRD. Mr. President, I move, on behalf of Mr. KENNEDY, that the Senate disagree to the amendments of the House and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. KENNEDY, Mr. WILLIAMS, Mr. NELSON, Mr. CRANSTON, Mr. PELL, Mr. SCHWEIKER, Mr. JAVITS, and Mr. HATCH conferees on the part of the Senate.

REMOVAL OF INJUNCTION OF SECRECY—EXECUTIVE Z, 96TH CONGRESS, 1ST SESSION

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Treaty with the Republic of Panama on the Execution of Penal Sentences, signed at Panama on January 11, 1978 (Executive Z, 96th Congress, 1st session), which was transmitted to the Senate today by the President of the United States. I ask that the treaty be considered as having been read the first time, that it be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the United States of America and the Republic of Panama on the Execution of Penal Sentences which was signed at Panama on January 11, 1979.

I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty would permit citizens of either nation who had been convicted in the courts of the other country to serve their sentences in their home country; in each case, the consent of the offender would be required.

This Treaty represents the fulfillment of a commitment undertaken by both nations in the Panama Canal Treaty of 1977. It would complement the wide range of protections and benefits afforded United States Government personnel under the Panama Canal Treaty and related agreements during the life of that Treaty, and would establish a mechanism for other nationals of both countries to serve their sentences in their home countries. Its ratification would provide our personnel stationed in the Republic of Panama further assurance that their interests will be fully protected upon the entry into force of the Panama Canal Treaty.

I recommend that the Senate give prompt and favorable consideration to this Treaty.

JIMMY CARTER.

THE WHITE HOUSE, *July 30, 1979.*

TIME-LIMITATION AGREEMENT—S. 712, AMTRAK AUTHORIZATION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as Calendar Order No. 194, S. 712, the Amtrak authorization, is called up and made the pending business before the Senate, and with the understanding it will not be called up before Wednesday of this week, there be a time agreement thereon as follows: Two hours on the bill, equally divided between Mr. LONG and Mr. PACKWOOD; 40 minutes on any amendment; 20 minutes on any debatable motion, appeal, or point of order, if such is submitted to the Senate; that there be 20 minutes on an amendment by Mr. SASSER relating to train fares; and that the agreement be in the usual form.

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

The text of the agreement follows:

Ordered, That not before Wednesday, August 1, when the Senate proceeds to the consideration of S. 172 (Order No. 194), a bill to amend the Rail Passenger Service Act, debate on any amendment (except an amendment to be offered by the Senator from Tennessee (Mr. SASSER)), on train fares on which there shall be 20 min.; shall be limited to 40 min., to be equally divided and controlled by the mover of such and the manager of the bill; and debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 20 min., to be equally divided and controlled by the mover of such and the manager of the bill: *Provided,* That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of final passage of the said bill, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Louisiana (Mr. LONG) and the Senator from Oregon (Mr. PACKWOOD): *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

TIME-LIMITATION AGREEMENT—S. 1119

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as Calendar No. 221, S. 1119, is called up and made the pending business before the Senate, there be a time agreement thereon as follows: One hour on the bill, to be equally divided between Mr. JACKSON and Mr. HATFIELD; 30 minutes on any amendment; 1 hour on an amendment by Mr. GLENN; 20 minutes on any debatable motion, appeal, or point of order, if such is submitted to the Senate; and that the agreement be in the usual form.

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

The text of the agreement follows:

Ordered, That when the Senate proceeds to the consideration of S. 1119 (Order No. 221), debate on any amendment (except an amendment to be offered by the Senator from Ohio (Mr. GLENN)) on which there shall be one hour; shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill; and debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 20 minutes to be equally divided and controlled by the mover of such and the manager of the bill: *Provided,* That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of final passage of the said bill, debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Senator from Washington (Mr. JACKSON) and the Senator from Oregon (Mr. HATFIELD): *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session for not to exceed 2 minutes to consider nominations on the calendar beginning with "New Reports."

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

The PRESIDING OFFICER. The nominations will be stated.

The assistant legislative clerk proceeded to read nominations beginning with "New Reports."

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations beginning with New Reports and going through page 2 be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

NATIONAL TRANSPORTATION SAFETY BOARD

George Herbert Patrick Bursley, of Maryland, to be a Member of the National Transportation Safety Board.

CONSUMER PRODUCT SAFETY COMMISSION

Stuart M. Statler, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND THE COAST GUARD

National Oceanic and Atmospheric Administration nominations beginning with Herbert R. Lippold, Jr., to be rear admiral (upper half), and ending Stephen L. Carlson to be ensign.

Coast Guard nominations beginning John P. DeLong to be Chief Warrant Officer, W-2,

and ending Lionel R. Munsey, to be lieutenant (jg).

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the nominations were confirmed en bloc.

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

The motion to lay on the table was agreed to.

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

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

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

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

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

SALT II: DOES IT ENHANCE SECURITY OF UNITED STATES?

Mr. HARRY F. BYRD, JR. Mr. President, all great civilizations confront during their course challenges which require strength of will and clarity of vision. These challenges have not always been met. Even in our own time, we have seen nations and peoples voluntarily lay down the burden of leadership.

In this highly dangerous nuclear age, it is vital that the United States not be lured into a false sense of security.

The Strategic Arms Limitation Treaty must be viewed with that in mind. We must be aware of what has occurred since the approval of SALT I.

First, let me say that those who tend to approve SALT II and those who tend to oppose that instrument all, I feel, seek the same objective.

I know of no Member of this Congress—or for that matter, any American—who wants nuclear war. Indeed, it is abhorrent to the basic concept of Americans.

The question is how do we best prevent it. Involved is not the question of motive, but the question of judgment.

Which policies and programs will meet the test of time? Which policies and programs will meet the needs of this nuclear age?

The Strategic Arms Limitation Treaty thus challenges the Nation and its Senate to decide properly a question of much importance to future generations. The outcome will inevitably affect, and will either improve or hinder, opportunities for freedom in a world of increasing oppression.

The basic issue is:

> Does the proposed treaty enhance the security of the United States and its free allies; does it confirm Soviet strategic superiority, thus increasing the likelihood of war or the probability of diplomatic defeat?

This vital issue must be analyzed from the broad perspective of the record of the Soviet Union and its long record of aggression and deception.

As a young newspaper editor I remember 1939 as the year of the Soviet-Nazi Pact and the year that the Russians attacked an almost defenseless Finland. After World War II and before they attained nuclear weapons, I remember the Soviets blockading Berlin—and who can forget that in 1956 Soviet tanks crushed the Hungarian uprising. And I remember Russian tanks entering Czechoslovakia in 1968.

Perhaps the most important confrontation between the United States and the Soviet Union was the Cuban missile crisis in 1962 when the Russians decided to place nuclear-tipped missiles 90 miles from the United States. If the Soviets had had strategic nuclear superiority at that time, what would have been the fate of the United States?

These and similar incidents in recent history cause me to question Soviet intentions. That is why I believe it is necessary to view SALT II as simply one component of the overall policy of the Soviet Union whose history is, I believe, replete with instances of aggression and geopolitic expansion.

I must say, frankly, I do not trust the Soviet leadership.

I am convinced that the Russian people—as a people—are equally as peaceloving as are the American people. But under the Russian dictatorial form of government where only a few persons make the great decisions, the Russian people have no real way to influence the actions of their government.

We must, thus, never forget the plain reality of Soviet intentions made manifest in a program of unrelenting aggression.

SALT II deals with offensive intercontinental nuclear weapons.

SALT II does not address conventional forces; SALT II does not address strategic defensive systems; SALT II does not address advanced weapons technology; SALT II does not address international terrorism and subversion; SALT II does not address economic warfare, embargos, and strategic shortages; SALT II does not address human rights for the enslaved peoples of Europe and Asia.

My remarks today, therefore, cover in equal detail both the terms of the proposed SALT treaty and some of the many other facts and factors which must also be reviewed in order to form an accurate judgment of SALT II and of its potential impact.

CONVENTIONAL FORCE IMBALANCE

The Soviet Union maintains a total armed force of 4,800,000. The United States, on the other hand, maintains a total force of 2,069,000, over 2 million below Russian strength.

I do not contend that this country needs or should have a manpower level of that magnitude; however, the Soviet Army alone equals total U.S. manpower—Army, Navy, and Air Force.

The numerical advantage of the Soviet Army could permit it to overwhelm U.S. forces in NATO, a result which might be achieved even without calling up an estimated 25 million Soviet reserves, of which 7 million have served in active forces within the last 5 years. The Soviet advantage in armor in Europe is 10 to 1.

The Soviet Navy has expanded rapidly and now includes over 240 major surface combatant ships. It has 333 submarines of which at least 155 are nuclear powered, and 159 contain launchers of nuclear missiles. An additional 29 major surface combatants and 117 submarines, some nuclear powered, are in reserve.

The U.S. Navy can now count only 172 major surface combatants, 75 attack submarines, and 41 missile submarines. It has no cruise missile submarines, and only 38 major surface combatants and 4 submarines are in reserve.

For a maritime nation, our Navy is not adequate. For a continental power, the Soviet Navy is awesome.

Equally awesome is the Russian Air Force which is organized into 28 tactical air armies utilizing 8,126 combat aircraft and 1,300 military air transports. Particularly significant is the extremely large number of MIG-23/27 Flogger aircraft, of which an estimated 1,500 are already deployed. This aircraft is produced at a high rate, and it is capable of shooting down cruise missiles in flight.

The Russian aircraft industry manufactures every 3 months the same number of combat aircraft as are in service in the entire British Royal Air Force.

The U.S. Air Force, by comparison, counts only 4,163 combat aircraft. Air defense of North America is marginal to nonexistent. One HAWK battery in Florida and 331 obsolescent NORAD fighters could present no real challenge to a determined attack. Moreover, our 25 fighter squadrons in Europe, with a total of only approximately 500 aircraft, are certain to be at a disadvantage in any conflict involving the numerically superior Soviet Air Force. Valor alone cannot make up for 5-to-1 odds.

Few military analysts doubt seriously the ability of Russia to win a conventional war in Europe. SALT II must be viewed in light of that unfortunate reality.

THEATER NUCLEAR FORCE IMBALANCE

The imbalance in conventional forces between the Soviet Union and the United States is magnified by the advantage enjoyed by the Russians in theater nuclear forces. These Soviet forces include intermediate nuclear weapon systems which are not intercontinental in range. These forces also include 20 g-class intermediate range ballistic missile submarines, at least 69 nuclear-armed cruise missile launcher submarines, at least 150 Tu-26 Backfire-B bombers, and about 300 SS-20 ballistic missiles, all of which could attack the United States. Nevertheless, both categories of weapons were considered theater nuclear weapons by our negotiators and were excluded from SALT II. In any event, whether any of these weapons are intended to be used against the United States or not, they could all certainly be used to overwhelm Western Europe.

Since the withdrawal by the United States of our Thor and Jupiter missiles from Europe, our own defense planning concept for fielding a theater nuclear force has been essentially to divert strategic systems to theater uses and to deploy some short-range tactical nuclear weapons. However, unlike the Soviet systems, our diverted strategic systems are counted under SALT II.

In essence, the United States has not developed a true theater nuclear weapon

program. The United States is limited in NATO to the short-range Lance and Pershing systems. Similarly, only a limited strength and, therefore, largely ineffective theater aircraft force (66 FB-111A bombers) is devoted to the theater nuclear mission.

Unlike Russia, in lieu of developing and fielding intermediate range ballistic missiles (IRBM's) and medium range ballistic missiles (MRBM's) for the theater nuclear mission, the United States has relied on diversion of strategic forces and on rhetoric and discussion with our NATO allies regarding the need for theater nuclear force modernization. Nothing of substance has happened.

Meanwhile, Russia has pursued a vigorous program of modernization and development of IRBM's, MRBM's, chemical warfare systems, and nuclear-capable theater aircraft.

Thus, in addition to Backfire, g-class ballistic missile submarines, and nuclear-armed cruise missile submarines, Russia has also deployed in excess of 890 IRBM's and MRBM's in Western Russia or Eastern Europe for use in European theater missions. This force includes at least 90 SS-5 IRBM's, possibly as many as 300 SS-20 IRBM's (mobile), and at least 500 SS-4 MRBM's. The SS-4 has a range of 2,000 kilometers, the SS-5 has a very large warhead and a range of 3,500 kilometers, and the SS-20 has multiple warheads and a potential range of over 5,500 kilometers, the range definition of an ICBM under SALT II. But in addition to these missiles, approximately 1,300 tactical nuclear missile launchers are in units organic to basic Army formations. These include the SS-21 and SS-12.

Conversely, and in contrast to the MRBM and IRBM force of the Soviet Union, the United States has maintained only the short-range low-yield Lance tactical nuclear missile and very limited numbers of the short-range Pershing. Our inaction has been compounded by the Carter administration decision not to produce the neutron bomb.

In summary, while the United States has ignored the necessity for developing separate theater nuclear systems and has relied instead on the diversion of strategic forces to the theater role, the Soviet Union has devoted a balanced effort to developing and modernizing theater nuclear and chemical weapons as a complement to conventional and strategic nuclear forces. Finally, the air defensive systems of the Soviet and Warsaw Pact forces are sufficient to guarantee that the limited threat posed by nuclear-capable NATO aircraft is held at a minimum.

STRATEGIC DEFENSIVE SYSTEMS

Now, any analysis of the strategic capability of nations must include study of both strategic offensive capability and strategic defensive capability. SALT II ignores issues involving strategic defenses.

The Soviet citizen, unlike his American counterpart, is not hostage to the nuclear forces of a potential enemy. The Soviet leadership has worked diligently for more than three decades, and particularly under SALT I, to improve and strengthen Soviet air defenses and Soviet missile defenses.

Additionally, a massive civil defense program provides significant passive strategic defense to the Soviet public.

Having limited through the SALT process the U.S. offense, Russia now finds a strategic defense economically feasible and highly effective. According to Secretary Brown, Russia has spent $100 billion on strategic defensive systems.

The combination of active Soviet air and missile defenses with passive but extensive population defense thus makes a major contribution to the strategic imbalance now existing between the United States and Russia.

Soviet leaders have, by intense efforts in strategic defense, sought to remove the word "mutual" from the formulation "mutual assured destruction"—a formulation expounded in America by a generation of State Department strategists who have argued that the best way to avert nuclear war is to assure unacceptable losses. Because of strategic defenses potential Russian war loses may be approaching damage limits which the Soviet dictatorship considers acceptable.

The foregoing result has been achieved in large measure through vigorous exploitation of Western-supplied technology.

For example, the SA-5 ABM system, which may now protect in a damage limiting role as many as 110 Soviet cities and missile fields, is a system based on technology developed in the U.S. Nike-X ABM program. The SA-5 radar, in apparent violation of the ABM treaty, was tested in 1974 in an ABM mode. Similarly, the SA-X-3 mobile ABM system, also apparently developed in violation of the ABM treaty, also relies on Western technology.

But, in addition to capitalizing on unused Western defensive technology, the Russians have on their part emphasized quantity, diversity, and overlap in defensive systems.

Thus, the Soviet Union has deployed more than 10,000 surface-to-air launchers at more than 1,000 sites throughout Russia. Moscow itself is defended by 64 acknowledged ABM missiles (Galosh), a system deployed in addition to the even more effective SA-5 and SA-X-3 systems.

The SA-5, SA-X-3, and Galosh ABM's are all believed to be armed with high-yield nuclear warheads fully capable of destroying incoming RV's. A fourth new, even more advanced, very large ABM may also be ready for deployment in hardened launchers, perhaps as part of the SA-X-3 system.

The 1972 ABM treaty appears to have had little impact on Soviet actions. By comparison, in 1976, the ABM treaty was a major factor in the decision to dismantle the U.S. Safeguard ABM system.

But other formidable defenses protect Russia. Conventional SAM batteries on ships at sea, in Eastern Europe, and finally on the perimeters of the Soviet Union itself make it highly probably that only a few U.S. manned strategic bombers, even those armed with short-range attack missiles (SRAM's), could successfully complete their mission. Seven thousand early warning radars coupled with 10,000 SAM launchers should be more than enough to do the job, but in addition, some 2,720 Air Defense Force interceptors would be airborne to clean up any residual U.S. bomber force. Perhaps the B-1 could have penetrated these defenses; the B-52 probably cannot. And, indeed Secretary of Defense Brown admitted before the Senate Committee on Armed Services that the American manned bomber would not be able to penetrate Soviet defenses in 1985.

By comparison, the United States for strategic defense purposes has only one HAWK battery in Florida and 331 NORAD interceptors—including 190 interceptors in National Guard squadrons. This fact and the unilateral decision to dismantle the Safeguard ABM system mean that there is no active defense of U.S. strategic offensive forces and that the American population is held hostage to Soviet offensive forces.

In this analysis, it is important to remember that the ABM treaty permits the United States and Russia each to deploy ABM's at one ABM site. The United States has unilaterally elected not to deploy the system permitted to it under the treaty. Similarly, there is no prohibition on fielding air defenses in North America, yet through unilateral decision of the United States, these air defenses have in the main not been deployed.

North America is defended from nuclear attack only through the threat of retaliation after an attack. Unlike the Soviet Union, no real effort has been made to defend actively the United States through active defenses against attacking nuclear systems.

Our only defense is the threat of hitting back. Thus, in a strategic sense, unlike Russia, North America is essentially undefended.

WESTERN ASSISTANCE TO SOVIET WEAPON DEVELOPMENT

While our guard has dropped, the Soviet Union has worked hard on both strategic offensive and defensive systems. It has not been able, however, to develop systems such as the SA-5 or SA-X-3 without massive infusions of advanced technology from the West, primarily from the United States.

Communist economic systems do not produce the level of innovative and advanced thought which occurs in a free economy. Nevertheless, Communist systems are able to assimilate and explore the inventiveness of others.

An important reason, therefore, for the ability of Eastern bloc nations to maintain high technology is the wholesale transfer of technology which occurs between the West and the East, or rather, from the West to the East.

In this transfer process, the Western bloc nations, primarily the United States, touch along the top of the technology curve and skip from one new technology to the next. In the process they turn over the benefits of the previous technology to the East while failing to exploit significantly, in a military sense, very many of the discoveries made.

In short, the pioneer work is done by Western scientists, and the military exploitation of their research—the deployment of weapons systems—occurs in Russia and other Eastern bloc nations.

A classic example of the foregoing is in laser and particle beam research and development. The United States refuses to exploit vigorously technologies it has developed in these areas, but has provided many of these same technologies to the Soviet Union on the theory that our scientists are already moving ahead to new and better concepts.

Meanwhile, the Soviet Union has taken basic Western technology and immediately and forcefully diverted it to military applications. Thus, the Soviet space-based laser program for destroying U.S. satellites and possibly intercontinental ballistic missiles may have been unwittingly assisted by technology transfer from the United States.

The permissive policies of the Department of Commerce, adopted in the interests of trade, have allowed the export licensing of military-related technology to the Soviet Union and to other potential enemy nations. This state of affairs has been particularly evident recently in the leading role played by the Department of Commerce officials in diplomatic negotiations with Russia and with mainland China. Technology transfer has internationalized the Department of Commerce in the same manner foreign aid has internationalized the Department of State. An institutional bias at Commerce in favor of permitting the transfer of critical technologies has had grave military consequences.

In addition, the impact of Cocom, a committee of 14 Western nations and Japan designed ostensibly to prevent military technology transfer to Communist nations, has been insignificant.

First, many critical strategic technologies are not listed as prohibited by Cocom agreement. Only 149 items are on the Cocom list, and the list itself is classified secret. Nevertheless, it is known to be particularly deficient in new computer technologies.

Second, if a product or technology is listed, the prohibition against its export is all too often waived.

Finally, several member nations of Cocom, perhaps including the United States, apparently feel free to violate the Cocom agreement in secret bilateral agreements with Communist nations.

Thus, a Cocom nation in a hidden agreement with a Communist nation provided to the Communist nation a complete semiconductor plant and related technology which helped to upgrade the Communist nation's ability to use modern electronics in its military machinery. Because of secrecy surrounding export licensing, similar bilateral arrangements are often effectively hidden, both from Cocom and from the public.

In summary, Cocom is ineffective because: First, the list of prohibited items is not sufficiently inclusive; second, waivers are routinely granted; and third, the Cocom agreement is often violated through secret bilateral transactions.

Frankly, this subject has received little public attention, perhaps because we have assumed for years that Western military export policies were handled carefully.

The following examples of critical technology transfer should help to dispel that unfortunately erroneous notion:

First. The recent export to a Soviet bloc nation of the C-20B component of the 250 series Detroit diesel Alison engine, which is a cruise missile engine component;

Second. The sale to Russia of 164 Centalign-B precision miniature ball-bearing machines which apparently assisted in perfecting the guidance of the reentry vehicles of the SS-18 ICBM, Russia's most powerful missile;

Third. The reported sale of entire plants for making integrated circuits to a variety of Communist countries, thereby permitting the production of semiconductor devices for military purposes;

Fourth. The massive transfer of computer technology to the Soviet Union and recently to mainland China which contributed to Soviet and Chinese advancement in ABM systems, satellite surveillance systems, and ballistic missile and cruise missile guidance systems;

Fifth. The sale of array transform processors which aided the Soviet Union in improving shipboard computers for antisubmarine warfare;

Sixth. The sale by a NATO country to the Soviet Union of technology useful in reducing the vulnerability of submarines to acoustical detection;

Seventh. The sale by a NATO country to mainland China of an advanced jet aircraft engine;

Eighth. The sale of advanced infrared sensors to mainland China which could assist military reconnaissance and missile guidance, pointing, and tracking.

The foregoing list could be expanded and amplified. But the point is that the Senate must bear this pattern of behavior in mind in considering arguments that we can afford to grant strategic nuclear superiority to Russia because our technology is ahead of Russian technology and acts to hedge a grant of Russian supremacy in deployed weapons.

The plain fact is that Western technology very soon becomes the world's technology and that, unlike the United States, Russia exploits Western developments to the hilt.

In recognition of these problems the Senate on July 21 passed the Export Administration Act amendments to seek to limit technology transfer to potential enemies.

EXPERIENCE UNDER SALT I

In 1972, I voted for the SALT I interim agreement. I did so on the basis of arguments regarding the prospects for a balanced arrangement within 5 years under SALT II. I also voted for the antiballistic missile treaty in the belief that a follow-on SALT II agreement would make rational the concessions made by the United States to Russia in that treaty.

Experience over the 5 years of SALT I, and during President Carter's unilateral 2-year extension of it following its expiration on October 3, 1977, has convinced me that doubts about SALT I have proven well founded.

In the joint resolution approving SALT I is the following provision:

> Congress supports the stated policy of the United States that, were a more complete strategic offensive arms agreement not achieved, and were the survivability of the strategic deterrent forces of the United States to be threatened as a result of such failure, this could jeopardize the supreme national interest of the United States.

Thus, in 1972, the Congress recognized the danger to world peace if Russia could achieve, as it has now or soon will have, the ability to destroy the U.S. land-based ICBM force.

I point out these facts because after 7 years it is easy for the Senate and the country to forget the fine language which was used in 1972 to convince the Congress that SALT I was acceptable.

I, for one, decided to vote for SALT I only after it was amended to require equality in the follow-on SALT II agreement.

What has Russia done since SALT I was approved?

During the time since SALT I was approved, the Soviet Union has produced and deployed the SS-16, a mobile, single warhead ICBM, with a range of about 10,000 kilometers; the SS-17, a large throw-weight ICBM which is MIRVed and with a range of 10,000 kilometers; the SS-18 an extremely large ICBM with 16,000-pound throw weight and 10 warheads, each with a range in excess of 10,500 kilometers; the SS-19, a large ICBM, with multiple warheads and a range of 9,000 kilometers; the SS-N-17, a submarine-launched ballistic missile (SLBM) with MIRV capability; the SS-N-18, a very large SLBM with multiple warheads and a range of 9,500 kilometers; the SS-20, a MIRVed ballistic missile which is mobile and is known to have a range in excess of 5,500 kilometers; the SS-21, a new tactical nuclear missile the SS-N-12, a new relatively long-range naval cruise missile; and SS-XZ, a new mobile ICBM, possibly MIRVed and with a range in excess of 6,000 kilometers and a very large throw weight.

Additionally, under SALT I, the Soviet Union has had under development an entire new fifth generation of ICBM's, of which the Department of Defense acknowledges five under full-scale development. These missiles are in addition to the fourth generation, which is composed of the awesome SS-17's, 18's, and 19's.

The Soviet Union has under SALT I developed two antisatellite systems. The Soviet Union has developed cold launchers for ICBM's to permit rapid reload of stockpiled ICBM's. The Soviet Union has developed an advanced mobile ABM missile. The Soviet Union has deployed thousands of surface-to-air missiles and more than 1,500 Mig-23/27's.

The Soviet Union has deployed ground-launched cruise missiles (GLCM's) with nuclear warheads, has tested from the Backfire bomber an air-launched cruise missile (ALCM) firing at a range of more than 1,200 kilometers,

and has deployed long-range sea-launched cruise missiles (SLCM's), also with nuclear warheads.

Quantitatively, Soviet military procurement under SALT I has been equally impressive. The list of major weapons procurement since the SALT process began is, frankly, astonishing. It includes the following items of hardware acquisition which Russia has or soon will have:

(1) Several hundred late-model SS-11's with multiple warheads;

(2) 800 fourth generation, large, liquid-fueled ICBM's (SS-17, 18, and 19) with MIRVed warheads;

(3) 300 mobile SS-20 MIRVed IRBM launchers and up to 1,000 SS-20 missiles, also a reported 100 mobile SS-16's;

(4) 20 Y-class and 30 D-class SSBN's with a total of some 700 missile tubpes;

(5) At least one new Typhoon-class SSBN and probably more building;

(6) At least 150 Backfire bombers with several hundred ASMs for this and older-model bombers, plus at least another 150 Backfires to be permitted under the new agreement;

(7) More than 60 new major surface ships and other lesser surface combatants, for a net increase of one million metric tons in surface warships;

(8) Naval SAMs and cruise missiles for new surface combatants;

(9) Approximately 25 nuclear-powered attack submarines equipped with anti-ship cruise missiles;

(10) More than 6,600 SAM (SA-3, SA-4, SA-5, SA-6, SA-8, and SA-9) launchers and more than 12,000 missiles compared with zero for the strategic defense of the United States;

(11) Substantially more than 1,000 new high-performance interceptors, some with "look down, shoot down" capability;

(12) Several thousand air-to-air missiles of various types; together with associated radars and equipment for ground control; including at least two types of over-the-horizon radars;

(13) 30,000 tanks and more than 30,000 armored personnel carriers and other armored vehicles;

(14) More than 20,000 artillery pieces and heavy mortars;

(15) Approximately 2,100 fighter bombers and high-performance reconnaissance aircraft for frontal aviation, plus 600 helicopter gunships, plus literally thousands of associated air-to-surface and anti-tank missiles;

(16) Approximately 4,000 ZSU-23/4 anti-aircraft guns; and

(17) About 250 AN-22 and IL-76 transport aircraft and more than 1,000 cargo/troop transport helicopters.

This list is available from sources in the public domain. Much is missing, yet it should be sufficient to illustrate the point.

All this has occurred under SALT I.

In the same time period, the United States has dismantled its Safeguard ABM system, has canceled the B-1 bomber program, has delayed development of the Tomahawk sea-launched cruise missile, has declined to produce the neutron warhead, has slowed development of an antisatellite system, *has not developed* a single new land-based ICBM, and has moved at a snail's pace in developing the Trident C-4 missile which still has not completed testing.

Basic defense procurement has, to be sure, continued, but the simple truth is that the United States has not met the challenge of Soviet military expansion since the beginning of the SALT process.

On July 24, in response to a question I asked in the Committee on Armed Services, Gen. David C. Jones, Chairman of the Joint Chiefs, stated that "SALT I acted as a tranquilizer." He also testified that there is as well "a risk that SALT II could be allowed to become a tranquilizer." I agree that the danger is serious.

Finally, in analyzing our experience under SALT I, the Senate should also recognize that, in performing the terms of SALT I, the Soviet Union has repeatedly acted against both the spirit and the terms of the agreement. Similarly, Soviet compliance with the ABM treaty is questionable.

At least six articles of the ABM treaty appear to have been violated. Russian activities in violation of these articles are as follows:

(1) Testing in 1974-1975 of the SA-5 air defense system in an ABM mode;

(2) Deployment of new ABM radars;

(3) Camouflage of certain ABM research and development efforts; and

(4) Official falsification of the number of test range ABM launchers reportedly dismantled in 1973.

Soviet actions contrary to SALT I are also apparent. The Russians broke the express intent, spirit, and purpose of article II prohibiting the replacement of light ICBM's and heavy ICBM's by deploying the heavy SS-19.

As you know, the SS-19, with a throw weight comparable to the Titan II, is a heavy missile under the understanding of SALT I, yet cleverly, under the new definitions of SALT II, it will be classed a light missile. In a sense, the Soviets have been rewarded for violating the intent of SALT I by an inclusion in SALT II of a heavy missile under a redefined light missile category.

Soviet leaders also violated the article of SALT I constraining submarine deployment by falsifying the initial baseline level of submarines claimed. Moreover, the Soviet Union has expressly acknowledged that it failed to deactivate ICBM's on time in accordance with the agreement. Data on the deactivation of ICBM's was falsified three times during 1976. The deployment of new command and control silos during SALT I violated the spirit and intent of article I which was designed to freeze the ICBM force level.

Additionally, a massive program of deliberate concealment of testing and deployment of offensive forces has blatantly violated article V of SALT I prohibiting interference with national technical means of verification. Violations of article V of SALT I include:

First. Encryption of ICBM telemetry;

Second. Camouflage and concealment of ICBM testing, production, and deployment;

Third. Concealment of submarine construction and berthing; and

Fourth. Construction of dummy submarines which are themselves concealed.

Finally, the Russians have violated the SALT I protocol by building 3 submarines more than the 62 permitted under the protocol.

There are many other examples of Soviet disregard for the SALT I accords. The list goes on and on if the analysis is made of Soviet behavior under not only the specific terms of the agreements reached but also under the agreed interpretations of both the ABM Treaty and the interim agreement.

I will cite here only three examples.

First, under the agreed interpretations of the interim agreement, the range definition of an ICBM would include the SS-20, a mobile MIRVed, "intermediate"-range missile, yet Russia has deployed these missiles in violation of the SALT accord and its agreed interpretation.

Second—and this is perhaps the clearest example—in March 1976 the Soviet leadership actually admitted that they had deliberately violated the agreement requirement to deactivate old ICBM's (SS-7's) while replacement submarines were on sea trials.

Third, this overt admission was soon followed by the deployment of an ABM radar at a ballistic missile test range in direct conflict with an agreed interpretation of the ABM Treaty and without making the prior agreement with the United States required thereby.

These foregoing actions—and there are others—do not even reach the issue of U.S. unilateral statements made in connection with the approval of SALT I. Suffice it to say that unilateral statements made by the United States have, in the main, been ignored by Russia to an extent that one questions whether the other side even bothered to read them.

Why should we expect Russian compliance with SALT II to be different than it has been with SALT I? At the very least, the Senate in considering SALT II, and the wording of its provisions, must assume the worst—must assume that Russia will resolve any treaty ambiguity in favor of Russia and will take full advantage of any loophole.

I can summarize our experience under SALT I with this statement: The Soviet Union under SALT I—and at times in violation of SALT I—has deployed at least 10 entirely new strategic systems and has advanced the quantity and quality of its weaponry at all levels to the maximum extent permitted by the Soviet economy.

BUDGETARY CONSIDERATIONS

Proponents of the SALT II treaty have already begun a campaign to propagandize the American public on the alleged virtues of SALT II, warning of dire consequences of its failure in the Senate.

A primary argument made by the Carter administration, is that without SALT II there will be an arms race of unparalleled proportion and great expense to the United States.

The fact is that Russia, during the past 7 years, has to an unprecedented degree, already increased its military might.

The Soviet Union in 1980 is expected to expend up to 18 percent of its gross national product on defense. Even the Central Intelligence Agency, which for more than 30 years has consistently underestimated Soviet military spending, now admits that between 11 and 13 percent of the Russian GNP is devoted to the

military and that the Soviet Union expends $40 billion more than the United States spends for defense purposes annually.

Then, too, unlike the United States, the great bulk of the Soviet defense budget goes to the procurement of hardware. In a police state, manpower costs do not compete with procurement costs as they do in a free society.

In our country manpower consumes nearly two-thirds of the defense dollar, weapons procurement accounts for less than 30 percent. In Russia the opposite is true, with less than 30 percent going for manpower costs.

But, in my judgment, the Soviet Union may nevertheless be at the point of diminishing returns in defense expenditures. Further significant defense expenditures probably cannot be achieved in real terms since to increase the defense share of the Russian economy beyond its present staggering percentage could cause the Russian economy to falter, and the actual GNP of Russia could decline along with actual funds available for military systems.

The Russian economy is not likely to sustain military expenditures greater than those presently being made. It follows that the limits imposed by SALT I and proposed to be imposed by SALT II do not, in fact, bring about any fiscal limits on Soviet defense spending. Those limits are imposed by the Soviet economy itself.

SALT II may, however, permit a shift in Soviet strategic expenditures from offensive strategic systems to defensive strategic systems. On the surface, this change might appear desirable; but, in fact, it could increase the chance of war by enabling a damage denial or damage limiting defense of the Soviet homeland.

American defense expenditures will not be constrained by SALT II, but by the realities of a democratic system of government. Present U.S. expenditures for defense are about 5 percent of the U.S. gross national product. Defense procurement, that is, the purchase of military hardware, does not exceed 2 percent of the U.S. GNP. With or without SALT II, it is highly unlikely that the United States would match or even spend anywhere near the levels of the Soviet Union. The restraining factor would be, quite properly, the American political system, not SALT II.

It follows, Mr. President, that SALT II would not constrain defense spending, either in the United States or in the Soviet Union.

This view is held by analysts of the Soviet economy most qualified to predict future performance on the basis of past experience. Thus, for example, an acknowledged leading American authority on Soviet defense spending, W. T. Lee, states as follows:

> The burden of Soviet defense expenditures has risen over the years and it is contributing to the decline in the overall growth of the Soviet economy. Soviet defense expenditures have increased very rapidly since the SALT process began in 1969. Indeed the case can be made that SALT has stimulated the growth of Soviet defense expenditures on the grounds that Soviets saw SALT as the means of catching up with and surpassing the U.S. in military capabilities and have made the most of it. In order to finance the heavy burden on Soviet economy the Soviet leaders have had to make an unprecedented (in peacetime) diversion of resources from investment to defense. While the impact on investment has been eased by imports of machinery and technology, much of which has been financed by NATO, the burden of defense on the Soviet economy has never been so heavy in peacetime. Ironically, the burden has grown much more rapidly in the SALT decade than during the previous 13 years.

Mr. Lee questions, as I do, the ability of the Soviet Union to increase significantly its defense spending above its current level. He states:

> We do not have a good measurement of how much economic growth has been foregone by the steady increase in the share of GNP devoted to defense over the past two decades. The effect thereof on capital investment is evident, as has been discussed. Clearly, this is one of the reasons for the decline in growth rate of Soviet GNP, but how much of the decline has been due to the rising defense burden? What would the growth rate have been if the Soviet defense outlays had been held, say, to 9 to 10 percent of GNP instead of rising to about 18 percent or less? Were reduced to the U.S. share of 5 percent or less? We cannot answer these questions with precision, hence, it is difficult to say how much Soviet economic growth would be reduced by increasing the defense share to 20 percent or more of GNP, or at what point growth would cease and GNP might even decline if the defense share were to go beyond 18 percent. Surely, however, there is a peacetime limit, and the Soviets may be approaching it. It is hard to believe they can go much above 18 percent of GNP for defense. On the other hand, can the Soviets maintain defense at about 18 percent of GNP and still achieve growth in GNP? Perhaps.

Basic considerations of gross national product and allocation of resources are, thus, determinative of Soviet defense spending, not limits specified in SALT. This result, Mr. Lee concludes, is inescapable:

> To put it mildly, SALT has had no discernible effect on Soviet defense expenditures.

LINKAGE

It has been suggested by the administration that it would for some reason be improper to consider the proposed Strategic Arms Limitation Treaty in connection with our experience of Russian aggression and Communist expansion. The idea apparently is that SALT II must be isolated and examined in a vacuum.

I reject that approach. Obviously, this treaty was not negotiated in a vacuum, and there is nothing whatsoever isolated about its content or its intent.

The Senate should not feel constrained in discussing SALT II as a document linked and intertwined with an ongoing history of Russian aggression and Communist expansion.

Looking only at the time since the coming into force of SALT I, the Senate can and should remember, in passing judgment on SALT II, the rampant expansionism of Russian imperial policy.

I will list here a few of many examples.

The United States failed in its efforts to defend South Vietnam. The Soviet Union is now seeking to develop Pacific Fleet naval bases provided by Vietnam.

U.S. policy elsewhere has suffered similar defeat. We have acquiesced in Communist victories in Angola and Mozambique. We have cooperated while Russian-oriented terrorists have sought to destroy the new majority rule government in Rhodesia. We have done nothing to forestall Cuban-trained terrorists in Nicaragua. We have watched the spectacle of Cuban troops keeping in power a Communist dictatorship in Ethiopia. A revolution in Iran has eliminated a government friendly to the United States, and we have witnessed the communization of Afghanistan and Russian-inspired and fomented insurrection and insurgency elsewhere.

Yet, in the face of this clear evidence, the administration and others have suggested that if the United States will only show further restraint—how often we hear that word restraint—if the United States would only show further restraint, then the aggressive Russian policy would be curtailed.

Let us examine that from a historical perspective. If we go back to 1964, the United States had 1,054 ICBM's. Russia had 200. The same argument was made then . . . that if we froze our forces at that figure, Russia would not increase her missile strength.

After all, Russian policy, we are told, has always been defensive in nature. It is only because Russia, we are told, is threatened that Russia seeks power in Central America; it is only because Russia feels threatened that Russia maintains a naval presence in southern Africa, at Maputu and at Cabinda, and in the horn of Africa, at Socotra; it is only because Russia feels threatened that Russia seeks a naval base at Camranh Bay and fortifies the Kuriles; it is only because Russia feels threatened that Russia supports its stooges in Cuba.

Restraint, restraint, we are told, is required of the United States or else Russia will, out of fear, out of fear alone, be compelled to expand even further—but always, of course, acting in her own self-defense.

Now this process ought to be familiar to the West. Hitler, we were told in the late 1930's, needed Austria and Czechoslovakia only so that Germany would not feel threatened.

So, I believe it would be a mistake during the debate of SALT II to attempt to determine Russian intentions rather than to focus on Russian might.

TERMS OF SALT II

The Jackson amendment to the SALT I interim agreement required the President to seek quantative equality in any future SALT agreement with Russia. SALT II appears on the surface to satisfy the requirement of the Jackson amendment.

In fact, however, the equal upper limits specified in SALT II are purely cosmetic and do not result in actual equality in the strategic offensive forces of the two parties to the treaty. In short, the fundamental treaty formula is an illusion.

OFFENSIVE LIMITS

The upper limit for the total number of strategic offensive weapons is 2,400.

This limit is to be reduced to 2,250 by December 31, 1981.

The first subtotal, 1,320, is the number of ICBM's and submarine-launched ballistic missiles (SLBM's) that may be MIRVed. Also included are all heavy bombers equipped with ALCM's or air-launched ballistic missiles (ALBM's). This subtotal is also to be reduced on December 31, 1981, to 1,200.

The next sublimit is 1,200, and it limits the number of ICBM's and SLBM's which may be MIRVed without regard to manned bombers.

Finally, 820 is the number of land-based ICBM's which may have MIRVed warheads.

Again, outwardly these limits appear to impose identical constraints on Russia and on the United States. In fact, they do not.

First, the Soviet Union is granted a special right to 308 heavy ICBM's of the SS–18 class.

These missiles are the missiles designed to destroy, and which are capable of destroying, the U.S. ICBM force.

They are truly awesome in size, firepower, and accuracy, and the United States would be prohibited by SALT II from seeking to develop a comparable missile.

In effect, this prohibition guarantees a Russian advantage in the most critical aspect of the strategic balance, namely, that aspect directly affecting the ability to destroy an opponent's forces in a first strike.

Second, the treaty formulas do not provide for equal aggregates for other, less immediately obvious reasons. These reasons are associated with the failure of the American negotiators to include in the negotiations all of the strategic forces of Russia. Since these strategic systems were not included in the first instance, obviously these systems and their potential for growth make a mockery of the stated equal aggregates in the treaty. Known Soviet strategic systems not counted under SALT II include:

(1) The SS–20;
(2) The SS–N–3;
(3) The SS–N–12;
(4) The SS–N–4;
(5) The G-Class SS–N–5; and
(6) The Backfire bomber.

These special exclusions granted to Russia mean that, even after the Soviets have reduced the number of their strategic offensive weapons to the SALT II specified limits, almost 1,000 additional strategic nuclear weapons will be outside the SALT II formula with no SALT-imposed limits on further growth.

In contrast, every conceivable strategic system of the United States is included in the U.S. count under the treaty. Thus, obsolete B–52 bombers in the Arizona desert boneyard are included in the U.S. total, notwithstanding the fact that more than a year would be required to bring these aircraft into operational status.

In summary, although the numbers specified are the same, disparity in the method of counting invalidates the equation.

DEFENSIVE LIMITS

SALT II does not limit defensive strategic systems.

SALT I included as a component part the ABM treaty limiting defenses against ICBM's and SLBM's.

Thus, the SALT I package limited ICBM's and SLBM's both by offensive- and defensive-related restrictions. Manned bombers were not included in SALT I, and consequently, no defensive limitations were imposed on those systems used to counter a manned bomber threat.

SALT II does include manned bombers, primarily those of the United States, yet no effort was apparently made to include in the treaty strategic air defense systems.

U.S. air defenses are very thin. Russia, in round numbers, has almost 3,000 interceptor aircraft, 7,000 air defense radar systems, and 10,000 strategic air defense SAM launchers.

These defensive forces in the Soviet Union tend to nullify the heavy bomber threat of the United States. And the exclusion of Backfire from the SALT limits exaggerates the vulnerability of a relatively defenseless North America to heavy bomber attack.

In addition, the massive Soviet civil defense program and the extensive Soviet activity in developing and deploying new antiballistic missiles in violation of the ABM treaty add further to the strategic impact of Soviet defenses.

The failure of U.S. negotiators to obtain an agreement with Russia which would limit Russian strategic defensive systems, and their corresponding failure to include the most potent Russian bomber while carefully counting the most obsolete and useless American bombers, combine to produce a result totally inconsistent with the doctrine of mutual assured destruction and clearly at odds with the principle of equal aggregates.

Russia will be in a position to strike North America with impunity in a bomber attack, whereas without B–1, it is doubtful that more than a few U.S. bombers could complete their mission.

All this within the cosmetic equal aggregates of SALT II.

BACKFIRE NOT LIMITED

The Backfire is a bomebr capable of reaching the United States. The aircraft is 2½ times heavier than the U.S. theater nuclear bomber, the FB–111A. Its payload and unrefueled range are both only about 10 percent below the B–52.

Russia, throughout the negotiation of the SALT II agreement, insisted that the Backfire was not an intercontinental weapon and was deployed in a theater nuclear and maritime role. Their position prevailed, and the Backfire is not included in the total aggregates specified in the proposed SALT II agreement.

But the point is not whether the Backfire is deployed for theater nuclear missions or whether it is deployed for intercontinental missions. The fact is that the Backfire is capable of an intercontinental mission. Not only is it capable, but it could prove highly effective in an intercontinental mission, especially since, as I have noted before, there is very little in the way of air defense protecting North America.

Further, since Backfire can attack the United States and since this aircraft is comparable to the B–52, many of which are in the Arizona boneyard yet are counted, Backfire should also be counted in the equal aggregates specified in the SALT II treaty. But it is not.

Mr. Brezhnev has provided President Carter an unsigned letter stating that Backfire production will not exceed the present rate of 30 aircraft per year, and that the bomber will not be used against the United States. Yet by 1985 Russia will still have at least 400 Backfire aircraft. Mr. Brezhnev's unsigned letter does not provide a defense.

CRUISE MISSILES LIMITED

The United States has achieved some advantage in developing cruise missile technology for the accurate targeting of a variety of types of cruise missiles. The Soviet Union has long possessed cruise missiles, both ground-launched and sea-launched. Chiefly, the Soviet Union has relied on the SS–N–3, the SS–C–2, and the SS–N–12. The Soviet Union has tested an air-launched cruise missile with the Backfire bomber.

Nevertheless, Russian cruise missile technology is thought to be behind American technology in the same type systems. On the other hand, to reach high value targets in the United States with sea-launched or air-launched cruise missiles, Soviet launch vehicles are not required to penetrate defenses to the same depth as are U.S. delivery systems.

In short, because of basic geography, cruise missiles launched against the Soviet Union would be required to travel greater distances to reach their targets, than cruise missiles launched against the United States.

Article II of the protocol to the SALT II treaty prohibits deployment of ground- or sea-launched cruise missiles with a range in excess of 600 kilometers. As previously noted, it is not clear what will happen to existing Soviet ground- and sea-launched cruise missile systems with ranges in excess of 600 kilometers—360 miles—but it is clear that the development by the United States of sea-launched and ground-launched cruise missiles will be slowed. If the protocol is extended, as it is likely to be, these systems will be stopped.

Article IV, section 14 of the proposed SALT II treaty provides that neither party may deploy a number of air-launched cruise missiles more than the product of 28 and the number of aircraft equipped to launch cruise missiles.

The second agreed statement to article IV, section 14 states that, in the case of the B–52, not more than 20 cruise missiles will be permitted on each B–52 equipped to launch cruise missiles.

Yet neither the Backfire nor the new advanced Soviet bomber now under development are subject to the 20 missile limit. Again, with an appearance of equality, in fact, asymmetry is imposed by the SALT II treaty.

Moreover, a limit of twenty cruise missiles per B–52 is likely to present a manageable threat to Russia. The intense air defense systems of the Soviet Union could permit the Russians to defend successfully against that level of cruise missile attack.

The SA-5, the SA-10, and the SA-X-3 are all likely systems for downing cruise missiles. Similarly, the "look-down shoot-down" capabilities of the MIM-23/27's, the forward-looking infrared capabilities of the MIG-25, and the battle management systems of Soviet AWACS and netted radars further enhance Russian defense against the cruise missile. Finally, new types of antiaircraft guns and other new technologies could provide terminal defenses to negate the U.S. cruise missile potential.

Yet the B-1 scrapped on the basis that the cruise missile made the new bomber unnecessary.

MODERNIZATION

The SALT I interim agreement, in a loosely worded provision, sought to limit increases in the size of light ICBM's. At that time, the predecessor missiles to the SS-17 and SS-19, that is, the SS-11 and SS-13, had throw weights of approximately 2,000 pounds. SALT I purported to hold the Soviets to missiles of that size, when in fact, under the definition of light missiles in SALT I the Soviet Union managed to develop both the SS-17 and SS-19, the former with a throw weight of 7,000 pounds and the latter with a throw weight of 8,000 pounds—both more than three times larger in throwweight than the light missiles they replaced.

SALT II has solved the embarrassing problem for U.S. negotiators created by these two new heavy Soviet ICBM's simply by including both as "light missiles" and failing to define a light missile. This clever feat of draftsmanship does not change the fact that these two new heavy ICBM's are aimed at the United States, nor does it change that fact that no apparent effort was made by the United States in SALT II to gain a counter advantage to that obtained by Russia in developing these missiles contrary to the intent of SALT I.

I raise this issue fully realizing that it is now a matter of history, because I believe the definition of permissible modernization set forth in the SALT II agreement will permit the Soviet Union to field its new fifth generation of IBCM's. These fifth generation missiles are well along in their development and will be available for deployment well before the expiration of SALT II.

In my judgment, at least three new ICBM's will be introduced by Russia in the near future, and if it has been approved by the Senate, SALT II will have no effect in prohibiting their deployment.

This latter fact results from the loose definition of modernization of missiles set forth in article IV, section 9 and in the understandings thereto. These three new "modernized" ICBM's would be in addition to the one new light ICBM which is specifically permitted to be flight-tested or deployed under the treaty.

This latter provision permitting deployment of a new ICBM before 1985 is of limited value to the United States because it is now obvious that the MX missile program has been sufficiently delayed to make a provision for its deployment during the term of SALT II of little consequence. The earliest date now estimated for MX is 1986.

Finally, in connection with the issue of strategic missile modernization and deployment of new types of light ICBM's, it must be understood that under the provisions of article IV, section 7 of the proposed treaty, the United States would not be permitted to "develop, test, or deploy ICBM's" which have a launch weight or throw weight greater than the throw weight of our largest missile which is 8,000 pounds, a value substantially equivalent to that of the SS-17 and SS-19, and one-half the Soviet upper limit established by the 16,000 pound throw weight of the SS-18.

Secretary of Defense Brown testified that this and other provisions of the treaty grant Russia the special right to 308 SS-18's but forbid the United States to have any ICBM's of comparable size.

We must understand further that inasmuch as the word "light" is nowhere defined in the treaty, the Soviet Union is free to deploy one new "light" ICBM of a size limited only by the provisions of article IV, section 7, namely, limited only be the unspecified launch weight or throw weight of the massive SS-19.

COLD LAUNCH

Russia has developed the ability to reload rapidly missile silos. Both the SS-18 and the SS-17 are launched by compressed gas; their rocket motors do not fire until the missile has left the silo. The silo is thereafter reusable and can be reloaded in a process requiring no more than a few hours.

The SALT II agreement imperfectly seeks to curtail the rapid reloadability of Soviet rocket forces. The SALT II agreement, in its article IV, section 5, provides that ICBM "launcher deployment areas" are not to be equipped with missiles excess to "normal deployment, maintenance, training, and replacement requirements." It further provides that neither party is to "develop, test, or deploy systems for rapid reload of ICBM launchers."

The Soviet Union—according to Dr. William Perry, Undersecretary of Defense for Research and Development—has already developed the capability for rapid reload of ICBM launchers. The prohibition contained in the treaty will, therefore, only inhibit the United States.

Additionally, I note that, unlike many other provisions of the treaty, this critical provision does not have the normal laundry list of agreed statements and common understandings. Only the term "normal deployment requirements" is defined to prohibit additional missiles immediately at an ICBM launch site. Other terms are not defined. "Launcher deployment area" is not defined. "Normal—maintenance, training, and replacement requirements" are not defined. It becomes, then, entirely a question of subjective judgment as to what constitutes a violation of this provision of the treaty.

Russia is free to define normal deployment practices, especially with respect to maintenance, training, and replacement requirements, in such a manner as to generate a reload capability of strategic significance.

Frankly, the Senate would display great naivete if it were to believe that the Soviet Union would have invested the development effort it has into cold launch techniques if it did not intend to take advantage of those techniques regardless of a poorly drafted treaty provision which seeks to restrict their use. We already have seen the Russian use of ambiguity to skirt the terms of SALT I.

Indeed, a first step in a strategic confrontation by the Soviet Union seeking to gain a diplomatic advantage could well be to move excess reload missiles to the vicinity of a launch site in the moment of crisis. At that stage, the treaty provision would have little meaning.

VERIFICATION

The problem I have just outlined with respect to rapid reload and cold launch technique typifies the type of issue which is fundamentally not subject to verification without ongoing, onsite inspection.

The Soviet Union stretched, if not violated the terms of SALT I. Some of the violations were discovered in a timely fashion, some were not, and some may yet remain to be discovered. Secretary of Defense Brown stated to the Committee on Armed Services that we must consider the likelihood that the Soviets would violate the treaty.

Yet, SALT II, a far more complicated and detailed agreement than was SALT I, is in the same degree far more complex and onerous in its verification. This is apparent in the provisions in the treaty which seek to require functionally related observable differences and externally observable differences which are, in effect, admissions of defeat in an effort to verify by National Technical Means. In such instances, in fact, we are simply trusting the Russians to be honest with us in telling us what they are doing.

The administration has recognized that Soviet compliance with the proposed SALT II treaty cannot be verified with certainty. The administration has proposed a legalistic and definitional solution to this real problem by simply redefining what is an acceptable degree of verification. The administration has postulated acceptance of a standard of verification based on adequacy in lieu of certainty.

But all witnesses seem to agree that even to achieve "adequate" verification we must rely on the permission of third countries to establish and maintain monitoring sites. This is a thin reed on which to rest a matter of such importance.

NATIONAL STRATEGY AND TRUE PARITY

The United States has long accepted the basic concept of parity with the Soviet Union in strategic forces, but the United States now has moved rapidly to the new concept of "essential equivalence" with Soviet strategic force, a doctrine which permits acceptance of strategic inferiority.

True parity is an acceptable condition. Obviously, it is not as desirable as superiority. However, the concept of

parity has been in SALT II confused with the principle of "equal aggregates." This confusion results from the incorrect assumption that if aggregate numbers are equal, then parity is achieved.

The United States, as a matter of doctrine, adheres quite rightly to a policy of deterrence and retaliation. The United States, as a matter of doctrine and as an outgrowth of the democratic process, will not initiate a nuclear war.

Because the United States relies only on retaliation as a deterrent to attack by an opponent, it must have either more weapons than its opponent or it must have survivable weapons. Of the two choices, survivable weapons are preferable.

To achieve parity, then, the United States must have more rather than less or must have survivable weapons rather than vulnerable weapons.

The Chairman of the Joint Chiefs of Staff, Gen. David C. Jones, and the Chief of Naval Operations, Adm. Thomas B. Hayward, have both testified that the United States will not even be able to maintain essential equivalence, much less parity, during the term of SALT II.

I do not suggest a change in a wise policy seeking to avert nuclear war by refusing the option to plan for initiating a first strike. I do believe, however, that, in assessing SALT II and the facade of equal aggregates which would be established by it, we must continually bear in mind that simple equality in numbers does not provide parity in strategic capability. This I view as a fundamental defect in SALT II and in the SALT process itself as conducted in recent years.

ASSURED MUTUAL DESTRUCTION

I have always felt that mankind would benefit from the development of defensive systems designed to counter nuclear weapons. To me defending against weapons of mass destruction has always seemed a desirable goal.

I have discovered, however, that there are those who prefer to seek to prevent nuclear war by guaranteeing the total destruction of both Russia and the United States in the event war did occur. I obviously appreciate and approve the motive behind this doctrine, a doctrine which is known under the acronym "MAD" for mutually assured destruction. The motive is the prevention of war. I question, however, that the doctrine will work if the destruction of one side can be assured while that of the other cannot.

The United States has dismantled all strategic defenses. On the other hand, Russia has developed and expanded its ability to defend its people. In fact, Secretary of Defense Brown testified that Russia has spent $100 billion on its strategic defenses.

The pervading influence of the doctrine of mutually assured destruction on the American side of the negotiating table has produced a proposed treaty which purports to limit strategic offensive arms, but does not limit strategic defensive arms. This I consider important.

TECHNOLOGY BREAKOUT

During the SALT process the United States has moved from a position of superiority to a position of vulnerability.

For every offense, we are told, there is a defense. Many of us—and certainly, I include myself in this category—believed that the intercontinental ballistic missile was the ultimate weapon for which there could never be devised a defense to protect man and return our endangered planet to a condition of relative security. This belief no doubt spawned the nation of hostage populations and averting war through assuring destruction in the event of war.

Radically new technologies may offer during the term of SALT II a radically new defense against ballistic missiles.

The press with increasing frequency has discussed the possibility of space-based laser systems designed to destroy ICBM's in flight. The press has discussed with increasing frequency the advanced state of existing technology which could be utilized in a laser system designed to destroy an ICBM during initial boost. Other media accounts have discussed the potential of high-energy particle beam weapons and have predicted the use of these weapons in terminal defense of high-value targets.

Russia is reported by some to possess already the ability to blind U.S. reconnaissance satellites with laser light.

There is no doubt in my mind that the Soviet Union is vigorously pursuing all aspects of new defensive technologies. There is no doubt in my mind that the Soviet Union is seeking to take full advantage of any related Western technology it can obtain.

As I see it, during the evolution of these new strategic defensive systems, one of two things can occur. Either the United States will achieve technological breakthrough first and deploy a related weapon system first, or Russia will achieve a technological breakthrough first—or exploit a Western breakthrough—and deploy a related weapon system first.

In the former case, no doubt a similar system will soon be deployed by Russia, and parity could be maintained in a world less subject to nuclear destruction.

In the latter case, Russia could seize the unilateral advantage obtained and deny to the United States a similar system. Under SALT II, Russia would have a sufficient advantage in strategic offensive systems to deny the American deployment of a new technology Russia achieved first, because the remaining offensive deterrent left to the United States under SALT II could be countered by the new high-technology defensive system.

Achieving technological breakthrough in defense against the SLBM and ICBM, Russia would be certain to use any advantage to the hilt, and if put in a position to dictate terms in SALT III by having achieved a new defense, Russia would undoubtedly require the United States to forgo a similar advanced development.

This fact is a great danger of SALT II.

SUMMARY

First. SALT II cannot be considered alone. It must be evaluated against a background of greater Soviet military might and global expansion. Would ratification of this unequal treaty constitute new evidence of U.S. acquiescence?

Second. What has happened since the SALT I agreement was signed 7 years ago? Russia has achieved a massive military buildup in both conventional and nuclear weapons, has spent, according to Secretary of Defense Brown, more than $100 billion on strategic defenses, and has deployed the most powerful of all missiles, the SS-18. SALT II gives the Soviets special and unmatched rights to 308 of these heavy intercontinental ballistic missiles.

Third. Militarily, the United States is much weaker today compared with Russia than was the situation 7 years ago. The Chairman of the Joint Chiefs of Staff, Gen. David C. Jones, stated categorically, in replying to a question by me during the Armed Services Committee hearings, that SALT I lulled the American people into a false sense of security. Why should we expect anything different from SALT II?

Fourth. The Joint Chiefs of Staff, while supporting the treaty, advised the treaty negotiators that a limitation on cruise missiles is not in the best interests of the United States. That view did not prevail.

Fifth. The United States is limited to 20 air-launched cruise missiles for bombers; Russia is likewise limited for its Bisons and Bears. Both countries are unlimited on the number of cruise missiles on a new bomber. The difference, however, is this: General Jones testified that Russia, during the life of the treaty will have a new bomber, but that the United States will not.

Sixth. The treaty counts U.S. manned bombers, but it does not cover the massive Soviet air defense system which virtually negates the American bomber threat. By 1985 our bombers will not be able to penetrate effectively these defenses, according to testimony by Secretary of Defense Brown.

Seventh. The treaty does not count the Soviet Backfire bomber, yet this aircraft is capable of attacking the United States.

Eighth. Russia has 1,000 strategic weapons not covered by SALT II. Since the 6 systems of which these 1,000 are a part are not covered under the treaty, the number could grow virtually without limit.

Ninth. The treaty will not prevent the Soviet Union from deploying a new fifth generation of ICBM's.

Tenth. The treaty will permit both sides to deploy "modified" new ICBM's, but on the U.S. side the new missiles must not exceed a throw weight of 8,000 pounds while Russia's new missiles would be allowed up to 16,000 pounds in throw weight.

Eleventh. The ban in the treaty on developing rapid-reloading launchers will not apply to Russian launchers of this type which already exist. We have none.

Twelfth. The SALT I Treaty was simple and uncomplicated in its terms, yet the U.S. Arms Control and Disarmament Agency found that Russian "concealment activities associated with strategic weapons programs increased substantially." SALT II is far more complex and detailed than SALT I and therefore more difficult to verify and far easier to violate deliberately and to conceal that action.

Thirteenth. Defensive weapons are not covered by the treaty. Yet it would permit the Soviet Union to have a first strike offense with the potential to knock out the bulk of our strategic forces. The United States itself has virtually no defenses to an attack. It was decided years ago that this Nation would rely on its ability to retaliate to forestall an attack. But with U.S. offensive forces strictly curtailed by the treaty, Russia is left free to spend much of its military budget on defensive systems—including systems in space if it so desires—thus sharply reducing the retaliatory threat.

Fourteenth. As part of SALT I the U.S. Senate on September 14, 1972, approved the Jackson amendment requiring equality in intercontinental strategic forces in negotiating SALT II, meaning equality of numbers of launchers taking into account throw weight. The amendment stated that—

> Were the survivability of the strategic deterrent forces of the United States to be threatened as the result of such failure of equality, this could jeopardize the supreme national interest of the United States. . . .

Yet, the Chairman of the Joint Chiefs of Staff, General Jones, stated categorically that in terms of numbers of launchers and taking into account throw-weight the United States does not have equality in intercontinental strategic forces.

At the beginning of this speech I cited two basic issues:

One, does approval of SALT II enhance the security of the United States and our free allies? In my judgment, it does not.

Two, does it confirm Russia's strategic superiority? I have become convinced that it does.

While I have no quarrel with those who take a different view and assign to them the same motives that I assign to myself, I have concluded that I cannot vote for the Strategic Arms Limitation Treaty as submitted to the Senate by the Senate by President Carter.

ORDER OF BUSINESS

Mr. HARRY F. BYRD, JR. 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. TOWER. 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. ROBERT C. BYRD. Mr. President, there are no orders for the recognition of Senators on tomorrow, are there?

The PRESIDING OFFICER. No.

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

ORDER FOR CONSIDERATION TOMORROW OF S. 835, APPALACHIAN REGIONAL DEVELOPMENT ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the orders for the recognition of Senators have been disposed of on tomorrow, the Senate proceed to the consideration of Calendar No. 183, S. 835, a bill to extend the Appalachian Regional Development Act.

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

ORDER FOR CONSIDERATION TOMORROW OF S. 265, EQUAL ACCESS TO JUSTICE ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the Appalachian regional development bill tomorrow, the Senate proceed to the consideration of Calendar No. 267, S. 265, the Equal Access to Justice Act.

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

ORDER FOR CONSIDERATION TOMORROW OF S. 1119, PLANS AND PROJECTS AFFECTING THE TERRITORIES AND POSSESSIONS OF THE UNITED STATES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition tomorrow of the Equal Access To Justice Act, the Senate proceed to the consideration of Calendar No. 221, S. 1119, a bill to direct the Secretary of the Interior to report to Congress on plans or projects affecting the territories and possessions of the United States.

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

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON WEDNESDAY, AUGUST 1, 1979, AND THURSDAY, AUGUST 2, 1979

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

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

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 a.m. tomorrow.

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

HUMAN RIGHTS AND THE NEED FOR THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the United States has long been an advocate of human rights. The notion of protecting the vital integrity of all human beings, regardless of race, religion, or nationality, has been an underlying current in American foreign policy for many years.

In recent times, however, this concern has come to play more than just a supporting role. In fact, new emphasis and new concern for human rights was declared a basic tenet of the present administration's foreign policy.

One of the ways this increased emphasis has taken form is through a restructuring of the Department of State's institutional attention to human rights. With the encourgament of Congress, a Bureau of Human Rights and Humanitarian Affairs was created in 1977 to specifically address the issue of international human rights.

Another manifestation of this renewed human rights interest is the examination of U.S. bilateral economic assistance programs to assure that such aid benefits the needy people of that nation and does not strengthen the hold of repressive governments. "Economic oversight" of human rights violations has also been legislated through such measures as the Omnibus International Financial Institution Act of 1977. This act requires our representatives to advance the cause of human rights with their voice and vote in the international financial institutions, including seeking to channel assistance toward nations not guilty of human rights violations.

A third example in this far from conclusive list of renewed human rights commitments are the recent passage of human rights treaties including the International Convention on the Political Rights of Women and the Inter-America Convention on the Granting of Political Rights to Women.

Yet, while all these acts have demonstrated our Nation's concern for human life, there remains a major omission. The late Senator Hubert Humphrey summarized this omission well:

> At a time when support for human rights has assumed its proper role as a central tenet of American foreign policy, even the moral leadership which the United States could exercise in this critical area is diminished by our failure to ratify numerous human rights covenants, including that most fundamental of documents—the Genocide Convention.

Mr. President, the Genocide Convention is a most fundamental document of human rights. And even though we have made many other steps toward furthering the cause of human rights, our failure to ratify this particular treaty only serves to call into question the extent of our commitment to human life.

I, therefore, urge my colleagues to ratify the Genocide Convention. Let us uphold our increased commitment to the integrity of life.

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

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

SOVIET OPPOSITION TO SALT II

Mr. CRANSTON. Mr. President, the Soviet Union has signed the SALT II Treaty and the issue now is whether the Senate will give its advise and consent to ratification of the treaty.

As we engage in the ratification process, we will be deluged by the views of various American proponents and opponents of SALT II. And we have been subjected to gratuitous admonitions from Soviet proponents. However, less obvious is the view of the Soviet opponents of SALT II. We in the Senate should be aware that, indeed, there have been Soviet opponents to the SALT process from the very beginning of the SALT negotiations in 1969, and that there are, today, substantial forces in the Soviet Union which hope that this U.S. Senate does not ratify the SALT treaty.

There is substantial evidence that after the humiliation of the Russians in the Cuban missile crisis, the Soviet military and Soviet party leadership embarked on a strategy to achieving strategic superiority so that such humiliation would never occur again. They also felt they must deal with the growing threat from Communist China. As the hearings before the Foreign Relations and Armed Services Committees demonstrate, Soviet tactical and strategic forces now have drawn level with the West and, with respect to some strategic indicators, may have overtaken the West or will do so by the time of the so-called "strategic window" of the 1980's.

One of the principal arguments of the proponents of SALT II is that ratification of the treaty will allow the United States an opportunity to catch up in those areas of strategic forces where necessary, and to maintain the overall essential equivalence with the Soviet Union in strategic forces that now exists. One of the principal arguments of the Senate opponents of SALT II is that the Soviets are now ahead of the United States in strategic capability and we cannot afford to ratify SALT II. I do not share the view that the Soviet strategic forces are superior to those of the United States; but I do share the view that without SALT II we will be engaged in an apparent endless arms race with the Soviet Union to maintain strategic parity.

We should be fully aware in the SALT ratification debate that there are substantial and influential groups in the Soviet Union which would favor a continued and endless arms race with the United States in both tactical and strategic nuclear forces, as well as conventional forces. These groups are primarily centered in the military, and the deep sense of insecurity which drives these groups appears to stem from the purge by Stalin of Russian military leadership in 1937–38 and Stalin's massive dismissal of military leaders in 1949–52.

The history of these anti-SALT, anti-arms control groups within the Soviet power structure has been concisely and authoritatively traced by Roy Medvedev, a Soviet dissident historian, in a report recently published in the London Observer. That report, centering on the differences in the Soviet hierarchy over the SALT II agreement, was republished in the Sunday, July 29, 1979, edition of the Washington Star in a front page article entitled "Soviet Policy Reported Reversed by SALT II."

The reversal of Soviet policy which historian Medvedev finds to have occurred, is "the abandonment of the earlier goal of superiority ('to catch up and overtake') in favor of that of 'parity'."

If the analysis of historian Medvedev is correct, and I personally believe it is both authoritative and substantially meritorious, then it supplies strong evidence that the ratification of SALT II will ensure the parity and essential equivalence of Soviet and U.S. strategic forces. Equally important, I believe that rejection of SALT II would have profound effect on the internal power structure of the Soviet Union, a profound effect that probably would be adverse to the national security of the United States.

Because of the obvious importance of the effect of the ratification of SALT II and the status of the current Senate debate on ratification, I ask unanimous consent that the entire text of this article be printed in the RECORD for consideration by each of us.

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

SOVIET POLICY REPORTED REVERSED BY SALT II

(By Roy Medvedev)

Many articles are now appearing in the Soviet press about the opponents of SALT II in the American Senate and their attempts to stop ratification. Less obvious is the fact that there were strenuous behind-the-scenes arguments in the Soviet Union before the treaty was put forward for signature.

Under the American system of government the decisive debate continues after the president's signing of a treaty. In Russia the argument all happened before the signing, although what was said may never come to light.

The enemies of detente have certainly made their presence felt inside the Soviet party leadership. Differences over Soviet President and Communist Party Chairman Leonid Brezhnev's policy were a reason for the removal from the Politburo of Pyotr Shelest in 1972 and Alexander Shelepin in 1975. Critics of SALT II in the present Politburo appear to have included Mikhail Suslov and Ivan Grishin. It also seems that the minister of defense, Dmitri Ustinov, and the KGB chief, Yuri Andropov, were able to drag out the preliminary negotiations on SALT by submitting endless details for expert approval.

It is unclear whether Foreign Minister Andrei Gromyko was involved in their efforts. But he too managed to spin out the talks under different pretexts, and his recent declaration that the Soviet Union will not countenance any amendments by the Senate can only have been premeditated. He is too old a hand not to have realized that it was bound to antagonize Congress and prejudice the chances of ratification.

One naturally asks: Wouldn't a hitch in ratification favor a particular Moscow power group, especially at a moment of possible leadership changes? Some attentive observers have already sensed a link between certain events and attempts to complicate the SALT negotiations.

Thus 1977 saw provocatively timed arrests of well-known dissidents on the eve of the arrival in Moscow of Secretary of State Cyrus Vance (whose SALT mission was doomed in advance because of President Carter's human rights statements).

And in 1978, several times postponed, the trials of Yuri Orlov, Alexander Ginzburg and Anatoly Shcharansky finally opened. The event coincided with talks between Vance and Gromyko in Geneva. The trials obliged Carter to take a number of economic and political actions, with the result that many people thought that SALT II was put at risk.

What actually happened was that American foreign policy responses to internal Soviet events allowed the Soviet Union to take a harder line in the negotiations.

In the event, it was the Americans who showed greater impatience to conclude an agreement. Only later did the Soviet leadership make a series of liberal gestures (the exchange of political prisoners, the easing of Jewish emigration) that were obviously calculated to create a more favorable atmosphere in the American Congress.

All the same, the treaty as signed in Vienna is a compromise between its supporters and opponents in the Soviet ruling elite, and a check to its ratification could be a defeat for the principal supporters of Brezhnev's policies, as well as a political and strategic setback for the United States administration.

A quick comparison of the growth (both quantitative and qualitative) of American and Soviet strategic potential between 1970 and 1979 suggests that the present position of relative equality is due to the latter's more rapid development, and that in 1980–82 the balance will turn into a clear advantage for Russia.

Watching the debate on SALT II in America, one has the impression that it is mainly those who buy weapons (the administration, some senator military figures) who are "pro" the treaty, and those who sell weapons (the defense industry and its lobbies) who are "anti."

In Russia such disagreements can be gauged only indirectly. The armed forces and the military-industrial complex have clearly been against arms limitation, while the economic planners and all those concerned with nonmilitary industry, consumer goods production and the development of agriculture, have been for it.

Modern weapons are becoming an increasing brake on the development of the Soviet civil economy. Whereas 10 to 15 years ago many military-industrial enterprises assisted in the production of ordinary consumer goods, the picture has now changed.

In 1960–67 it was quite normal, given the difficulty of fulfilling economic plans to order many kinds of "peaceful equipment" (tractor parts, for example) from military factories. Army construction battalions even built ordinary civilian apartment blocks in Moscow and other cities. Now the reverse is more common: enterprises producing for the civil economy often receive military orders for special components and spares.

Lack of finance or technology has caused the production of consumer goods to fall behind plans (not to mention demand) for five or six years now. The economy is suffering from lack of skilled labor, the rate of increase in consumer goods output has sharply declined, and agricultural production is in a state of stagnation that makes it impossible to keep pace with the urban population increase.

As a result, those responsible for these branches of the economy, as well as the party leaders at republic and regional level (who have no concern for international politics) have a strong interest in reducing military spending and improving the financing of the civil economy.

But the armed forces and the military industry can advance powerful arguments through their representatives in the Politburo. One must not forget that in 1941–45 a large part of the Soviet Union endured enemy occupation from which it was freed only at the price of huge human and material losses. The military decided that only strategic superiority could guarantee future security.

Another ground for the political influence of the military is the huge losses they suffered in the Stalinist terror of 1937–8. Nearly nine out of every 10 generals were arrested and shot in that period—men famous since the revolution.

Nearly every military district chief, nearly

every official in the army political directorate, numerous admirals, six deputy commissars of defense, the head of every military academy and many chiefs of military planning staffs were disposed of.

Suffice it to say that of 199 divisional commanders on active duty in 1936, 136 were arrested and shot in 1937–8. No army in a single war could lose so many senior commanders.

After the war Josef Stalin systematically retired all those commanders who had been promoted and become famous, beginning with the most famous of all Georgi Zhukov. When Stalin died it was these men who became mainly responsible for the liquidation of the Lavrenti Beria group and for strengthening the power of Nikita Khrushchev.

In 1957 it was Zhukov as minister of defense who assured Khrushchev of victory over the politically more influential group of Vyacheslav Molotov, Georgi Malenkov, Lazar Kaganovich and Nikolai Bulganin.

Similarly, in 1964 it was the army which helped the party group that organized Khrushchev's removal after he had lost its support. (The removal was prepared by Suslov, who was supported by the party apparatus, and by Shelepin using the KGB. But it was Brezhnev who emerged as leader, with military support).

A "NEVER-AGAIN" MENTALITY

These actions by the military to create the sort of party leadership and security service they wanted were a direct reaction to the repression of 1937–38 and the mass dismissals of 1949–52. They and the military-industrial complex determined never again to be in a position of total dependence on the party dictatorship and to acquire real influence in national decision-making.

However, in the post-war period the Soviet Union was technologically and economically weak. The West had absolute strategic and economic superiority and could conduct policy from a position of strength, a fact driven home by Russia's humiliation in the Cuban missile crisis. After Cuba, the military apparatus received a much broader base for its development and priority in the use of national resources.

The object of this was the achievement of strategic superiority, particularly in view of the growing threat from China. In 1977–79 Soviet tactical and strategic forces for practical purposes drew level with those of the west and in some cases overtook them.

The SALT II agreement signifies the slowing down of this tendency and the abandonment of the earlier goal of superiority ("to catch up and overtake") in favor of that of "parity."

The difficulties which arose during the long drawn-out negotiations over SALT were due to this change of aim. Brezhnev and his circle had to convince the military of the necessity of compromise, which the economic interest of the country in general demanded.

In contrast to the situation in the American Senate, no group in the Soviet Union could now stop SALT II ratification. Nor is there any likelihood that the Soviet Union would violate the treaty once it enters into force.

But there are influential groups in the USSR who would not mind at all if the U.S. Senate refused to ratify the treaty, since that would represent a fiasco for Brezhnev's policies.

Mr. CRANSTON. I hope that each Senator, regardless of his or her position on SALT, will take the time to read and consider this most important analysis of the effect of the SALT process on the power structure of the Soviet Union.

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

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

PRESIDENT CARTER

Mr. HUDDLESTON. Mr. President, tomorrow President Carter will travel to my State of Kentucky to conduct a town hall meeting and to tour an electrical generating plant that is among the Nation's leaders in the clean use of coal.

This along with his program for synthetic fuels, greater coal use, and limits on foreign imports, demonstrates the President's commitment to an energy policy that will establish this Nation's independence from any cartel.

Without doubt, energy is the most complex and perplexing problem to come before the Senate since I arrived here in 1973, and no matter what policy is pursued it is bound to be controversial.

And in many cases those policies which are most necessary are also those which are the most painful and most unpopular. Just consider the following policies adopted or recommended by this administration.

Import restrictions. This is absolutely essential for stability of the dollar, for reduction in our dependence on foreign oil, and for the continued cooperation and goodwill of our Western European allies.

It is necessary to assure that long-range and expensive programs are not undermined by capricious actions of foreign suppliers. Yet import restrictions could be potentially hazardous if long gasoline lines appear again.

Pricing policies. President Carter has embarked on a policy of correcting the distortions of the marketplace by bringing the price of the product more in line with its true replacement cost. This has been done to promote conservation and discourage waste and unnecessary use of foreign oil. There is not one person in the entire country who likes to pay more for gasoline at the pump, or more for home heating oil, or the variety of other products made from petroleum.

The President has called for an Energy Mobilization Board and for an Energy Security Corporation. Some, as I do, think the Energy Mobilization Board should be stronger but the environmentalists and certain consumer groups are opposed to this Board and to the synthetic fuels program altogether. Again, any pluses are offset by the minuses.

The President is moving toward greater coal utilization, and those of us from coal States hope he will go much further much faster. But even here, where coal is the only short-term answer to lessening our dependence on foreign oil, certain groups are concerned because use of coal has some adverse—but certainly manageable—environmental side effects.

The President, while seeking stronger and more effectively safety measures for nuclear powerplants, has refused to join the current popular movement of opposing nuclear power and calling for a moratorium. That is always the easy course: Jump on the bandwagon and reap the political benefits. Again, the President has resisted the easy, popular course.

Mr. President, I mention those examples not because I think the President has always been right on energy. I have been critical at times, and I still have some strong concerns about the latest program he enunciated.

But I mention these policies as examples of how difficult and often unpopular the choices are that have to be made by the President.

He has not chosen the easy way out, and he has paid a heavy price politically.

The hard but unpopular decisions have been numerous under President Carter's administration: The Panama Canal treaties; Saudi Arabian arms sale; the Middle East policy of evenhandedness; the SALT II Treaty; recognition of the Republic of China; Labor reform, and many others.

And as a member of the Appropriations Committee, I get a taste for what any President goes through in seeking an economic policy designed to slow inflation while maintaining growth and prosperity.

Everybody wants a balanced budget, but no one wants his or her project and program cut. And I count myself among those who have been guilty of this inconsistency.

Everybody wants inflation halted, but nobody wants a tight money policy or high interest rates. Everybody wants a strong national defense but few want to pay for it.

I point these things out not only in defense of President Carter but to again remind my colleagues that under current circumstances any President is going to make a lot of people unhappy if he makes any decisions at all—and he will make even more unhappy if he makes some right decisions.

There are those within the media and even within the Democratic Party—including the Senate—who are ready to write the President's political obituary. I am not among them.

I believe it is both premature and unfair—not to mention fainthearted—to be jumping ship at this time.

As I have already mentioned, many of the President's problems result from taking on tough issues which, no matter which side he came down on, were bound to make a lot of people unhappy. And he suffers from many things he is powerless to affect.

The President did not raise the OPEC oil prices, but he is getting the blame. The President did not cause the fall of the Shah of Iran, but he is suffering the consequences of that revolution. The President did not cause the accident at Three Mile Island, but he is saddled with the antinuclear crusade.

So I would call on my colleagues and the press to bring a sense of fairness to their critiques of the President and his administration.

A fairminded evaluation would suggest that a great deal of his current political problems are either the result of action's beyond the President's control or decisions which, while necessary and correct, are also very unpopular.

All of us have disagreements with the President, as we would have with any occupant of the White House. But the fact that we are in disagreement on some issues—the fact that the President's standing in some popularity polls is not as high as it might be—does not cause me to abandon him and start looking for another candidate.

The President is dedicated, he works hard, he is not afraid to make tough decisions, and he is certainly a well-meaning man of great personal integrity.

He deserves much better than he is receiving—both from the press and from Members of Congress. And I would say to my Democratic colleagues that continual statements of doom and gloom can have a way of becoming self-fulfilling. I do not plan to be a party to those statements of abandonment, and I urge my colleagues to reject them.

The statement of some Members of Congress and some representatives of the media seem to suggest to the American people that the difficult and painful decisions we face would somehow be less painful and less difficult under someone else; that some miraculous consensus would emerge for all the complex problems we face and public sacrifice would not be necessary.

These assertions are not realistic and do a disservice to the citizens of the country.

The political obituary of Jimmy Carter has been written before—it proved to be premature.

The political processes will unfold in due time. The need at present is to put the interest of the country first—with unity and support for the President.

The need is for those of us in responsible positions of leadership in the Senate and House to give the President a fair chance, reject the temptation to bail out of the ship when the first leak appears, and give him the kind of support necessary to solve some of the problems we are facing.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will come in at 10 o'clock tomorrow morning. After the two leaders or their designees have been recognized under the standing order, the Senate will take up the bill S. 835, to extend the Appalachian Regional Development Act and title V of the Public Works and Economic Development Act. There will undoubtedly be rollcall votes in connection with that bill or amendments thereto.

Upon the disposition of that bill, the Senate will take up S. 265, the Equal Access to Justice Act, on which there is a time agreement. There will be rollcall votes, in all likelihood, in connection with that bill.

The Senate will then go to Calendar Order No. 221, S. 1119, a bill to direct the Secretary of the Interior to report to the Congress on plans or projects affecting the territories and possessions of the United States. There is a time agreement on that measure.

Tomorrow will be, I venture to say, a long day, because every effort will be made to dispose of those three measures, if at all possible, tomorrow.

RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and, at 6:12 p.m., the Senate recessed until tomorrow, Tuesday, July 31, 1979, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 30, 1979:

NATIONAL TRANSPORTATION SAFETY BOARD

George Herbert Patrick Bursley, of Maryland, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 1979.

CONSUMER PRODUCT SAFETY COMMISSION

Stuart M. Statler, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission for a term of 7 years from October 27, 1979.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

National Oceanic and Atmospheric Administration nominations beginning Herbert R. Lippold, Jr., to be rear admiral (upper half), and ending Stephen L. Carlson, to be ensign, which nominations were received by the Senate on July 5, 1979, and appeared in the CONGRESSIONAL RECORD of July 9, 1979.

IN THE COAST GUARD

Coast Guard nominations beginning John P. Delong, to be chief warrant officer, W-2, and ending Lional R. Munsey, to be lieutenant (jg), which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 16, 1979.

HOUSE OF REPRESENTATIVES—*Monday, July 30, 1979*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

But be ye doers of the word, and not hearers only, deceiving your own selves. —James 1: 22.

Heavenly Father, we laud and praise Your holy name that You have given us our traditions and history and the heroes and leaders who have testified to the faith. We thank You for all people whose words and wisdom encourage us and inspire us each day.

O gracious Lord, help us not only to hear the right word or listen to the truth, but give us the strength to demonstrate our beliefs in deeds of good will and acts of mercy to those in need. Save us from inaction or a lack of will, but teach us always to live our faith as we serve You and our neighbor.

In the name of the Lord, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4057) entitled "An act to increase the fiscal year 1979 authorization for appropriations for the food stamp program."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested bills of the House of the following titles:

H.R. 4394. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1980, and for other purposes; and

H.R. 4580. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1980, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4394) entitled "An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1980, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses

thereon, and appoints Mr. PROXMIRE, Mr. STENNIS, Mr. BAYH, Mr. HUDDLESTON, Mr. LEAHY, Mr. SASSER, Mr. DURKIN, Mr. MAGNUSON, Mr. MATHIAS, Mr. BELLMON, Mr. WEICKER, Mr. LAXALT, Mr. SCHMITT, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4580) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1980, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LEAHY, Mr. BUMPERS, Mr. DURKIN, Mr. MAGNUSON, Mr. MATHIAS, Mr. SCHMITT, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Vice President, and upon the recommendations of the majority and minority leaders, pursuant to Public Law 86–42, appointed Mr. SARBANES, Mr. BAUCUS, Mr. MCCLURE, and Mr. CHAFEE to the Canada-United States Interparliamentary Group, to be held August 9–17, 1979, in Canada/Alaska.

THE DISAPPEARANCE OF ETAN PATZ

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, as we in the Congress approach our recess this week, I am asking that all Members do an act of kindness for a family in New York. Two months ago, 6-year-old Etan Patz disappeared while walking 2 blocks to his schoolbus. A 500-man police search has not revealed one clue. It is now assumed that Etan may have been taken away from the New York area, and is somewhere in the United States.

A poster is being delivered today to each Member's office in the hope that each Member will be able to go home and give this to his local media and ask them if they will carry this story together with a description of Etan. Perhaps someone, somewhere, has seen this young man and can help bring him back to his family.

MARGARET HIGGINS SANGER, 1883–1966

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, as a young woman Margaret Higgins Sanger embraced the radical causes of her day—most passionately the complete emancipation of women.

One of eleven children and mother of three children, Margaret Sanger became interested in the issue of family planning. Beginning with a series of articles in 1913 on "What Every Girl Should Know," she crusaded zealously for birth control. In 1920 Margaret Sanger published a book entitled "Women and the New Race," which urged women to create their own destiny, their own roles.

After visiting Europe to learn firsthand what was being done in the modern family planning clinics of England and Holland, Margaret Sanger founded America's first contraceptive clinic in 1923 and organized similar centers in Asia. She lobbied to repeal a Federal law which classified birth control information as obscene.

Berated by the political and religious establishment of her time, arrested for her militancy, Margaret Sanger confidently stood as a woman for all women.

THE LATE HONORABLE JOHN B. BRECKINRIDGE

(Mr. PERKINS asked and was given permission to address the House for 1 minute).

Mr. PERKINS. Mr. Speaker, the name Breckinridge is as old or older than politics and government in the Commonwealth of Kentucky, and the latest bearer of the name to serve in this Chamber, John B. Breckenridge, who died yesterday, added distinction and luster to it.

John was not the first Breckinridge to serve here. Preceding him were Breckinridges who represented Kentucky, as well as other States, with John Cabell Breckinridge, who was the youngest man ever elected Vice President of the United States, perhaps the best known in our early history.

Our John Breckinridge served in three Congresses, the 93d through the 95th, and he concentrated his work on the subjects which were most important to the people of central Kentucky: agriculture and small business.

But he had a distinguished prior career in the State—he was attorney general twice, an indication that the people approved of his efforts and his achievements in that highly important position. He also served in the general assembly, at a time when innovation was needed, and he was among the legislators who helped move Kentucky ahead. Additionally, he was corporation counsel for his home town, Lexington, and at one time was a special attorney in the Antitrust Division of the Department of Justice.

It is a remarkable career when you look at the total work—service on the local community level, in several important positions on the State level, in important posts on the Federal level, including the executive as well as the legislative, and also service in assistance of numerous organizations and groups seeking public improvement.

He served in World War II, and rose to colonel, and in between this service and private law practice, he raised a family.

His counsel was always astute, his efforts were never hesitant, he was eager to fight the good fight and do well at it, and he did do well at it. Kentucky and the Nation are better because of John's life, and we will miss him very much.

● Mr. O'NEILL. Mr. Speaker, I would be greatly remiss if I did not take this opportunity to recognize the untimely passing of the late Honorable John Breckinridge of Kentucky.

John came from a great and distinguished family. Both sides of his ancestry were replete with men who served their State and country in offices of the public trust and confidence. Born in 1913, John Breckinridge, to the fullest measure, came to live up to the lofty standards manifested in the lives of his forefathers.

Graduating from the University of Kentucky in 1937, John Breckinridge went on to pursue the study of law. World War II interrupted his plans to open his own practice, but he so distinguished himself under arms that he left the Army at the noble rank of colonel.

His desire to continue in the family tradition to serve the public trust brought him to the Kentucky House of Representatives in 1956, where he remained until 1960. While serving in the Kentucky State Legislature, John led the fight to improve education and highways—a fight in which he was largely successful. In 1960, John left his legislative post to serve as the State's attorney general.

My friendship with John Breckinridge began when he was elected to the U.S. House of Representatives in 1972. During his tenure in the "People's House," John Breckinridge served on the Committees on Agriculture and Small Business, where he chaired the Subcommittee on Antitrust and Restraint of Trade Activities Affecting Small Business.

Those of us who had the privilege to serve in the House with John Breckinridge remember him as a man of strong moral character and integrity, unpretentious in style yet committed to the rural interests of his beloved Kentucky, and a member who always kept his word. He was a guiding light in the founding of the rural caucus, the key ad hoc organization in the House which monitors agriculture policy and makes informal recommendations on farming interests to the House Agriculture Committee.

John Breckinridge was a popular Member of the House who worked diligently and conscientiously for the benefit of Kentucky's Sixth District.

I join my colleagues in extending my sincere condolences to the family and friends of John Breckinridge.●

Mr. HOPKINS. Mr. Speaker, it is with great sadness that I rise to advise my colleagues of the passing of a former Member of this House, John Bayne Breckinridge, of Kentucky. John was stricken last evening at his home in Lexington.

Although, as Congressman Breckinridge's successor, I was not privileged to serve alongside him in this Chamber, many of my colleagues were fortunate to have done so. You will remember, no doubt, how hard he worked to represent the people of central Kentucky. I remember too, but from a different perspective. For John Breckinridge was my Congressman for 6 years, from 1973 to 1979.

I had the highest regard for his honesty, integrity, scholarship, and dedication to the principles in which he so strongly believed. Here was a man who unselfishly put his background, training, and experience to work in the service of

his fellow citizens throughout a long and outstanding career in public life. The fifth Breckinridge from Kentucky to serve in Congress, John extended his forebears' legacy in a way which could only have made them proud.

Born in Washington, D.C., on November 29, 1913, his path to the U.S. House of Representatives was an honorable one. John graduated from the University of Kentucky in 1937, and from its law school 2 years later. From Lexington, he returned to Washington in 1940 as a young attorney in the Department of Justice. The early days of World War II found John in the U.S. Army, and there too he excelled, attaining the rank of colonel before resigning his commission to return to civilian life.

Kentucky beckoned, and so did politics. Several terms in the State legislature led to his election as Kentucky's attorney general. We in the State knew John to be an able public servant, and, therefore, we were pleased and proud when his peers elected him president of the National Association of Attorneys General.

In 1973, John Bayne Breckinridge took his seat in this Chamber for the first time. In January of this year, he left it for the last time. During the intervening years, John rendered an everlasting service to the Nation he loved, and to the people he loved. But his contribution did not stop there. Citizens in Kentucky's Sixth Congressional District continued to reap the benefits of John Breckinridge's dedication well into the 96th Congress. For when this Member was elected to succeed him, John made every effort to effect a smooth transition between the two of us and our respective staffs. Party labels were not important to him then; effective representation in Washington for the constituents he loved was.

Mr. Speaker, the Honorable John Bayne Breckinridge was a fine Congressman, a fine American, and a fine man. I am sure my colleagues join me in extending our deepest sympathy to his wife, Helen, and the rest of his family.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the life, character, and public service of the late Honorable John B. Breckinridge.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

HAPPY BIRTHDAY, CONGRESSWOMAN SCHROEDER

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEIBERLING. Mr. Speaker, we have just heard the distinguished gentlewoman from Colorado in another one of her talks about distinguished American women. Today happens to be her birthday, I understand, and it seems to me that we ourselves have the privilege of having in our midst one of America's most distinguished women, namely, the Congresswoman herself.

I do not need to recount to the Members her many achievements as a Member of this body, but I can tell the Members that before she ever came here she distinguished herself as a leading person in the field of women's rights, as an airplane pilot, as a distinguished scholar, and as a wonderful mother and wife to her family.

It is a great pleasure for me to be able to call that to our colleagues' attention today.

VOTE AGAINST ADJOURNMENT RESOLUTION UNTIL ENERGY AND INFLATION PROBLEMS ARE SOLVED

□ 1210

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, later today the Members of the House will be asked to vote on an adjournment resolution for the August district work period. I would take this time to urge my colleagues to join with me in voting against that resolution.

I think it is extremely important that the American people see that the Congress recognizes the seriousness of the problems with which we are faced today, primarily energy and inflation, and that we should stay on the job until we have gotten these problems licked. Editorial opinion supports this view. I think it is important for the Members of this House to respond to what the public is looking for and create a climate of confidence and end the crisis of confidence.

Two editorials on this subject follow:

[From the Atlanta Journal, July 20, 1979]

LEAVE THE BATTLEFIELD?

We applaud the appeal that Rep. Elliott Levitas of Georgia's 4th Congressional District has made to his colleagues in the House, but we're not optimistic that the appeal will be heeded.

The congressman from DeKalb County urged the House to forgo its August vacation—officially known as "August District Work Period" in order to mislead the voters.

Instead of departing Washington for home districts—or wherever—the members of Congress should remain in session in order to get cracking on finding solutions to the energy crisis, Levitas asserted.

"Soldiers don't go on leave when they are on the battlefield," the Georgian declared. "We must roll up our sleeves and go to work."

It's an interesting thought. And as far as Congress has been concerned for the past several months—and for the past several years—there has been no energy crisis worthy of the name. Congress has either resorted to foot-dragging on energy or it has rejected the energy proposals put forth by President Carter.

Now in the aftermath of the Camp David summit and the Carter national address on the energy crisis more people are willing to accept the fact that there really is a crisis.

Perhaps if enough people accept that as fact, enough members of Congress will do the same.

But even if they do, we're inclined to doubt that Rep. Levitas' words will be heeded. Insofar as being soldiers on the battlefield is concerned, members of Congress are noted for their rear-echelon mentality.

[From the Atlanta Constitution, July 24, 1979]

STAY IN SESSION

Congress, forget the August recess. Stay in Washington and move forward on the pressing issues and problems facing America.

It is the least you can do.

To take the entire month of August off, for a little resting and politicking at home while there's so much that urgently needs attending to in Washington, would be highly irresponsible.

Senators and representatives, stay in session and:

Complete work on the oil profits windfall tax legislation. This is the money fuel needed to make much of President Carter's new energy program work.

Proceed rapidly with consideration and/or approval of the aspects of Carter's energy program that need congressional action. Movement is needed now on solving the energy crisis. Congress has resisted for six years already in joining with the White House to fashion a strong energy program; the nation is in the energy mess it's now in because of that delay. To delay longer is almost criminal; for sure, delay is reason to vote delaying congressmen and senators out of office.

Consider and approve or reject President Carter's new Cabinet appointments. All of them are well known and congressional consideration should not take long. Take action on them, so they and their departments will not linger in limbo but can move on with their programs.

In addition, there are numerous other bills and issues—Alaskan lands bill, the SALT II treaty—that Congress could make progress on during August, were senators and congressmen not wasting precious time at home. There was a time, when the nation was more settled and there was not so much coming down the pike, that Congress could justify taking the whole month of August off to escape Washington heat. But no longer.

Stay in session during August, Congress, and deal with our problems—problems that grow more severe daily. Congressmen and senators, be the leaders you said you were, stay in Washington and work.

It's the least you can do.

THE ADMINISTRATION REJECTS HOUSE REPUBLICAN LEADERSHIP'S PROPOSALS TO RESTORE HEALTH TO OUR ECONOMY

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, a little over 2 weeks ago the House Republican leadership unveiled its proposals for a $36 billion tax cut to soften the impact of the oncoming recession and restore some health to our economy by helping to create more capital for use in the economy. The administration's response was a resounding "no way."

As recently as last Wednesday night when President Carter held his televised news conference, the President said he intended to continue the same economic, monetary, and budgetary policies that have helped to bring on this recession. Since then, however, it appears that the President may have gone through yet another of his now familiar reassessments. According to a column in this morning's Washington Post, the President is now considering the possibility

of a $20 billion tax cut to take effect in January. If this is true, I do not know whether to cheer or cry. On the one hand, a $20 billion tax cut in January is better than nothing. On the other hand, if that is all we can hope for, it will be another case of the Democrats charging to the rescue with too little and too late.

DEADLINE FOR THE TRANSBUS DESIGN FOR THE HANDICAPPED AND ELDERLY MUST BE EXTENDED

(Mr. ROYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROYER. Mr. Speaker, the recent firing of Secretary of Transportation Adams, coupled with the approaching October 1 deadline for the Federal mandate of the transbus design, compels me to speak out and request that the Acting Secretary of Transportation, W. Graham Claytor, Jr., extend that deadline.

In 1973 Congress, pursuing a laudable goal, mandated that buses purchased with Federal money be accessible to handicapped and elderly persons. Accordingly, the Department of Transportation embarked on an ambitious plan to design a new bus, known as transbus, which would meet these requirements. But the Department of Transportation's inconsistent policies to implement this goal over the past decade have left the bus manufacturers as well as the local transit authorities in disarray.

Eventually, the Department did settle upon an allegedly appropriate design and mandated that all buses purchased with Federal funds be transbuses. However, the first attempt by local transit authorities to purchase transbuses ended in disaster. Earlier this year, when a three-city consortium put out a bid for 530 transbuses, no company bid on the buses. The mandated low floor design is simply not technologically or economically feasible. Meanwhile, the bus companies were manufacturing advanced design buses incorporating most of the features of the transbus, except the low floor, but including wheel chair lifts which make them accessible to handicapped and elderly persons.

Mr. Speaker, with our current energy crisis, we simply cannot allow this situation to continue. In hearings before the Subcommittee on Surface Transportation we learned that America is producing about 3,000 fewer transit buses per year then are needed. If the October 1 deadline is not extended transit authorities will be precluded from purchasing advanced design buses with Federal funds even though there is no acceptable alternative. Accordingly Mr. Speaker, I strongly urge Acting Secretary Claytor to immediately extend the deadline for 3 years so that the advanced design buses can be purchased and a thorough study of the transbus design can be made.

A RESOLUTION TO EXPEL CONGRESSMAN CHARLES DIGGS TO BE INTRODUCED TODAY

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, this past Friday the chairman of the Ethics Committee first announced that the motion to censure the gentleman from Michigan (Mr. DIGGS) would be taken up tomorrow.

In view of the grave importance of this matter, Congressman DANNEMEYER and I wrote a letter—cosigned by 40 other Members—to the Speaker and the chairman of the Rules Committee.

We asked that debate on this matter be extended for at least 3 hours.

We asked that a motion to expel be allowed to be considered as a substitute for the motion to censure.

We now understand that the Rules Committee will not act.

Mr. Speaker, we did not ask these things frivolously.

The committee's motion to censure will allow only 1 hour of debate.

One hour is not enough time to settle the outcome of a man's career, let alone set precedent for certain grave constitutional questions which may very well come up again this session.

The committee's motion to censure will not allow the question of expulsion to be considered.

Again, the record should be clear on this subject: First, because of its importance on its own merits; second, because it may be used as a guiding precedent in the not too distant future.

Mr. Speaker, in fairness to everyone involved and to allow a single up or down vote on the question of expulsion, we must alert the House to the fact that a resolution to expel will be introduced this afternoon for consideration of the House.

CASE OF REPRESENTATIVE CHARLES C. DIGGS

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DANNEMEYER. Mr. Speaker, as I need hardly remind anyone this morning, the House of Representatives is scheduled to consider tomorrow, the case of Representative CHARLES C. DIGGS, JR., and his confessed misuse of House funds. Having had indication earlier this morning that the Rules Committee is not inclined to offer the full membership of this body an opportunity to vote on a motion to expel, as a substitute for a motion to censure, it seems to me that there is little alternative but to offer a privileged motion of expulsion.

One wishes, of course, that none of this had happened and that such a possibility would not have to be considered. However, the reputation of the House of Representatives itself is at stake. Under the Constitution, one of its responsibilities is oversight over the expenditure of public funds to see that they are not misused. To permit one of its own Members to use those very same funds for his own purposes without anything more in the way of penalty than censure and mandatory repayment is to cloud that reputation. What with confidence in public officials being as low as it is, we cannot afford to leave the impression we either condone such behavior or are unwilling to punish it as severely as we would others guilty of a similar offense.

To make matters worse, the gentleman from Michigan, despite prior precedent, continues to vote while his conviction is on appeal. That being the case, anything short of expulsion suggests the trappings of punishment but not the substance.

SOME OF THE RESPONSES OF HOOSIERS TO PRESIDENT CARTER

(Mr. MYERS of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MYERS of Indiana. Mr. Speaker, last Wednesday evening the President prefaced his news conference with a request of the American people that they contact Members of Congress. I was home over the weekend, and remembering that the President 2 weeks ago last night read from some remarks that the American people had been telling him, I would like to share with the President some of the things that the people from Indiana told me in response to his request that they contact Congress. I share with the Members now some of these responses:

The Cabinet should have asked for the President's resignation.

Gasoline rationing is the moral equivalent to a bankrupt energy program.

Naming Hamilton Jordan as White House Chief of Staff is like naming Gomer Pyle Secretary of State.

I find it more and more difficult to listen to President Carter. Must he always take the best TV shows off the air?

Mr. Speaker, there are a number of others, but I will not take time to read them. The American people are responding to the President's request, and I do not think those responses are quite what the President had anticipated.

NO LAUGHING MATTER

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Mr. Speaker, news reports today indicate that the Sandinista terrorists who deposed Nicaragua's elected government have officially requested military arms support from the United States.

Certainly the President should reject such overtures from the Castro-supported terrorists.

Journalists attending the meeting where the Sandinistas announced their U.S. arms request reportedly greeted the proposal with loud laughter.

However, it would be no laughing matter if the administration seriously considered the request.

It is the solemn duty of our Government to help maintain the stability and peace of Central America—not to give

encouragement, aid, and comfort to guerrilla brigands who are waging terror and mayhem against duly constituted governments of the people in our hemisphere.

THE LATE HONORABLE JOHN B. BRECKINRIDGE

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, about 11:30 o'clock last night mutual friends of the late Congressman John Breckinridge's and mine began to call me and inform me of his tragic and sudden death. I would be remiss if I did not join my colleague, the gentleman from Kentucky (Mr. PERKINS), the dean of our delegation, in expressing shock and sadness upon the death of John Breckinridge and extending to his widow, Helen, and the other members of his family my sincere sympathy.

It was in the summer of 1961 that John Breckinridge, then attorney general of Kentucky, gave me my first job in government as a law clerk in the attorney general's office in Frankfort.

As a freshman Congressman in 1975, it was John Breckinridge who, among others, was extremely kind and helpful to me. I am deeply saddened by his passing.

□ 1020

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. HUBBARD. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Speaker, I want to join the gentleman in condolences for the late John Breckinridge. It was from the gentleman's words that I have just now learned that Mr. Breckinridge had a serious heart attack which took him away.

It was my pleasure to serve with the gentleman for several years in the House of Representatives. I found him to be a congenial gentleman and a man of high honor. I deeply regret this loss to our country.

I thank the distinguished gentleman for yielding.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 3(b) of rule XXVII, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a record vote or the yeas and nays are ordered, or on which the vote is objected to, under clause 4 of rule XV.

After all motions to suspend the rules have been entertained and debated and after those motions to be determined by "nonrecord" votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.

CALL OF THE HOUSE

Mr. BADHAM. Mr. Speaker, I move a call of the House and make a point of order that a quorum is not present.

The SPEAKER. The gentleman is aware of the rules of the House and the Chair does not have to recognize the gentleman for that purpose at this time.

Mr. BADHAM. I realize that.

The SPEAKER. The gentleman is aware of that.

Mr. BADHAM. May I be recognized for that purpose, Mr. Speaker?

FOR THE RELIEF OF NENANA, ALASKA

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4811) for the relief of the city of Nenana, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4811

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in the municipal reserves, streets, and alleys shown on United States Surveys Numbered 1127, 1503, and 4026, except for the Alaska Railroad right-of-way one hundred feet on either side of the centerline of the existing Railroad mainline, are hereby conveyed to the city of Nenana, Alaska.

SEC. 2. Subsection (b) of section 12 of the Act of January 2, 1976 (Public Law 94-204) as amended by the Act of October 4, 1976 (Public Law 94-456) and by the Act of November 15, 1977 (Public Law 95-178), is hereby amended to add at the end thereof the following new paragraph:

"Any provision of law to the contrary notwithstanding, if the Region, the Secretary, and/or the Administrator of General Services do not complete the nominations of lands referred to in subparagraphs (5) and (6) of this subsection by the dates set in subparagraphs I(C)(1)(b) and I(C)(2)(a) of the document referred to in this subsection, then, and in that event, these dates shall hereby automatically be extended by operation of this subsection for twelve months beyond the period set in section 3(a) of Public Law 95-178.".

The SPEAKER. Pursuant to the rule, a second is not required on this motion.

The gentleman from Ohio (Mr. SEIBERLING) will be recognized for 20 minutes and the gentleman from Alaska (Mr. YOUNG) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Thank you, Mr. Speaker. I yield myself such time as I may consume.

Mr. Speaker, this is not a controversial matter, but it is one of considerable importance to the city of Nenana, Alaska, and to the Cook Inlet Regional Corp., one of the native corporations that was formed under the requirements of the Alaska Native Claims Settlement Act.

First, as to Nenana, which is dealt with in section 1 of the bill, the town of Nenana is on the Alaska Railroad line from Seward to Fairbanks. The townsite was laid out in 1917 by the Alaska Engineering Commission, which carried out such surveys and other work in connection with the development of the railroad. The townsite provided for streets, alleys, and municipal reserves, and these areas were dedicated to public use when the first lot in the townsite was sold, pursuant to the Townsite Act of March 12, 1914.

So far, all this was in accord with the pattern of such townsite throughout the country. However, the other States and territories have had State or territorial laws providing that upon the sale of the first lot in a townsite, the land covered by the streets, alleys, and municipal reserves becomes the property of the town itself; but Alaska has not had such a law. As a result, there has been some confusion concerning the exact status of the lands in the streets, alleys, and municipal reserves in Nenana.

Now, the city of Nenana is in the process of moving forward with the building of a sewage collection and treatment system, as required under the Clean Water Act and other laws. They are having trouble in arranging the financing for this project because of the uncertainty about the title to the streets, alleys, and municipal reserves. What this bill does is quitclaim to the city all right, title, and interest of the United States in those areas.

Of course, this land, in fact all of the land in Alaska at one time belonged to the United States. The purpose of this is to clear up any possible claim that the United States has not transferred its interest in that land to the city.

The bill does exempt from this quitclaim, however, the lands which are being used by the Alaska Railroad, which of course is a Federal agency.

The second section of the bill deals with the problems faced by the Cook Inlet Regional Corp. This is the corporation which has been organized, under the mandate of the Alaska Native Claims Settlement Act of 1971, to represent the Natives of the Cook Inlet Region. That is the part of Alaska—including the Anchorage metropolitan area—which has been most heavily developed and urbanized. Thus, it is the part of Alaska in which it has been most difficult to identify sufficient unreserved Federal land to fulfill the entitlement of the Natives under the Settlement Act. In the 95th Congress, legislation was passed to deal with this problem by providing that the Secretary of the Interior, in connection with the Administrator of General Services, would locate and nominate Federal surplus or excess real estate which could be made available for the Native Corporation in exchange for Federal lands that the corporation would otherwise receive under the Settlement Act. The legislation provided that this must be done by July 15, 1979.

Unfortunately, the deadline was not met.

A recent report by the Bureau of Land Management offices in Alaska indicates that only about 5 percent of this entitlement has been conveyed or placed in the pool of properties available for the Native Corporation's selections. Other additional properties have been identified for possible inclusion in the pool, but even if all these properties were made available for selection, it is estimated that approximately 100,000 acres of its equivalent, will still remain to be fulfilled.

This delay is due in large part to the difficult time that the Department of the Interior has had in locating appropriate properties to place in the pool. It also appears that the processing of lands to be placed in the pool has been done in a lengthy and time-consuming manner.

If no remedial legislation is passed, Federal properties in Alaska could be disposed of under the provisions of the existing statutes, thus depriving the corporation of a valuable right. Accordingly, it could occur that several suitable properties would not be available for the fulfillment of the Secretary's and the Federal Government's obligation to the Native corporation.

Accordingly, section 2 of this bill extends the deadline for 1 year, that is until July 15, 1980.

The administration supports both sections of this legislation. As far as the second section is concerned, the Department of the Interior suggested that perhaps that extension of the deadline should be for 2 years rather than 1; they certainly did agree with our committee that the deadline should be extended so that the Cook Inlet Natives could receive their entitlement under the Settlement Act and the other congressional mandates.

As I said, the bill is not controversial, but it is important to fulfillment of congressional mandates as they affect these areas in Alaska.

I urge its passage and I reserve the balance of my time, Mr. Speaker.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4811, a bill designed to solve two important problems in the State of Alaska.

This legislation results from a series of unfortunate circumstances whereby the city of Nenana, Alaska, found itself hampered in an attempt to build an EPA-mandated water and sewer system to protect the health of city residents.

When the original Nenana townsite was laid out by the former Alaska Engineering Commission, the survey showing the location and boundaries of various municipal reserve lands was never recorded. Subsequent surveys which added to the townsite were also left unrecorded. Unfortunately, this error escaped the notice of the Federal Government when the townsite was granted to the city.

At present, any sewage which is not discharged into private septic tanks flows directly into the Tanana River. Although this is allowed under a temporary NPDES permit granted by the EPA, the permit will expire in 1981. Therefore, the city wishes to construct a water and sewer system which will protect the health of the residents and will also prevent environmental damage to fish and wildlife resources in the area, many of which are used for commercial and subsistence purposes. Such a system will require the use of the streets and alleys in Nenana. Without clear title to those streets, the city would find itself subject to a series of nuisance suits. This bill resolves that problem by granting title to municipal reserves, streets, and alleys directly to the city of Nenana.

The other problem covered by the bill was identified during recent congressional debate on the Alaska lands issue. Cook Inlet Region Inc., an Alaska Native corporation established under the Alaska Native Claims Settlement Act, is in the process of selecting its land grant in the State of Alaska. Because of the complex land ownership pattern in the Cook Inlet area, the corporation has had to move slowly and to work carefully with the State, the Federal Government, other Native groups, and private owners. Unfortunately, the land reserved for selection will shortly be released from its "holding pattern." Cook Inlet has asked and others involved have agreed, that the holding pattern be extended for 1 additional year to resolve the selection issues remaining. The second section of this bill will provide that 1-year extension.

This bill was unanimously passed by both the Subcommittee on Public lands and the Committee on Interior and Insular Affairs. It is agreed to by all parties involved, including the administration. The second section of the bill, dealing with Cook Inlet, has been approved by the the Senate Energy Committee as a separate piece of legislation and also by this body as part of the Alaska lands bill. Including it here is simply a matter of insuring a quick resolution to a pressing problem.

Mr. Speaker, this is a good bill that deserves support. I hope that all Members will do so.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I gladly yield to the gentleman from Ohio.

Mr. SEIBERLING. I think we should recognize the gentleman from Alaska has made a strenuous effort to protect the rights of the city of Nenana and the Cook Inlet Natives and to expedite this bill. I want to say the reason why we have not provided for extending this for 2 years instead of 1 is so as to put the pressure on the Department of the Interior to do its end of the job expeditiously and I hope they will take that as a message that we want more expedited action in fulfilling the Federal Government's promises to the Natives.

□ 1230

Mr. YOUNG of Alaska. Mr. Speaker, I appreciate the gentleman's efforts on behalf of the city of Nenana.

Mr. Speaker, I reserve the balance of my time.

Mr. SEIBERLING. Mr. Speaker, I have no further requests for time on this side. I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio (Mr. SEIBERLING) that the House suspend the rules and pass the bill, H.R. 4811, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill for the relief of the city of Nenana Alaska, and to amend the Act of January 2, 1976, as amended, and for other purposes.".

A motion to reconsider was laid on the table.

TO ESTABLISH THE BOUNDARY LOCATION OF ANGELES NATIONAL FOREST

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 3361 to establish the true location of a portion of northerly boundary of the Angeles National Forest, located in Los Angeles County, California, on the common line between sections 16 and 17, township 4 north, range 10 west, San Bernardino meridian, and to establish the center quarter corner of said section 16.

The Clerk read as follows:

H.R. 3361

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

SECTION 1. (a) The north one-half of section 16, township 4 north, range 10 west, San Bernardino meridian, was conveyed by the United States to Harry M. Miller by patent recorded August 13, 1923, in book 2511 at page 336, official records of Los Angeles County as to a portion thereof, and the remainder to Herbert Colbeck by patent recorded December 4, 1923, in book 2883 at page 144, official records of said county; and

(b) The south one-half of section 16 and section 17 of said township and range are now part of the Angeles National Forest. A question has arisen as to the true location of the common boundary of the Angeles National Forest and the private lands in said section 16; and

(c) The section corners and quarter-corners of said section 16 were established by the United States Government surveyors and depicted upon the official plats of said township approved by the United States Surveyor General on April 24, 1905, and December 4, 1917; and

(d) The southeast, northeast, and northwest corners and the north and east quarter-corners have been recovered; however, the southwest corner and the south and west quarter-corners of said section 16 have been thoroughly searched for on several occasions by both public and private surveyors without success; and

(e) The Los Angeles County surveyor, while running the boundary of the Angeles National Forest in 1933, being unable to find the original west quarter-corner of said section 16, set a monument marked "County Surveyor's Monument Forest Reserve Cor. R.E. 62 J-249-FB", at the theoretically correct location of said west quarter-corner to wit: one-half mile south of the found northwest corner and one mile west of the found east quarter-corner of said section 16; and

(f) Numerous surveyors and private parties have accepted said county surveyor's monument marked "Forest Reserve Corner" for the past forty years as the true west quarter-corner of said section 16 and have subdivided, resubdivided, and improved such private lands by constructing houses, roads, wells, utilities, and pipelines within the north half of said section in relation thereto; and

(g) There are currently numerous parcels of land in private ownership within the north half of said section 16, the boundaries

of which would be seriously disrupted should the west quarter-corner of said section be reestablished in any location other than that of the 1933 county surveyor's monument marked "Forest Reserve Corner".

SEC. 2. (a) In order of dispel any uncertainty and to insure that the boundaries of said private land not be needlessly disrupted, it is hereby found and declared that the 1933 county surveyor's monument marked "County Surveyor's Monument Forest Reserve Cor. R.E. 62 J-249-FB", which was set at a point one-half mile south of the northwest corner and one mile west of the east quarter-corner of said section 16, as said corners and monument are shown on the county surveyor's map B-745 on file in the Office of the County Engineer of the County of Los Angeles, is at the true location of said west quarter-corner as originally set by the Government Land Office Survey or in 1912 and depicted upon the plat of township 4 north, range 10 west, San Bernardino meridian, approved December 4, 1917.

(b) It is further found and declared that the south line of the north half of said section is a line connecting the east and west quarter-corners hereinabove mentioned and that the center quarter-corner of said section is located at the mid-point of the south line of the north half of said section 16 as hereinabove established.

The SPEAKER. Pursuant to the rule, a second is not required on this motion.

The gentleman from Ohio (Mr. SEIBERLING) will be recognized for 20 minutes, and the gentleman from Alaska (Mr. YOUNG) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a bill which is simple but important. The same bill was passed here in the House during the last Congress, but died when the congestion of proposals in the Energy and Natural Resources Committee of the other body blocked it from coming to a vote.

The bill corrects a situation which has arisen from two conflicting surveys of the boundary of a section of the Angeles National Forest, in California. Both surveys were done by Government entities, so the fault, if any, is a fault of Government.

Because of the conflicting surveys, a serious cloud has been cast on the title of a considerable number of private parties whose holdings are "tied" to the boundary of the national forest.

What this bill does is to affirm the boundary of the forest, and therefore the boundaries of the private lands which are outside the forest but which are "tied" to its boundary, in accordance with the survey upon which all parties have relied since 1933.

Let me briefly outline the background of this measure, for the information of the House:

In December 1912, the U.S. Land Office made the first boundary survey of the relevant section, setting notched stone and iron posts as monuments.

The Los Angeles County Surveyor made a retracement survey in 1933 of a portion of the section. Being unable to recover any evidence of the west one-fourth corner, the surveyor set a monument with a brass cup marked "County Surveyor's Monument—Forest Reserve Corner R.E. 62 J-249-FB." The posted forest boundary follows this survey line. This J249 monument became the basic reference point used when section 16 was subdivided. The 1959 U.S. Geological Survey "Juniper Hills" quadrangle map depicts the forest boundary as the line from the NW corner of section 16 to J249. These maps in conjunction with the posted forest boundary have been used by the original and succeeding property owners for over 40 years.

The problem which necessitates legislation stems from a 1972-73 survey by the Los Angeles County engineer for a Juniper Hills area master highway plan. The surveyor was unable to locate corner markers and set new and quite different corner markers.

Unless there is legislation such as this, and if the new corners set by the county engineer are established as the official corners for section 16, it will not only affect the individual lot boundaries, but it will place 13 homes, 11 wells, 6 garages and numerous outbuildings on the property of others. That would also change the location of the posted Angeles National Forest boundaries. The relocation of the property lines would destroy building sites for which the land has been purchased; many parcels would be relocated into ravines which are adjacent to property boundaries; and many easements for roads and utilities would become worthless.

When the Subcommittee on Public Lands held a hearing on this bill earlier this month, a representative of the private homeowners involved testified that because of the uncertainty of the surveys involved here, the title insurance companies will not issue title insurance for the lands involved; as a result, there is no practical way for the lands to be sold or purchased.

Stripped of all technical discussions concerning the problem, the bill amounts to a boundary line agreement between the United States and the private owners. Admittedly, there exists a question as to the correct location as to such boundary lines; this bill simply adopts into law what has actually existed on the ground for 45 years without cost to the United States or the private owners. The private owners have no desire to acquire land owned by the United States; they simply ask Congress to cut through all the technical arguments and redtape and set to rest, by a very commonsense approach, a problem not of their making. As a matter of fact, the United States has acquiesced in the location of the boundary lines of the Angeles National Forest as established by the 1933 survey for 45 years, both by affirmative acts and by its silence in not making known to the public that there was a problem.

Of course, because of the sovereign immunity of the United States, the doctrine of adverse possession does not apply here—otherwise the private landowners might be found by a court to have already gained the boundary which would be established by this bill.

Given all this, Mr. Speaker, I suggest that it is appropriate and right that the House of Representatives again pass this bill, as it passed the same bill in the last Congress. I regret that the Senate did not act on this matter in the last Congress, and I have reason to believe that there is a much better likelihood that they will do so in this Congress; but in any event, I believe that we should pass the bill, in the interest of resolving this matter equitably and expeditiously.

Mr. Speaker, let me say that the National Forest Service has proposed to conduct a resurvey of this particular boundary and to have it completed by sometime this fall. That resurvey will cost them an estimated $10,000 and if it should result in a still different boundary, it could cost the property owners $100,000 in court and other legal fees to try to unsnarl the mess that was created by an original mistake of a government surveyor in the first place. If we can enact this bill promptly these expenses may be avoided.

The amount of Federal land here is very small. As I recall, it is around 8 acres. It is not land of any particular value and, therefore, this bill would not cause a loss to the United States, either financially or otherwise, and would bring a considerable savings to the property owners.

It is important that the Senate act promptly in order that these property owners may have the same rights as others to convey their property free of this cloud on their title.

I certainly urge acceptance of this bill.

The SPEAKER. The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I again compliment the chairman of the subcommittee for bringing forth this important legislation. Unfortunately, it was needed and it will solve a problem, will save the property owners in this small area a great deal of cost in dollars. It was the same legislation this body passed last year and because of the lateness of the session it was delayed and not passed into law.

Mr. Speaker, at this time I yield 5 minutes to the gentleman from California (Mr. THOMAS), the author of the bill, H.R. 3361, and the gentleman who really has played a major role in the passage of this legislation.

Mr. THOMAS. Mr. Speaker, I thank the gentleman from Alaska for yielding. I certainly will not take the 5 minutes, because the gentleman from Ohio, the subcommittee chairman, has outlined almost totally and absolutely accurately all of the problems facing these individuals in a predicament not of their own making, but actually a problem created by Government.

I realize that a legislative remedy is an extreme remedy, but given the alternative, I think it is the appropriate remedy.

The approximate 8 acres that we are talking about that are in dispute are on a hill slope of about 30 degrees and are of no practical use to anyone.

The idea that at least 13 homes are going to be displaced along the boundaries if we either accept the newer boundaries were discovered in a private survey in 1977 that were surveyed by

Los Angeles County in 1973 or expending the money for a new survey with no guarantee that they will not come up with a third line or agree to the 1973 line is, in fact, a waste of everyone's time and the taxpayers' money. I feel assured that the House will move rapidly on this measure since it is not a new question before us. In addition, both the California Senators fully understand and are in support of a legislative remedy of the problem that has been created by Government.

□ 1240

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MOORHEAD).

Mr. MOORHEAD of California. Mr. Speaker, I rise to support H.R. 3361 since I feel it is the best way to resolve a very difficult situation that is causing uncertainty and hardship to many residents of the Juniper Hills area.

This bill provides an opportunity to resolve a boundary conflict and survey discrepency resulting from a 1973 survey which would alter boundaries that have been used for 45 years. To accept the 1973 survey would place 13 homes, 11 wells, 6 garages, and numerous outbuildings on the lands of others, destroy longstanding land descriptions, make road and utility easements worthless and keep boundaries on vacant property in question until the dispute is settled possibly through yet another survey.

It simply does not make good commonsense to delay resolution of this problem any longer since passing this legislation means that we would be accepting the boundaries used by the people when they purchased their property over the last 45 years. The private owners have no desire to acquire land owned by the United States, they are simply asking that the redtape and technical argument be resolved at this time on a problem that was not of their making.

The basic purpose of the bill is to have the United States agree that the 1933 county surveyor's monuments should indicate the permanent boundaries of the disputed area. Admittedly there exists a question as to the correct location of the boundary lines, but the bill adopts into law what has actually existed on the ground for 45 years and avoids further legal and surveyors costs to the Government and private owners.

Surveyors have been unable to recover the original west quarter marker of Section 16 but this was replaced by the Los Angeles County surveyor in 1933. Some of the 1933 markers were destroyed in a 1953 forest first but the Forest Service has replaced them in their same locations. Deeds issued on subdivided land over the years were based on boundaries accepted by the Forest Service until the discrepency of the 1973 survey was discovered in 1977.

The practical effect of the existence of the questionable boundaries is that private owners have been unable to sell and refinance their homes. Prospective buyers and lending institutions are not anxious to become involved in this unresolved problem, and homeowners are not able to obtain title insurance under these circumstances.

This bill H.R. 3361, would resolve the problem now. Mr. Speaker, I ask for an "aye" vote.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration, H.R. 3361, and also on the bill previously passed today by the House, H.R. 4811.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SEIBERLING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio (Mr. SEIBERLING) that the House suspend the rules and pass the bill, H.R. 3361.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SAFE DRINKING WATER ACT AUTHORIZATIONS

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3509) to extend for 3 fiscal years the authorizations for appropriations under the Safe Drinking Water Act.

The Clerk read as follows:

H.R. 3509

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

SECTION 1. (a) The first sentence of subsection (e) of section 1442 of the Public Health Service Act (42 U.S.C. 300j-1(e)) is amended by striking out "; and" and substituting a semicolon and by inserting the following before the period at the end thereof: "; $21,405,000 for the fiscal year ending September 30, 1980; $30,000,000 for the fiscal year ending September 30, 1981; and $35,000,000 for the fiscal year ending September 30, 1982".

(b) The second sentence of such subsection (e) is amended by striking out "and 1979" and substituting "through 1982".

SEC. 2. (a) Paragraph (7) of subsection (a) of section 1443 of the Public Health Service Act (42 U.S.C. 300j-2(a)(7)) is amended by striking out "and" and by inserting the following before the period at the end thereof: ", $29,450,000 for the fiscal year ending September 30, 1980, $32,000,000 for the fiscal year ending September 30, 1981, and $34,000,000 for the fiscal year ending September 30, 1982".

(b) Paragraph (5) of subsection (b) of such section is amended by striking out "and $10,000,000" and substituting "$10,000,000" and by inserting the following before the period at the end thereof: ", $7,795,000 for the fiscal year ending September 30, 1980, $18,000,000 for the fiscal year ending September 30, 1981, and $21,000,000 for the fiscal year ending September 30, 1982".

SEC. 3. Paragraph (2) of subsection (f) of section 1441 of the Public Health Service Act (42 U.S.C. 300j(f)) is amended by striking out "1979" and substituting "1982".

The SPEAKER. Pursuant to the rule, a second is not required on this motion.

The gentleman from California (Mr. WAXMAN) will be recognized for 20 minutes, and the gentleman from Kentucky (Mr. CARTER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, H.R. 3509 is a simple authorization bill that would extend the authorities of the Safe Drinking Water Act for 3 fiscal years, 1980 through 1982.

Our work of providing safe drinking water to all Americans is just beginning. Federal interim primary drinking water regulations became effective in June of 1977. To date, some 41 States and territories have assumed primary enforcement responsibility over their public water systems. This means that these States are enforcing Federal regulations pertaining to coliform bacteria, several inorganic contaminants and a few organic contaminants. Several other States are expected to attain primacy this year.

Our sources of drinking water are contaminated by a number of point sources such as industrial effluent discharge, leachate from waste dumps, and nonpoint sources of contamination which come from pesticide residues from agricultural runoff and heavy metal residues from urban runoff. The Environmental Protection Agency is in the process of developing an integrated program to attack these environmental insults which threaten drinking water.

The funding levels in this bill assure the continuation of the Environmental Protection Agency's drinking water programs that are just getting off the ground. Section 1 of the bill provides funding to continue the Agency's pollution abatement and control activities which encompass the determination of human exposure to water borne contaminants and attendant health risks; the establishment and implementation of national primary drinking water regulations; the development of revised primary drinking water regulations; the provision of technical assistance and guidance to the States and the training of personnel; and the development of an effective and balanced underground injection control program.

During the past 2 years the Agency has been working on several studies mandated by Congress in the 1977 amendments to the Safe Drinking Water Act. These studies focus on: health effects of the reaction of chlorine and humic acids which forms trihalomethanes several of which are carcinogenic; polychlorinated biphenyl contamination of actual or potential sources of drinking water; and the anticipated costs of compliance with interim and revised national primary drinking water regulations and methods by which States and units of local governments can implement those regulations. All of these studies will be completed shortly and

will assist the Environmental Protection Agency in the performance of its mission, and will help Congress determine how States are progressing in meeting drinking water regulations.

For purposes of section 1 $21,405,000 would be authorized for fiscal year 1980, $30 million for fiscal 1981, and $55 million for fiscal 1982.

Section 2 of the bill would provide authorizations for public water system supervision grants. This program enables the Agency to provide start-up and continuation grants for States that assume primacy over their public water systems. The program is necessary to assist States in attaining and maintaining the essential components of a drinking water program. The authorization would provide $29,450,000 for fiscal 1980, $32 million for fiscal 1981, and $34 million for fiscal 1982.

Additionally, this section would provide authorizations for grants to States to assist them in formulating underground water source protection programs. Recently, the Agency designated 22 States as requiring underground injection control programs to protect ground water. By the end of 1980, all States will be so designated. The bill would authorize $7,795,000 for fiscal 1980, $18 million for fiscal 1981, and $21 million for fiscal 1982.

Finally, the bill also would authorize funds to be utilized by the Administrator to help remedy an emergency situation faced by a municipality or public water system that is beyond its financial or technical capability to remedy without such assistance. Eight million dollars would be authorized for fiscal years 1980 through 1982 for this purpose.

Mr. Speaker, we must demonstrate to the States our commitment to assure for our citizens the provision of safe drinking water. The mechanism Congress envisioned in 1974 when the Safe Drinking Water Act was enacted is in place and is working. However, more work needs to be done to improve the program. The States need guidance and assistance in establishing and running their programs and more work is needed in identifying and in assessing the health effects of hundreds of contaminants that find their way into our sources of drinking water. Also, the Center for Disease Control reports that there are still more than 3,000 waterborne illnesses per year in this country. The Subcommittee on Health and the Environment is going to hold hearings in the near future on a number of difficult issues that face the Environmental Protection Agency and the States in their joint effort to assure the provision of safe drinking water. Of primary interest will be the problems faced by small systems in attempting to meet drinking water standards.

Mr. Speaker, this bill would enable the EPA and the States to continue to provide safe drinking water for the people of this country. I respectfully urge my colleagues to support H.R. 3509.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. WAXMAN. I am pleased to yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, let me ask the gentleman, how many deaths did the Center state were due to drinking water? I believe the gentleman mentioned that in his presentation.

Mr. WAXMAN. Mr. Speaker, the Center for Disease Control reported there are still more than 3,000 waterborne illnesses per year in this country.

Mr. VOLKMER. That is 3,000 waterborne illnesses?

Mr. WAXMAN. The gentleman is correct.

Mr. VOLKMER. But we do not know how many deaths have occurred as a result of drinking water?

Mr. WAXMAN. I do not know that.

Mr. VOLKMER. Is there any way that we could find out?

Mr. WAXMAN. Perhaps we could inquire of the Environmental Protection Agency. They might have the statistics.

Mr. VOLKMER. All right. Can the gentleman tell me, is there anyone who knows approximately what it is going to cost ultimately to implement the new regulations that are being proposed?

Mr. WAXMAN. Mr. Speaker, we do not know the cost of the proposed new regulations, but the subcommittee is watching those new regulations with a great deal of interest. There are members of our subcommittee who are concerned about two drinking water regulations; one member in particular introduced legislation that would prohibit those regulations from taking effect.

Before those regulations take effect, we will hold oversight hearings on them.

Mr. VOLKMER. I would appreciate that.

Mr. WAXMAN. One of the key questions that will be in our minds will be the cost of those regulations, as well as the benefits we will receive from the regulations.

Mr. VOLKMER. Mr. Speaker, that is exactly my concern. There have been some figures used in my State which show theoretically if the charcoal-type system was used, it would cost upward of $1 billion for those cities. That applies to cities over 75,000, and it would cost this amount to implement that. Then we might get little benefit because of the fact, as far as we know, in the last 4 or 5 years there have been no deaths attributed to drinking water in the State, and yet we are going to spend this kind of money.

So although I do not disagree that there is a need for identifying pollutants within the drinking water, I do seriously question whether or not the benefits are going to be worthwhile as far as the cost is concerned.

Mr. Speaker, I appreciate the subcommittee's looking into that matter.

Mr. WAXMAN. Mr. Speaker, I appreciate what the gentleman is referring to, and that is the cost of those particular regulations that would apply to local governments.

Mr. VOLKMER. Yes. And as far as what is going to be done and as to the benefits received, if we do not have related illnesses and related diseases, then I question the necessity of also bringing on this new type of filtration.

Mr. WAXMAN. Mr. Speaker, I share the gentleman's concern, and our subcommittee is going to look very carefully at these regulations before they go into effect.

Mr. VOLKMER. Mr. Speaker, I thank the gentleman.

Mr. CARTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, prevention and health are two words which have become strongly linked in the past decade. Clearly, prevention of illness is a more effective means of promoting continued good health than remedial treatment following the onset of disease. As a physician, I have supported legislation which is preventive in nature. The Safe Drinking Water Act is one such important measure, designed to safeguard the health of Americans by preventing their exposure to unsafe drinking water. Under this law, the Environmental Protection Agency and States are encouraged to work together in insuring a safe supply of drinking water.

This bill, H.R. 3509, provides for a simple extension of the authorities of the Safe Drinking Water Act for 3 years. I support H.R. 3509 because of its preventive nature, and I urge that it be approved expeditiously.

Mr. Chairman, our supply of drinking water is something many of us take for granted. We simply turn a tap and draw a glass. But the safety of this water is not something we should take for granted. Not when more than 700 organic chemical contaminants have been identified in some sources of drinking water. Moreover, we hear frequent reports of incidents in which toxic chemicals have been discovered in drinking water supplies. Just recently in California, high levels of a toxic pesticide were found in drinking water and irrigation wells. The pesticide had been banned from use in that State for the past 2 years. Clearly, findings like this indicate the need for continued monitoring of our drinking water supplies.

The Safe Drinking Water Act grew out of concern over the safety of our drinking water supply. That was in 1974, when the number of identified organic contaminants was 66. Today the number stands at over 700, and it continues to grow. Clearly, we must reinforce our original commitment to assuring a safe quality of drinking water. Therefore, I urge prompt approval of this bill to safeguard the health of the American public by protecting its drinking water supply.

□ 1250

Mr. Speaker, I would also say that I included in this bill $8 million for taking care of places such as the Valley of the Drums in Louisville, Ky., where people have placed contaminants from their factories, and the identity of these people cannot be immediately found. We have another such situation existing near Buffalo, N.Y., where many people have become ill from toxic substances which have been buried beneath their homes,

prior to the building of their homes, of course, and as a result of this there were many miscarriages and many of the youngsters born in that neighborhood had many deformities.

I included this $8 million in this legislation to help in alleviating these conditions, but, actually, Mr. Speaker, this is only a small amount. It will take a great deal more money to clear up this situation throughout our country.

A great many pure water supplies have been contaminated by numerous "Valleys of the Drums" throughout our country. The $8 million authorized will not nearly be enough—but it will be a start—I urge a vote for pure drinking water.

Mr. WAXMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. I thank the gentleman for yielding.

Mr. Speaker, I appreciate the cooperation to date of my colleague from California, Mr. HENRY WAXMAN, and my colleague from Kentucky, Dr. TIM LEE CARTER, in consideration of problems of my constituents related to the presence of barium found naturally in public drinking water supplies.

The Safe Drinking Water Act provided that standards should be established by the Environmental Protection Agency following scientific studies by the National Academy of Sciences or another independent scientific organization. However, it was also provided in this statute that the EPA could establish a standard for a questioned substance which "in the judgment of the Administrator, may have any adverse effect on the health of persons."

Mr. Speaker, the scientific studies which seem to be required under the provisions of the statute appear not to have been met or at least have been insufficiently met—in my view. According to a report issued by the National Academy of Sciences in 1977 entitled "Drinking Water and Health" the subject of barium in drinking water was very equivocal and indefinite insofar as posing any specific hazard to human health.

It is my understanding that the standard adopted by the Federal EPA of 1.0 mg/l of barium is derived from a 1962 standard established by the Public Health Service. That standard was established not on the basis of studies made with drinking water but were based upon studies related to the presence of barium in the air and these studies were thereafter translated into a standard applicable to drinking water.

Mr. Speaker, it would seem to me that to establish and impose a standard with which the communities of Cary, Algonquin, Burlington, Crystal Lake, Hampshire, St. Charles, Wauconda, and West Dundee in my congressional district are required to comply, some more valid scientific studies should be conducted and empirical data should be secured upon which a standard might thereafter be developed. With such a valid standard, I am confident the officials of the communities in my district would thereafter be willing and anxious to comply.

Mr. Speaker, I therefore request that oversight hearings be held at the earliest possible date in order that we may work together with the U.S. EPA to make sure that drinking water standards are reasonably accurate and necessary. I agree that the ideal is to be ultrasafe if this is economically feasible. But for small communities up to 15,000, the high cost of treatment is illogical if there is doubt that this is really necessary in order to preserve and maintain good health. At present there appears to be fairly widespread doubt among knowledgeable scientists that the low level of 1 milligram per liter of barium presently required by the U.S. EPA is really necessary. Some feel that 4.5 or 5 milligrams per liter of barium would be within safe limits. My constituents are disturbed at being forced to comply with regulations based on information which is not generally accepted. Since at present there are no Federal or State grants available to them, this compliance would be at burdensome costs.

You may be aware that there is a barium treatment which is reasonable in cost, water softening by use of sodium. This process would be financially feasible for a small community, it is true. However, the major health problem suspected to be related to barium ingestion is a possible cardiovascular effect evidenced by hypertension. There is mere speculation of such an effect. As many of you may also be aware, it is an accepted fact that the so-called remedy, salt addition to the water, increases hypertension. Thus, the low-cost reasonable remedy presently known, zeolite or salt addition, appears to be worse than the original, barium. Thus, my constituents are rightly resisting the solution of water softening by means of zeolite or salt addition. Other solutions for removal of barium involve digging another well, building a treatment plant utilizing lime softening and hiring a full-time operator, or adopting some other potentially expensive remedies.

Mr. Speaker, I appreciate this time to briefly explain some of the real problems faced by small communities in meeting safe drinking water act regulations and hereby request oversight hearings during or following the recess. I believe we should be reasonably sure requirements are necessary and we should also make it financially feasible for small communities to comply if it is necessary.

Mr. WAXMAN. Mr. Speaker, Will the gentleman yield?

Mr. McCLORY. Mr. Speaker, I am pleased to yield to the chairman of the subcommittee.

Mr. WAXMAN. Mr. Speaker, I have enjoyed working with the gentleman from Illinois and have been most impressed with his knowledge of the difficult question of the health effects of the ingestion of barium in drinking water. I am very sympathetic to the plight of small communities such as Cary, Ill., which, in order to comply with the existing State and Federal standard, must make substantive financial investments. I agree with the gentleman that additional research is needed to determine the health effects of long-term ingestion of low levels of barium.

If the gentleman will yield further, I would like to assure the gentleman from Illinois that oversight hearings of our subcommittee will be conducted as soon as possible—with the likelihood that at least one of the hearings will be held in an area convenient to the gentleman's congressional district in Illinois. Meanwhile, it is my hope that other scientific research studies will be conducted and that empirical data will be gathered which will either confirm the adequacy of the existing standard or demonstrate that a new standard should be set which assure safe drinking water for water supply systems such as that in Cary, Ill., and other communities in the gentleman's Illinois district—as well as elsewhere in the Nation. I am very aware of the plight of the small communities in particular, which are now confronted with the requirements of the Safe Drinking Water Act and the need for meeting a standard of water quality by 1981. Some further consideration may be needed to determine whether to delay that date, where the risk to human health posed by the contaminant is minimal, the expected cost of a water treatment facility is beyond the capability of the communities, and the community has demonstrated that it has acted in good faith to comply with the standard, but was unable to do so.

Mr. McCLORY. Mr. Speaker, I appreciate the chairman's assurances, and I wish to indicate my support of this legislation.

Mr. WAXMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from South Dakota (Mr. ABDNOR).

Mr. ABDNOR. Mr. Speaker, I thank the gentleman from California and I thank the distinguished chairman for his time and his staff's time in reviewing this legislation. It is my understanding the Subcommittee on Health and the Environment will hold oversight hearings later this year on the Safe Drinking Water Act.

Mr. WAXMAN. Yes; the subcommittee is in the process of examining issues relating to the implementation of the act in preparation for oversight activities.

Mr. ABDNOR. Is it the subcommittee's intent to give particular attention to the difficulties experienced by smaller systems in complying with the act?

Mr. WAXMAN. Yes; a primary issue for the subcommittee will be problems faced by small systems in attempting to meet drinking water standards.

Mr. ABDNOR. I understand EPA is conducting analysis of the financial implications of the standards of each level of government—Federal, State, and local.

Mr. WAXMAN. That is correct. We are awaiting receipt of a nearly completed study mandated by the Safe Drinking Water Act Amendments of 1977 which will assess the anticipated costs of compliance with interim and revised national drinking water regulations and the anticipated costs to States and units of local government in implementing such

regulations. This report, in conjunction with oversight hearings, should be a valuable tool in helping us assess the problems confronting small systems and in determining appropriate mechanisms to assist small systems in meeting drinking water standards.

Mr. ABDNOR. I thank the chairman and look forward to the subcommittee's full consideration of a number of issues including: First, financing of water system improvements in those instances where such improvements would be cost prohibitive to the users; second, attention to the needs of the millions of Americans who obtain their water from sources which are not covered by the act; and third, insuring that the standards are reasonable from the standpoint of costs and benefits.

The importance of an adequate supply of good quality water for our citizenry is paramount. The Safe Drinking Water Act is a landmark in that respect; but it seems to me that, at least in terms of experience in my State, the existing program leaves much to be desired.

I am, therefore, encouraged to have the chairman point out that in passing H.R. 3509 today, to extend the Safe Drinking Water Act, it is not our intent to close the book on this important issue.

Mr. WAXMAN. I will be more than happy to work with my colleague from South Dakota to examine the specific issues he has raised. I feel it is important to hear the views of those in South Dakota who are confronted with problems in attaining drinking water standards. Of course, I would welcome your testimony about the drinking water situation in South Dakota. I look forward to working together on this issue.

Mr. ABDNOR. Again, I thank the chairman; and I request permission to revise and extend my remarks for the purpose of explaining a measure I have introduced today to amend the Safe Drinking Water Act and the Rural Development Act. Hopefully, this legislation would address the inadequacies in the program and facilitate the delivery of good quality drinking water to all Americans.

When the Safe Drinking Water Act was before the House in 1974, I was prepared to offer an amendment to protect the interests of my constituents and to promote a cooperative regulatory atmosphere.

That amendment stated:

> A public water system which has made application under a program of Federal financial assistance to complete improvements which would bring the system into compliance with this Act shall not be required to comply with the provisions of this Act until the completion of such improvements or until the Administrator shows that the system can comply without such assistance and without unreasonable cost to the users.

I was dissuaded from offering the amendment by members of the committee who assured me that the exemptions and variances allowed under the act were sufficient to address my concerns. It has become clear, however, that is just not the case; and Assistant EPA Administrator Jorling has acknowledged as much.

As pointed out in the minority views contained in the committee report (H. Rept. 96–186, p. 14), Mr. Jorling has characterized as "needed" an amendment to extend exemption compliance deadlines, thus providing some systems, particularly the smaller ones, with sufficient time to solve their financial problems and improve their treatment facilities.

Still, my original amendment is superior to that suggested by the Assistant Administrator because it would allow case-by-case extensions when justified, rather than a broad and arbitrary extension based on time instead of need.

According to South Dakota's water hygiene administrator, Mark Steichen, by early June about two-thirds of the 400 community water systems in our State had been tested for compliance with maximum contaminant levels (MCL's) for inorganic chemicals. Of those tested to that point, 40, or about 15 percent, had drinking water which exceeded the standards. Others had received notice from EPA of violation of regulations pertaining to bacteriological analyses, and more violations are expected as sampling for radiological contamination proceeds.

Perhaps my colleagues noted the recent article headlined "Town in Alaska Shuts Sewage Plant, Dares U.S. To Do Something About It," which appeared on page A3 of the July 25 edition of the Washington Post. Sadly, the incident it relates is all too typical of the conflict which has been fostered by the regulatory philosophy which prevails at EPA and in the statutory authorities the Congress has provided.

The Skagway, Alaska, mayor and town council do not believe the benefits of the $3.5 million wastewater treatment plant they have been forced to construct to serve their community of 870 people justify the diesel fuel it will consume or the expense of operating the facility. For having the courage of their convictions, the council members face a possible $10,000-a-day fine; and EPA is pressing the matter in Federal court.

Under the existing provisions, I fear it is only a matter of time before similar confrontations develop with respect to the Safe Drinking Water Act; and that is one reason I introduced legislation in the 95th Congress to amend the act. I have reintroduced that measure today.

The Institute for Rural Sanitation Services commented on my bill in the December 8, 1978, issue of their newsletter, FYI:

> ENVIRONMENTAL PROTECTION AGENCY—FARMERS HOME ADMINISTRATION COORDINATION ON RURAL WATER PROJECTS; IS THERE HOPE?
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> It has long been evident to those in poor, rural communities that money for small water and sewer projects is pretty hard to come by. The U.S. Environmental Protection Agency (EPA), under the Federal Water Pollution Control Act, has been providing grants for the establishment of wastewater treatment works only since 1972 and has had full responsibility for drinking water quality since 1974. The Farmers Home Administration (FmHA), under the Consolidated Farmers Home Administration Act and the Rural Development Act, has been providing grants and loans for community water and wastewater facilities since 1961. The two agencies really never have been in a position to consolidate their efforts to serve the rural poor—until now.
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> EPA and FmHA believe that their present community water facilities programs are adequate in terms of their mandated objectives. But they realize the need for improvement in the management of their programs. At the insistence of many congressmen, rural-interest organizations, and small communities, FmHA and EPA released a joint policy statement in July of this year amending the FmHA priority system for grants. First priority goes to improvements or additions to water treatment systems needed to meet the requirements of the Safe Drinking Water Act. Second, the quality of drinking water for projects financed in whole or in part by FmHA must meet the applicable primary drinking water standards after completion of any proposed improvements.
>
> This policy statement is a much-needed recognition of past problems caused by the lack of coordination between EPA and FmHA. It is a welcome first step toward reducing these problems. However, a great deal of work remains to be done if EPA and FmHA programs are to deal efficiently with the water-sewer needs of rural America.
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> THE PROBLEM OF SAFE DRINKING WATER
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> Under the Safe Drinking Water Act (SDWA) of 1974, EPA was given the mandate of guaranteeing the safety of drinking water supplies throughout the United States. A substantial amount of data had been collected by this time showing that people in rural areas of the country suffered from inferior water quality to a much greater extent than those in urban areas due to their use of self-supply water systems such as individual wells and cisterns. Many of these systems, as well as a number of small community water systems, are known to supply poor quality water.
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> EPA's first objective under the SDWA was to define the water quality problem. As a part of this effort to define the problem, the agency provided substantial financial and technical assistance to states and local communities so that they could undertake various research and study programs. However, the Act authorized no funds to improve the water quality situation. There was no money for the construction of new water treatment systems, nor were funds available for upgrading existing treatment systems in order to meet the National Interim Primary Drinking Water Regulations.
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> Thus, in 1977, new drinking water regulations were imposed on existing water systems having 15 or more connections and regularly serving 25 or more individuals. While this size limit left millions of people unprotected by the regulations, the small community water systems that were covered suddenly were faced with rigid testing and quality requirements demanding a lot of time, attention, and financial resources.
>
> The requirements of the EPA drinking water regulations have been a significant burden to a number of these water systems. Many of the strict requirements have been questioned by both water suppliers and scientists. The Council on Wage and Price Stability has declared that EPA's new rules are not worth the money and are void of any cost/benefit analysis. In addition, there seems to be no solid, scientific basis for many of them. EPA admits that there is no hard evidence linking the low level of trihalomethanes and synthetic organic chemicals found in drinking water with a low occurrence of cancer. Yet the agency asks local communities to spend millions of dollars (maybe even a billion) to curb the level of these chemical contaminants. Of course, smaller communities are affected the most

by this; they simply do not have the resources that larger communities have to upgrade and monitor their water supplies.

The Farmers Home Administration is usually the only source of funds for improving rural water systems, and it is therefore the only agency the communities can turn to in trying to comply with safe drinking water regulations. This applies both to existing systems which simply need upgrading and to those which have yet to be built. If a small community water system cannot sustain EPA's low limits for bacteria, turbidity, certain inorganic chemicals, pesticides, and radiological contaminants, then FmHA may reject an application for funding it. One does not want to deny the users of that system the safety regulations promulgated by EPA. On the other hand, the fact that the system is in noncompliance means that perhaps money is needed more for it than for other water systems, regardless of their size. In addition, FmHA has limited amounts of grant funds available and must attempt to use them to meet the needs of all rural communities—those with quality problems in existing systems and those with no system at all.

STEPS TOWARD A SOLUTION

The problems associated with implementation of the Safe Drinking Water Act are due partly to poor coordination between FmHA and EPA. This is the premise underlying the July joint policy statement. Many states moved prior to this statement to establish a coordinating mechanism that would assist rural communities in dealing with the new water quality standards. Vermont, for example, can boast an outstanding cooperative effort between FmHA and EPA in providing water facilities. EPA regularly sends lists of communities which are not in compliance with their safe drinking water regulations to FmHA, which can contact the communities directly. Once communities are aware of the funds available, they are more likely to heed EPA's warning of noncompliance.

Congressional concern has been expressed. Congressman Jim Abdnor of South Dakota, in introducing amendments to the SDWA and the Rural Development Act (RDA), noted that:

"If the Federal Government is going to mandate such standards upon a particular system, it is also incumbent upon the Federal Government to provide financing on a basis the users can afford to pay."

We couldn't agree more. FmHA enters the picture here as the principal funding source for communities with populations of 5,500 and under. It has a special responsibility to assist these localities in providing appropriate water facilities that comply with EPA's standards.

Similarly, the Congressional Rural Caucus (CRC) requested the Administration in September to "develop federal, state, and local intergovernmental mechanisms to improve coordination and reduce the difficulties, delays and red tape small cities and towns must undergo to obtain development assistance." Moreover, CRC recommended that the administration address the need to "develop within USDA a program to help FmHA, EDA, CSA, HUD, Labor *and other programs* used in rural communities to improve the accessibility to and delivery of their services" (emphasis added).

Congressman Abdnor expressed his recommendations in the form of legislation which he introduced this past summer. Although no action was taken on his and similar bills, they probably will be reintroduced in January. H.R. 13752 was a bill amending the Safe Drinking Water Act and the Rural Development Act "to provide additional assistance to small communities and rural water systems in meeting drinking water standards." In addition to increasing grant authority for water systems to 90 percent (from the present 50 percent) and authorizing grants for those systems which have experienced "higher than anticipated expenses," the bill would have required certain EPA–FmHA cooperation.

First, it sought to prohibit the Administrator of EPA "from acting against a public water system which is not in compliance with SDWA if it has a pending application with FmHA to finance the necessary improvements." Second, associations proposing to construct water systems would be permitted to ask EPA to test the supplies of proposed users for compliance with SDWA standards. If present supplies do not meet the SDWA standards, then the proposed system would qualify for grant assistance from FmHA on the same basis as existing systems.

It is heartening to see the perception and awareness that Congressman Abdnor manifests towards the rural water problem. He addresses the most common problems effectively, and even tackles some that are not so common. He advocates rearrangement of FmHA's grant priorities so that communities faced with unanticipated deterioration of water supplies can receive immediate action. Those communities which request money for the sole purpose of compliance with SDWA primary drinking water standards would become second on the list. H.R. 13752 would prohibit EPA from requiring a water system to notify its users of noncompliance with SDWA standards if the community has applied for assistance in order to comply. The fact that states are supposed to assume the responsibility for notifying systems and their users in the event of noncompliance has been a major point of contention with EPA since the SDWA became law. Because of their inability to control the funding source, states often do not want to exercise their right to primacy, and certain states have denied it completely (South Dakota, Wyoming and Utah are examples.) The state's view is that they should not have to bear the burden of explaining noncompliance to owners of water systems and their users when they have no power to extend the resources necessary for compliance. Congressman Abdnor saw it, too, when he stated: "EPA writes the rules and the water users pay the expenses," H.R. 13752 attempted to go far beyond the concept of EPA–FmHA coordination. It proposed specific solutions to a number of problems implicit in the provision of rural water supplies and, the solutions were based on the use of present program mechanisms.

The thrust of both the Abdnor legislative proposals and the EPA–FmHA policy statement is essentially the same: making the best of a bad situation through coordination and other programmatic changes. This may be the best that can be done and, given the fact that the present situation can only be improved, better coordination and program management would be no small accomplishment. However, the root of the problem may well be something quite different. On the one hand, the Congress has decided that the nation's drinking water quality must be improved substantially. On the other, the Carter administration has decided that there will be no costly new programs and no significant increases in those which already exist. This was the administration's position two years ago and it continues to be stated in light of continuing inflation. There simply may be no way even with all the coordination in the world, that both objectives—improved quality and economy—can be achieved. In the end, something is going to have to give—either the Carter administration will have to agree to a new, or greatly expanded, program to help small communities meet the drinking water standards or it will have to agree to soften the standards or delay their implementation. Coordination can only do so much.

The obvious implication of FYI's conclusion is that more money will be required if the goal of safe drinking water is to be met, and that may be so. While my bill does not provide for an increase in total Federal funding for water system improvements at this time, it would establish a more rational regulatory process within which the need for such an increase could be assessed and would become apparent.

Writing in the May/June 1979 edition of Outdoor America, Deputy EPA Administrator Barbara Blum made several pertinent remarks in an article entitled "EPA, Economics and the Environment." Among the points Ms. Blum endeavored to convey were the following:

The Environmental Protection Agency considers itself part of President Carter's administration and part of his anti-inflation team. EPA administers laws covering drinking water and their economic impact has not been lost on an economy racked by unremitting inflation. EPA is committed to administering the law as inexpensively and efficiently as possible.

Resources—including clean water tend to become less plentiful as society becomes more densely populated, more urbanized. It is wrong, therefore, to think of our current problems as either primarily environmental or primarily economic. History teaches us that they are both at once.

We cannot afford an unhealthy environment, nor can we afford an economy plagued by inflation or racked by unemployment. We must debunk the myth that free enterprise and environmental regulation are natural enemies.

EPA fights and will continue to fight inflation four basic ways: through improvement of the regulatory process itself; through increased cooperation with industry and state, local, and foreign governments; through improvements in the enforcement process; and through the introduction of flexible marketplace incentives.

EPA is working to have state governments assume administrative responsibilities at the local and state levels so that those closest to a problem will make the required regulatory decisions, presumably in the most cost-effective manner possible.

EPA helped pioneer the new Regulatory Council. The council aims to increase cooperation within the bureaucracy and reduce rulemaking.

Cooperation within the bureaucracy and reduced rulemaking are admirable goals, but the cooperation of those who are regulated is even more important. The best way to get such cooperation is to have rules which are reasonable and well justified, and I believe there is room for a great deal of improvement in this regard.

Indeed, on page 42247 of the July 19 Federal Register, EPA itself admits:

While the Safe Drinking Water Act calls for issuance of revised regulations shortly after completion of the National Academy of Science's study, it was the Congress' expectation that the National Academy of Science's report would provide sufficient bases for such revised regulations. However, the Academy was unable to make specific recommendations as to safe levels of contaminants in drinking water to be used as a basis for maximum contaminant levels. Rather, NAS provided background information, recommendations for further research, and recommen-

dations regarding acceptable daily intakes for certain compounds.

Conversion of these recommendations and information into drinking water regulations is therefore a more lengthy and complex process than originally anticipated, and issuance of revised regulations in the prescribed time-frame became unrealistic.

Furthermore, EPA acknowledges:

The States have encountered several problems with respect to the microbiological MCLs and the monitoring requirements for small public water systems. Greater latitude has also been urged with respect to requirements applicable to non-community systems and with the requirement of public notification through the media for all MCL violations applicable to community water systems.

Finally, EPA states:

All existing MCLs will be re-evaluated in light of recently acquired data, particularly that contained in the National Academy of Sciences' report "Drinking Water and Health," and other information including a comprehensive follow-up study by the National Academy of Sciences now underway. Resulting changes will be reflected in Revised National Primary Drinking Water Regulations to be proposed subsequently."

In concluding her remarks in Outdoor America, Deputy EPA Administrator Blum said:

As we move into the 1980's, it is imperative our economic investments are environmentally sound and our environmental investments economical. Success depends upon our keeping that equation balanced.

That is exactly what my bill is designed to do with respect to drinking water in rural areas and small towns. I have a sense that reason must prevail—eventually; but, in the meantime, that is little relief to those who are faced with the impossibility or excessively costly prospect of having to comply with the existing law and regulations. Nor is it of much comfort to those who are ignored by the act.

I urge my colleagues and particularly the members of the Subcommittee on Health and the Environment to give this matter further, serious consideration. For those who might be interested, my previous remarks on this issue may be found on pages 24743, 30222, and 37267–37268 of the August 7, September 19, and October 14, 1978, CONGRESSIONAL RECORD, respectively. The text of the bill is on pages 24745–24746 of the August 7, 1978, RECORD.

The goal of safe drinking water for all Americans is unquestioned. The question is how best to maximize achievement of that goal. I believe the first step which must be taken is to reduce the attitude of confrontation which exists between the regulators and the regulated. My bill would do so and, hopefully, would encourage both to work together toward responsible and cost-effective solutions to our Nation's drinking water problems.

□ 1300

Mr. CARTER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. Mr. Speaker, I thank the gentleman from Kentucky (Mr. CARTER), who is our ranking member and is so keenly concerned with the health of America.

I am keenly concerned, too, but I believe this bill is a step backward instead of a step forward.

You know, we have so many health regulations in this country, we just cannot hardly afford to live anymore.

I remember in our own district down there, this is where the Indians got started, down in Texas. We have 300 old camps in our area where Indians lived.

We have the Lewisville Man, that is supposed to be the oldest man. The Indians had a very healthy society. Nobody was any stronger physically or had a greater physique than Indians.

I want to tell my colleagues, if you remember back, you heard of very few Indians who lived past 40 years of age. They had fresh air, fresh water, fresh grass, but they just did not have the American way of life.

We are just about to price this American way of life out of business. We have got so many gimmicks. In fact, when my friend talked about water, the first thing that came to my mind was the drinking water here in Washington.

I cannot stand this tap water myself. I have to carry a gallon jug. I go down to buy completely natural water in the grocery store to drink. This is plain water just as it comes out of the spring. But Washington has been meeting all these requirements; they have to add chemicals for EPA standard water.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. COLLINS of Texas. I will yield to the gentleman from Kentucky.

Mr. CARTER. What would it cost the public if they, like the gentleman from Texas, went to the grocery store and bought their water? Would it not cost millions and millions more? This bill will save millions.

Mr. COLLINS of Texas. I want to tell the gentleman this. The reason I do not drink this Washington water is that it is meeting the regulations that we have written. I have just had all these congressional regulations that I need. Washington water meets the regulations that we have mandated. I do not want any more of this water that meets these regulations. I would just rather have plain water from the spring.

Now, in addition to what we have demanded in drinking water and what meets its requirements, another thing that concerns anybody that is from an oil-producing State is what they are going to do to secondary recovery of oil. They estimate in this report that it will cost $665 million. I have never seen an estimate yet where they do not miss at least twice.

In other words, if they say $665 million, that means it will run a billion and a half dollars more to meet regulations.

What they are doing in order to recover oil from these old oilfields all over the country way out in the sticks, is to go in, and they take water and pump it back down underneath the oil sand. I saw one well the other day, 7,000 feet deep, they pumped it down in there, and then the water makes the oil float. And because they are paid what you call a stripper well basis of $18 which they are getting on it, they are able to make money even though 98 percent of the pump back is water and 2 percent oil.

Now with this particular requirement. by the time they get through meeting these Government regulations, the oil producers will not be able to water flood all of these oil reserves that we have all over the country.

We are hoping that secondary and tertiary oil recovery is going to be the major answer where we can help increase production in the United States. EPA water regulations are going to mean more and more costs. Excessive rules provide an unbearable situation on these producing people, and what we are going to do, we are going to force America to continue to be more dependant on imports of the OPEC oil.

Just to remind you, again, and we seem to forget it, 6 years ago our country was importing $3 billion in oil. This year we are importing $60 billion in oil. If we pass this particular provision, we are going to close out the potential that we have for tremendous secondary and tertiary oil recoveries. It is going to be economically impossible to water flood all of these large oil reserve areas. This does not mean anything about pure water. Most of these oilfields are 50 miles out in the country, but with the requirements, you would think you were right under Main Street in downtown New York.

Think about it. The name of the bill is a good name—Safe Drinking Water Act. But what we should do, we ought to think first of the future of America, and the future of America is to send this bill back to committee.

The following are the remarks with the full minority views:

MINORITY VIEWS ON H.R. 3509 SAFE DRINKING WATER ACT AUTHORIZATIONS

H.R. 3509 extends for 3 fiscal years the authorization for programs under the Safe Drinking Water Act. Because the bill is nothing more than a straight-out authorization bill without substantive amendments to the act itself, any amendments not tied to the authorization period could be ruled out of order as nongermane. However, the brevity and scope of the bill mask a number of controversial issues flowing from EPA's administration of the statute.

The contention was made in Committee that the best course of action was oversight coupled with a three-year authorization in light of the ongoing administrative process with respect to some of these matters. The problem with that approach is that it is for practical purposes and instruction to EPA to continue on its course absent effective Congressional input. This is so because the Senate as of now also has a 3-year authorization bill and the prospect of opening up the Act should problems arise in the interim is remote due to lack of leverage—as witness the situation with respect to the Clean Air Act. In light of the significance of the potential disruptive activities of certain aspects of the Act, it would be far preferable to have a one-year authorization to keep EPA on a shorter leash.

Briefly, at least three major problems have cropped up regarding this Act. That is, the proposed national interim primary drinking water regulations on organics, the underground injection regulations (particularly dealing with oil and gas), and certain obstacles in the administration of the program. As previously mentioned, the bill unfortu-

nately does not address these vital matters. A short outline of these extremely complicated issues follows:

Organics.—In February 1978, EPA proposed regulations to limit organic chemicals in drinking water. The final regulations will probably be promulgated this summer. The regulation addressed trihalomethanes (which are formed during disinfection with chlorine of water containing naturally occurring materials) and other man-made compounds caused by urban, agricultural, and industrial pollution. Trihalomethanes would be subjected to a maximum contaminant level of 100 parts per billion. This standard would initially apply to systems serving populations of 75,000 or more. Systems serving 10,000 to 75,000 people would have to meet certain monitoring requirements, and those serving less than 10,000 people would be exempt initially. Coverage will be extended to all systems when feasible.

EPA proposed to restrict synthetic organic chemicals by requiring the installation of granular activated carbon (GAC) or some equivalent technology. This requirement woud apply to systems serving greater than 75,000 people when monitoring indicates that a given water supply is vulnerable to this sort of contamination.

Not only is the scientific basis for the regulation questionable, but GAC for the proposed purpose with frequent on-site regeneration is not a demonstrably effective treatment technique. GAC would be extremely costly as reflected in larger rate increases for debt services for uses of public dinking water systems; would exacerbate our unfavorable energy situation because it is quite energy intensive; and could cause health hazards of its own. Of course, the impact of GAC would be widespread since many of the affected municipalities are centers of food processing for nationwide distribution.

Underground Injection Control (UIC).—Regulations to control the underground injection of contaminants were first proposed in August of 1976. They were withdrawn after being subjected to numerous adverse comments. They were reproposed on April 20, 1979 with a 120-day comment period. Extensive comments on this subject were received in the 1977 hearings before the Subcommittee and some material was submitted for the record in this year's hearing.

The regulations would establish the technical criteria and standards to be used in implementing the underground injection control program. The regulations propose certain minimum requirements to contain injected and formation fluids. Wells divided into five classes for purposes of regulation, to wit: (1) Waste disposal below lowest underground source of drinking water by industrial, municipal, and nuclear concerns; (2) oil and gas disposal, recovery and storage; (3) special processes such as Frasch sulfur, solution mining, and gasification; (4) hazardous waste into or above lowest underground source of drinking water; and (5) all others such as drainage and recharge.

In the future, EPA proposes to consolidate its regulations for its permit programs under the hazardous waste management program under the Resource Conservation and Recovery Act, the UIC program under the Safe Drinking Water Act, and the National Pollutant Discharge Elimination System under the Clean Water Act.

EPA estimates that the proposed program costs for 5 years would be about (807.9 million of which about $665.2 (or more than 80 percent) would fall on class II wells (oil and gas).

Because most of the cost of the regulations would be borne by the oil and gas industry, the bulk of the attention has focused there. The EPA cost estimate is too low because loss of reserve due to operating costs was not included in the economic study. Aside from aspects of the regulations, a more fundamental objection goes to the threshold question as to whether or not regulations are needed at all. Studies which were prepared by the Interstate Oil Compact Commission in response to a statement by a member of the National Drinking Water Advisory Council reported that petroleum injection operations were not harming underground sources of drinking water in the producing States of Texas, Arkansas, Louisiana, and New Mexico. If States have sound injection control programs relating to oil and gas production, then the existing programs should not be hampered by Federal interference. To the extent that the regulations are unnecessary, they will be a constraint on energy production, divert funds from energy development, and represent an inflationary factor in energy costs.

Administrative Obstacles.—In his statement before our Subcommittee on March 26, Tom Jorling, Assistant Administrator for Water and Waste Management of EPA, mentioned that there were some matters of timing and procedure that warrant attention at this time. This is so, he said, because "unintended obstacles in the administration of the program, particularly to the States, are being caused." At the end of his formal statement, he gave a brief summary of what he styled as "needed" amendments. These amendments would: (1) Provide more time for States to amend their regulations to correspond with amended Federal regulations, thereby ensuring continuity of grants support and primary enforcement responsibility; (2) extend exemption compliance deadlines for interim primary regulations to the time frame already established in the act relative to the revised regulations, thus providing some systems, particularly the smaller ones, with sufficient time to solve their financial problems and improve their treatment facilities; and (3) adjust the statutory deadline for prohibiting all unregulated injection practices in view of the delay in promulgating final regulations and link the eligibility of States to receive underground injection control grants to the promulgations of final regulations, thus ensuring that they have grant support while seeking to achieve primary enforcement responsibility. Regrettably, these obstacles have not been removed.

JAMES T. BROYHILL.
JAMES M. COLLINS.
EDWARD R. MADIGAN.
DAVE STOCKMAN.
TOM LOEFFLER.
GARY A. LEE.
WILLIAM E. DANNEMEYER.

Mr. CARTER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Speaker, would the gentleman from California (Mr. WAXMAN) yield for a question?

Mr. WAXMAN. I would be pleased to yield.

Mr. DANNEMEYER. Would the gentleman explain a little, if he would, as to why the authorization in this bill is for more than 1 year? What is the rationale for that?

Mr. WAXMAN. I am sorry. I did not hear the gentleman's question.

Mr. DANNEMEYER. Would the gentleman explain why there is a need legislatively speaking for an authorization longer than 1 year in this bill?

Mr. WAXMAN. Why there is an authorization longer than 1 year for this program?

Mr. DANNEMEYER. That is right.

Mr. WAXMAN. This is an ongoing program. We are authorizing it for a 3-year period. That means we are making a commitment to continue the safe-drinking water period for a 3-year period. However, there are a number of issues that have been raised today and other issues on the minds of all of us about regulations that are being proposed and the directions the EPA may take.

In dealing with those questions, I have clearly expressed my intent to have the subcommittee hold hearings and go into further legislative action on the Safe Drinking Water Act itself without having to wait for an authorization period to expire.

Mr. DANNEMEYER. Would it not make more sense from the standpoint of good legislative policy to limit the authorization for just 1 year to insure that at the expiration of this year that Congress would be able to exercise its appropriate review and oversight function?

Mr. WAXMAN. I do not think we need to exercise the review and oversight function. It seems to me that is an ongoing responsibility. Particularly this legislation, I think, requires of us to continue an oversight investigation into a lot of new areas that they plan to undertake, even before that year is up, so that we might decide whether we want to take further legislative action on the Safe Drinking Water Act itself.

Mr. DANNEMEYER. If I understand the chairman correctly that some time next year the subcommittee would concern itself with this legislation and would hold hearings of oversight on this specific act?

Mr. WAXMAN. The gentleman is correct.

Mr. DANNEMEYER. Could the gentleman indicate about what time during the year he intends to have those hearings?

Mr. WAXMAN. If the gentleman would yield further, I hope to have those oversight hearings before the subcommittee by the fall of this year, which will enable us to act legislatively early next year, if necessary.

Mr. DANNEMEYER. One of the reasons that I ask this question and these questions relates to the question that the gentleman from Texas (Mr. COLLINS) earlier raised as to just how extensive is this going to impact upon the ability of oil producers in this country to recover oil from marginal fields. It was my feeling that it is appropriate for the Congress to continue oversight, certainly within the year, to determine if really we have priced ourselves out of the ability to recover oil from some of these fields that would be classified as marginal.

I thank the gentleman for his comments.

Mr. WAXMAN. On that very point which was raised by the gentleman from Texas (Mr. COLLINS) in the full Energy and Foreign Commerce Committee. I want to point out that the regulations that both of the gentlemen have expressed concern about are now in a period of 120-day comments before EPA.

Therefore, EPA will have 120 days further before they do anything with

the regulations, and the regulations will not take effect for 2 years. It is my intent not to wait that long a period of time but to have us make a very clear examination of the impact of that regulation on a whole range of concerns that are before us; and if need be, we will act legislatively to change the law if the subcommittee and the Congress feel that is appropriate, but we will act before those regulations ever take effect.

Mr. DANNEMEYER. I thank the chairman for his comments.

□ 1310

Mr. CARTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, some remarks were made about clean water. How in the world could any intelligent man be opposed to clean, pure, crystalline water?

Not too long ago the gentleman from Texas (Mr. GONZALEZ) asked that we protect the aquifers containing this pure water about the city of San Antonio, and we did that. Water being injected, of course, must be controlled. We have had some very serious trouble with water being injected in New Jersey in the aquifers, and it is my understanding that it will be years before this water can be purified.

Not only that, where we have injections to save oil we can also pollute aquifers and have water rendered not potable for many years. We must protect the pure water system in our country.

I strongly support this legislation and I urge its approval.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I wonder if I could ask the distinguished chairman of the subcommittee if he would clarify his intentions regarding this particular area of authorization. Do I understand that prior to the 3-year expiration of the authorization undertaken by this suspension bill that there will be additional legislation reaching the floor?

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman.

Mr. WAXMAN. There is a great deal of concern about the proposed regulations under the Safe Drinking Water Act which has led our subcommittee to the desire to hold hearings on the proposed regulations and to look at the substance of the Safe Drinking Water Act itself. I expect that we will have legislation before the expiration of the authorization period which will deal with these substantive questions in the act itself.

What we propose to do in this legislation merely is to continue the financial authorization for the safe drinking water program, with the understanding that Members will have legislation before them to make substantive changes in the law.

Mr. FOLEY. Does the gentleman assume when the legislation reaches the floor if it deals with any part of the Safe Drinking Water Act that the germaneness rule would not be applied to limit amendments to other parts of the authorization act?

Mr. WAXMAN. If the gentleman will continue to yield, it is always my understanding and would be clearly my intent that the legislation which would make substantive changes in the Safe Drinking Water Act would open up the whole Safe Drinking Water Act to changes. In subcommittee consideration of H.R. 3509, we did not have the opportunity to look into the complicated questions raised by some about the law itself. We were faced with the May 15 authorizing deadline. So what we propose to do is reauthorize the existing drinking water program with the clear commitment that we will then examine the legislation itself to see what changes would be made.

Mr. FOLEY. Does the gentleman assume that it would happen in this Congress?

Mr. WAXMAN. If the gentleman will yield, I would assume it would.

Mr. FOLEY. I thank the gentleman for his assurances.

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. WAXMAN. Mr. Speaker, I yield 1 additional minute to the gentleman.

Mr. FOLEY. I thank the gentleman for yielding. Mr. Speaker. I am concerned in some areas of the legislation about the effort of many to provide for some form of overview on programs within the jurisdiction of the various committees through sunset legislation being effectively vitiated in committee rather than holding legislation within their jurisdiction to report changes or authorization extensions by the Suspension Calendar, prohibiting Members on the floor from offering relevant amendments. Therefore, I am delighted with the gentleman from California, the distinguished chairman of the subcommittee's assurances that this will be an area where the House will be provided with an opportunity within the near future to work its will on my appropriate amendments to the basic authorization act. I hope that will be a standard followed by other committees with respect to legislation dealing especially with regulations of the kind involved in the Clean Water Act. I thank the gentleman for his assurances.

Mr. WAXMAN. I thank the gentleman for his comments and I appreciate his indulgence in having our subcommittee look into the substance of the Safe Drinking Water Act during our oversight hearings, and at this time, allowing the authorization of that program to go forward.

Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. CARTER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Iowa (Mr. GRASSLEY).

Mr. GRASSLEY. Mr. Speaker, I rise in opposition to this bill, not because, as maybe the gentleman from Kentucky implied, that those of us who rise against this bill might be against safe drinking water, for nobody in this chamber is against safe drinking water. But No. 1, because it is on the Suspension Calendar, and No. 2, because we do not have the opportunity to deal with some of these very serious questions that ought to be dealt with.

Quite obviously the chairman of the subcommittee, the gentleman from California (Mr. WAXMAN) trusts and feels that EPA is going to be a responsible agent of the people of our country. Let me tell the gentleman that he will find otherwise as he serves as chairman of the subcommittee for a long time, as we discovered in the Agriculture Committee. The Members will find that EPA is a bunch of lawyers. They do not know much about the things they are dealing with. They are a group of idealists and eccentrics and we need to put them under control once in awhile. I am a member of the Agriculture Committee, and I ask the subcommittee chairman to listen to the gentleman from Washington, the chairman of the Agriculture Committee, Mr. FOLEY. The subcommittee chairman will find out the only way we were able to get EPA to listen to the members of the Agriculture Committee on the Federal Pesticide Act, was to give a year-to-year extension of the authorization of that program, not a 3-year program as the gentleman is endeavoring to do here for the Safe Drinking Water Act. He may trust the EPA, and he may have them listening to him, and he may have them being responsible. But I think the gentleman had better question whether or not he really does. A 3-year authorization has given EPA a free reign that the agency should not have.

Had we given them that with the Federal Pesticide Act we would never have gotten any reforms brought about in that act. I think the irresponsibility of EPA is best illustrated by the rules and regulations they promulgated under the Safe Drinking Water Act in February 1978. Those rules were very irresponsible. They only allowed one way of purifying water. They applied it to all cities over 70,000. That is irresponsible, and because of that activity we need an opportunity to amend this act. That is why I ask the Members to vote down this bill on suspension so we can gain an opportunity to propose a 1-year-only authorization.

Mr. CARTER. Mr. Speaker, I strongly support the legislation that is before us today. Again. I strongly support pure, clean, crystalline water, water that is healthful and wholesome, and water that satisfies a person when he is suffering from thirst. Water which drops as the gentle rain from heaven. It is twice bless; it blesses the one who gives and the one who receives.

I strongly support pure drinking water and this legislation, Mr. Speaker.

● Mr. JENRETTE. Mr. Speaker, I have discussed with the gentleman from California (Mr. WAXMAN) a problem we are facing in South Carolina. As he knows, the interim primary drinking water regulations set a maximum contaminant level for fluoride. Many small towns and cities in my district have determined that they do not meet the fluoride standard, and that it will be very costly for them to install and operate the requisite technology so that they might meet the standards. They further question

whether the negative or adverse effects of natural fluoride in water has on a small percentage of the population warrants the massive investments required to filter it out. This is especially true during these hard economic times.

It is my understanding that EPA is aware of this situation and is engaging in discussion with officials of South Carolina to assess the effect of fluoride on human health, especially on teeth. It is also my understanding that his committee plans to hold oversight hearings on a number of different issues pertaining to drinking water, including the problems facing small systems. We need some assistance and the people need relief. Toward this end I have introduced a bill to provide relief until the true effects on the population in question can be closely examined to determine if the negative impact is sufficient enough to warrant these extreme measures.

I am pleased that the chairman, Mr. WAXMAN, feels it would be very helpful to the Subcommittee on Health and the Environment to focus on the problem posed by naturally occurring fluoride during oversight hearings and that he is willing to work with South Carolina and other States to this end. Further, I understand, the committee will give my bill every consideration. I understand EPA is presently studying the health effects of fluoride and I look forward to receiving the report when the study is concluded. Finally, I want to thank Mr. WAXMAN and his subcommittee for the consideration shown me.●

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. WAXMAN) that the House suspend the rules and pass the bill, H.R. 3509.

The question was taken.

Mr. COLLINS of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to the provisions of clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

RESIGNATION AS CONFEREE AND APPOINTMENT OF CONFEREE ON H.R. 4389, LABOR-HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1979

The SPEAKER laid before the House the following resignation as a conferee of the House-Senate Conference Committee on the bill, H.R. 4389, Labor-Health, Education, and Welfare Appropriations:

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 30, 1979.

Hon. THOMAS P. O'NEILL,
The Speaker, House of Representatives, Washington, D.C.

DEAR "TIP": On July 27, 1979 I was appointed by you as a Conferee to the House-Senate Conference Committee for Labor-Health, Education, and Welfare Appropriations.

In light of my continued hospitalization, I would like to authorize you, at your discretion, to appoint a substituted Conferee for that Conference.

With best wishes, I am,
Sincerely yours,

DANIEL J. FLOOD,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. The Chair appoints the gentleman from Massachusetts (Mr. BOLAND) to serve as a conferee to fill the vacancy, and the Clerk will notify the Senate of the action of the House.

□ 1320

CALL OF THE HOUSE

Mr. ASHBROOK. Mr. Speaker, I make a point of order.

The SPEAKER. The gentleman will state it.

Mr. ASHBROOK. Mr. Speaker, because of the controversy surrounding House Joint Resolution 381, I make a point of order that a quorum is not present, and move a call of the House.

The SPEAKER. The Chair cannot entertain a point of order at this stage.

The Chair recognizes the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 397]

Abdnor
Addabbo
Akaka
Albosta
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Ashbrook
Aspin
Atkinson
AuCoin
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bellenson
Benjamin
Bennett
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Clausen
Cleveland
Clinger
Coelho
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Cotter
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Downey
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Emery
English
Erdahl
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammer-schmidt
Hance
Hanley
Hansen
Harkin
Harris
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McDonald
McHugh
Madigan
Maguire
Markey
Marks
Marriott
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Mikva
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nelson
Nichols
O'Brien
Oakar
Oberstar
Obey
Panetta
Pashayan
Patten
Paul
Pepper
Perkins
Petri
Peyser
Pickle
Preyer
Price
Pritchard
Pursell
Quayle
Rahall
Rangel
Ratchford
Regula
Reuss
Richmond
Rinaldo
Ritter
Roberts
Robinson
Roe
Rose
Roth
Rousselot
Roybal
Royer
Rudd
Runnels
Russo
Sabo
Satterfield
Sawyer
Schroeder
Schulze
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stenholm
Stewart
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Taylor
Thomas
Thompson
Traxler
Trible
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wolff
Wolpe
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

□ 1330

The SPEAKER pro tempore. On this rollcall, 372 Members have recorded their presence by electronic device. Under the rule further proceedings under the call are dispensed with.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 3, rule XXVII, the Chair will now put the question on the motion on which further proceedings were postponed.

A vote will be taken on H.R. 3509.

SAFE DRINKING WATER AUTHORIZATIONS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3509.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. WAXMAN) that the House suspend the rules and

pass the bill H.R. 3509, on which the yeas and nays are ordered.

□ 1340

PARLIAMENTARY INQUIRY

Mr. BAUMAN. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. BAUMAN. Mr. Speaker, what happens with this last bill which was listed on the Suspension Calendar today, the Califano-Adams-Blumenthal Relief Act?

The SPEAKER. The gentleman is not seeking recognition on that matter.

Mr. BAUMAN. It is not to be called up?

The SPEAKER. That is the plan.

SAFE DRINKING WATER AUTHORIZATIONS

The SPEAKER. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3509.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. WAXMAN) that the House suspend the rules and pass the bill, H.R. 3509, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 319, nays 76, not voting 39, as follows:

[Roll No. 398]

YEAS—319

Abdnor
Addabbo
Akaka
Albosta
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Ashley
Aspin
Atkinson
AuCoin
Bafalis
Bailey
Baldus
Barnard
Barnes
Beard, R.I.
Bedell
Beilenson
Benjamin
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Byron
Campbell
Carr
Carter
Chappell
Cheney
Clausen
Cleveland
Clinger
Coelho
Coleman
Conable
Conte
Corcoran
Cotter
Coughlin
Courter
D'Amours
Danielson
Daschle
Davis, S.C.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Dickinson
Dicks
Dingell
Dodd
Donnelly
Dornan
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Fary
Fascell
Fazio
Fenwick
Ferraro
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hamilton
Hammer-schmidt
Hance
Hanley
Harkin
Harris
Harsha
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Hollenbeck
Holtzman
Hopkins
Horton
Howard
Hubbard
Hughes
Hutto
Ireland
Jacobs
Jeffords
Jenkins
Johnson, Calif.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kemp
Kildee
Kogovsek
Kostmayer
LaFalce
Latta
Leach, Iowa
Leach, La.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lloyd
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
McClory
McCloskey
McCormack
McDade
McEwen
McHugh
McKinney
Madigan
Maguire
Markey
Marks
Marriott
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Mikva
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Motti
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Pa.
Natcher
Neal
Nedzi
Nelson
Nichols
Nowak
O'Brien
Oberstar
Obey
Ottinger
Panetta
Patten
Pepper
Perkins
Petri
Peyser
Pickle
Preyer
Price
Pritchard
Pursell
Rahall
Rangel
Ratchford
Regula
Reuss
Richmond
Rinaldo
Ritter
Roe
Rose
Rosenthal
Roth
Roybal
Royer
Russo
Sabo
Santini
Sawyer
Scheuer
Schroeder
Schulze
Seiberling
Shannon
Sharp
Shelby
Simon
Slack
Smith, Iowa
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stewart
Stokes
Stratton
Studds
Swift
Synar
Thompson
Traxler
Trible
Udall
Van Deerlin
Vanik
Vento
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wyatt
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Zablocki
Zeferetti

NAYS—76

Applegate
Archer
Ashbrook
Badham
Bauman
Beard, Tenn.
Bennett
Broyhill
Butler
Carney
Cavanaugh
Collins, Tex.
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Davis, Mich.
Devine
Edwards, Okla.
Evans, Ga.
Evans, Ind.
Findley
Gingrich
Glickman
Goldwater
Grassley
Hall, Tex.
Hansen
Holt
Huckaby
Ichord
Jeffries
Jenrette
Jones, N.C.
Kelly
Kindness
Kramer
Lagomarsino
Leath, Tex.
Lewis
Livingston
Loeffler
Lungren
McDonald
Montgomery
Moore
Myers, Ind.
Pashayan
Paul
Quayle
Quillen
Roberts
Robinson
Rousselot
Rudd
Runnels
Satterfield
Sensenbrenner
Shumway
Shuster
Skelton
Smith, Nebr.
Stenholm
Stockman
Stump
Symms
Tauke
Taylor
Thomas
Ullman
Volkmer
Williams, Mont.
Wilson, Bob
Wydler
Young, Mo.

NOT VOTING—39

Ambro
Bereuter
Bolling
Breaux
Chisholm
Clay
Collins, Ill.
Conyers
Corman
Diggs
Dixon
Dougherty
Duncan, Oreg.
Fish
Flood
Forsythe
Garcia
Giaimo
Hawkins
Holland
Hyde
Johnson, Colo.
McKay
Marlenee
Martin
Mathis
Nolan
Oakar
Patterson
Pease
Railsback
Rhodes
Rodino
Rostenkowski
Sebelius
Treen
Vander Jagt
Williams, Ohio
Wright

□ 1350

The Clerk announced the following pairs:

Mr. Rodino with Mr. Vander Jagt.
Mr. Ambro with Mr. Railsback.
Mr. Rostenkowski with Mr. Treen.
Mrs. Chisholm with Mr. Sebelius.
Mr. Giaimo with Mr. Johnson of Colorado.
Mr. Clay with Mr. Marlenee.
Mr. McKay with Mr. Fish.
Mr. Wright with Mr. Forsythe.
Mr. Pease with Mr. Hyde.
Mr. Hawkins with Mr. Williams of Ohio.
Mr. Breaux with Mr. Martin.
Mrs. Collins of Illinois with Mr. Dougherty.
Mr. Corman with Mr. Bereuter.
Mr. Dixon with Mr. Holland.
Mr. Conyers with Mr. Garcia.
Mr. Duncan of Oregon with Mr. Mathis.
Mr. Nolan with Ms. Oakar.
Mr. Patterson with Mr. Flood.

Messrs. LIVINGSTON, EVANS of Georgia, HUCKABY, and KINDNESS changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1146) to amend title XIV of the Public Health Service Act, as amended by the Safe Drinking Water Act (88 Stat. 1680, 42 U.S.C. 300j), to extend for 3 fiscal years the authorization for appropriations, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California.

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1444 of the Public Health Service Act is amended by adding a new subsection (e), which shall read as follows:

"(e) The administrator shall establish demonstration projects for the abatement and control of drinking water contaminants, including both synthetic, organic and inorganic substances, in water supply systems serving five thousand persons or less. For purposes of this subsection, there are authorized to be appropriated $1,000,000, which shall remain available until expended.".

SEC. 2. (a) Section 1442(e) of the Public Health Service Act is amended by striking "and" immediately following "1977;" and by inserting after "1979" and before the period: "; $21,405,000 for fiscal year 1980; $24,647,000 for fiscal year 1981; and $30,485,000 for fiscal year 1982.".

(b) Section 1443 of the Public Health Service Act is amended—

(1) by striking "and" immediately following "1978" in paragraph (a)(7) and inserting after "1979" and immediately following the period: "; $29,000,000 for fiscal year 1980; $30,000,000 for fiscal year 1981; and $35,943,000 for fiscal year 1982.".

(2) by striking "and" immediately preceding "$10,000,000" in paragraph (b)(5) and inserting after "1979" and immediately before the period: "; $7,795,000 for fiscal year 1980; $14,453,000 for fiscal year 1981; and $15,172,000 for fiscal year 1982.".

MOTION OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WAXMAN moves to strike out all after the enacting clause of the Senate bill (S.

1146) and to insert in lieu thereof the provisions of H.R. 3509, as passed by the House.

The motion was agreed to.

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

The title was amended so as to read: To extend for three fiscal years the authorizations for appropriations under the Safe Drinking Water Act.

A motion to reconsider was laid on the table.

A similar House bill, H.R. 3509, was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON COAST GUARD AND NAVIGATION OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT DURING 5-MINUTE RULE ON TUESDAY, JULY 31, 1979

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that the Subcommittee on Coast Guard and Navigation of the Committee on Merchant Marine and Fisheries be permitted to sit on Tuesday, July 31, 1979, during the 5-minute rule, for the purpose of holding a hearing, and a hearing alone, to explore the problems of liability and compensation related to the marine transportation of hazardous substances.

The SPEAKER. Is there objection to the request of the gentleman from New York (Mr. BIAGGI)?

There was no objection.

PROPOSED MOTION FOR EXPULSION OF CONGRESSMAN DIGGS

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, I take this time to announce to my colleagues my intention to call up a privileged motion immediately after this 1 minute, a motion for the expulsion of the gentleman from Michigan (Mr. DIGGS).

The reason I take this time is to explain why we are doing this. We found out officially Friday for the first time that the committee recommendation on censure would be taken up as the first order of business on Tuesday. Under the manner in which it will be brought up, there will not be an opportunity for a motion for expulsion to be considered in the nature of a substitute or for debate.

□ 1400

The gentleman from California (Mr. DANNEMEYER) and I signed a letter, cosigned by 40 other Members of this House, requesting that more time be granted during the course of that debate and also that a special rule be allowed so that the question of expulsion might be considered after a just and fair debate in this matter. We were informed this morning by the Speaker that this was not possible, and that the Committee on Rules would not meet to consider our request.

Therefore, since many of us feel that the question of expulsion is a serious one that ought to be considered on an up-or-down vote, we feel that we have no recourse but to present it at this time so that we will avoid what would happen otherwise; that is, a consideration of the committee recommendation, a final vote on the committee recommendation, and then the consideration of a moot point, which would be the consideration of expulsion at that time.

PRIVILEGES OF THE HOUSE—IN THE MATTER OF CHARLES C. DIGGS, JR.

Mr. LUNGREN. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 391) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That Charles C. Diggs, Jr., a Representative from the Thirteenth District of Michigan, is hereby expelled from the House of Representatives.

BRADEMAS MOTION TO TABLE—CONGRESS MOTION ON DIGGS

● Ms. HOLTZMAN. Mr. Speaker, it is with reluctance that I support the motion to table the resolution calling for the expulsion of Mr. DIGGS. After all, I believe firmly that the issue ought to be debated—and debated fully. But because the issue of expulsion is so grave and momentous, the House of Representatives should follow an orderly, and fair, procedure in considering it.

The Ethics Committee has studied the Diggs case and will be reporting its conclusions and recommendations tomorrow. Although the committee unanimously (and on a bipartisan basis) recommended censure of Mr. DIGGS. The question of why expulsion should not be ordered must and will be dealt with during the debate at that time. I think orderliness dictates that the House should hear from the Ethics Committee first.

Furthermore, the motion to expel is a privileged one and can be brought up tomorrow, after the debate on the censure resolution. If the Members feel that censure is an inappropriate remedy after hearing from the committee there will be ample opportunity to renew the expulsion motion then.

We lose nothing by one day's delay and gain the assurance that the case will be dealt with properly and firmly.●

MOTION TO TABLE OFFERED BY MR. BRADEMAS

Mr. BRADEMAS. Mr. Speaker, I move that the resolution be laid on the table.

PARLIAMENTARY INQUIRY

Mr. LUNGREN. Mr. Speaker, I have a parliamentary inquiry.

Mr. Speaker, I will ask the Chair, is the gentleman's motion in writing?

The SPEAKER. The Chair will inform the gentleman that motion is in writing.

The question is on the motion offered by the gentleman from Indiana (Mr. BRADEMAS) to table the resolution offered by the gentleman from California (Mr. LUNGREN).

The question was taken; and the Speaker announced that ayes appeared to have it.

Mr. LUNGREN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 205, nays 197, not voting 32, as follows:

[Roll No. 399]

YEAS—205

Addabbo	Frost	Obey
Akaka	Fuqua	Ottinger
Alexander	Gaydos	Patten
Anderson, Calif.	Gibbons	Patterson
Andrews, N.C.	Gilman	Pease
Annunzio	Gonzalez	Pepper
Ashley	Gradison	Peyser
Aspin	Gray	Pickle
Atkinson	Guarini	Preyer
AuCoin	Gudger	Price
Bailey	Hamilton	Rahall
Baldus	Hanley	Rangel
Beard, R.I.	Harkin	Reuss
Beilenson	Harris	Richmond
Benjamin	Hawkins	Roberts
Bennett	Hefner	Roe
Biaggi	Hollenbeck	Rose
Bingham	Holtzman	Rosenthal
Blanchard	Horton	Roybal
Boggs	Howard	Russo
Boland	Huckaby	Sabo
Bonior	Hutto	Scheuer
Bonker	Ichord	Schroeder
Bouquard	Jacobs	Seiberling
Bowen	Jenrette	Shannon
Brademas	Johnson, Calif.	Sharp
Brinkley	Jones, N.C.	Simon
Brodhead	Jones, Okla.	Skelton
Brooks	Jones, Tenn.	Slack
Brown, Calif.	Kastenmeier	Smith, Iowa
Burlison	Kogovsek	Solarz
Burton, John	LaFalce	Spence
Burton, Phillip	Leach, La.	St Germain
Byron	Lederer	Stack
Carr	Lehman	Staggers
Cavanaugh	Leland	Stark
Cheney	Lloyd	Steed
Clay	Long, La.	Stewart
Coelho	Long, Md.	Stokes
Conte	Lowry	Stratton
D'Amours	Lundine	Studds
Danielson	McCormack	Swift
Davis, S.C.	McHugh	Synar
Dellums	McKinney	Thompson
Derrick	Markey	Udall
Dicks	Marks	Ullman
Dingell	Matsui	Van Deerlin
Dixon	Mattox	Vanik
Dodd	Mavroules	Vento
Donnelly	Mikulski	Volkmer
Drinan	Mikva	Watkins
Duncan, Oreg.	Mineta	Waxman
Early	Minish	Weaver
Edwards, Calif.	Mitchell, Md.	Weiss
Evans, Ga.	Mitchell, N.Y.	Whitley
Evans, Ind.	Moakley	Whitten
Fary	Moffett	Williams, Mont.
Fascell	Mollohan	Wilson, C. H.
Fazio	Moorhead, Pa.	Wilson, Tex.
Ferraro	Murphy, Ill.	Wirth
Fisher	Murphy, N.Y.	Wolff
Fithian	Murtha	Wolpe
Florio	Myers, Pa.	Wyatt
Foley	Neal	Wylie
Ford, Mich.	Nedzi	Yates
Ford, Tenn.	Nowak	Young, Mo.
Fountain	O'Brien	Zablocki
Fowler	Oakar	Zeferetti
	Oberstar	

NAYS—197

Abdnor	Bethune	Coleman
Albosta	Bevill	Collins, Tex.
Anderson, Ill.	Boner	Conable
Andrews, N. Dak.	Broomfield	Corcoran
Anthony	Brown, Ohio	Cotter
Applegate	Broyhill	Coughlin
Archer	Buchanan	Courter
Ashbrook	Burgener	Crane, Daniel
Badham	Butler	Crane, Philip
Bafalis	Campbell	Daniel, Dan
Barnard	Carney	Daniel, R. W.
Barnes	Carter	Dannemeyer
Bauman	Chappell	Daschle
Beard, Tenn.	Clausen	Davis, Mich.
Bedell	Cleveland	de la Garza
	Clinger	Deckard

Derwinski	Jenkins	Pursell
Devine	Kazen	Quayle
Dickinson	Kelly	Quillen
Dornan	Kemp	Ratchford
Downey	Kildee	Regula
Duncan, Tenn.	Kindness	Rhodes
Edgar	Kostmayer	Rinaldo
Edwards, Ala.	Kramer	Ritter
Edwards, Okla.	Lagomarsino	Robinson
Emery	Latta	Roth
English	Leach, Iowa	Rousselot
Erdahl	Leath, Tex.	Royer
Erlenborn	Lee	Rudd
Ertel	Lent	Runnels
Evans, Del.	Levitas	Santini
Fenwick	Lewis	Satterfield
Findley	Livingston	Sawyer
Flippo	Loeffler	Schulze
Frenzel	Lott	Sensenbrenner
Gephardt	Lujan	Shelby
Gingrich	Luken	Shumway
Ginn	Lungren	Shuster
Glickman	McClory	Smith, Nebr.
Goldwater	McCloskey	Snowe
Goodling	McDade	Snyder
Gore	McDonald	Solomon
Gramm	McEwen	Spellman
Grassley	Madigan	Stangeland
Green	Maguire	Stanton
Grisham	Marriott	Stenholm
Guyer	Mazzoli	Stockman
Hagedorn	Mica	Stump
Hall, Ohio	Michel	Symms
Hall, Tex.	Miller, Calif.	Tauke
Hammer-schmidt	Miller, Ohio	Taylor
	Montgomery	Thomas
Hance	Moore	Traxler
Hansen	Moorhead, Calif.	Trible
Harsha		Walgren
Heckler	Mottl	Walker
Heftel	Murphy, Pa.	Wampler
Hightower	Myers, Ind.	White
Hillis	Natcher	Whitehurst
Hinson	Nelson	Whittaker
Holt	Nichols	Wilson, Bob
Hopkins	Panetta	Winn
Hubbard	Pashayan	Wydler
Hughes	Paul	Yatron
Ireland	Perkins	Young, Alaska
Jeffords	Petri	Young, Fla.
Jeffries	Pritchard	

NOT VOTING—32

Ambro	Fish	Mathis
Bereuter	Flood	Nolan
Bolling	Forsythe	Railsback
Breaux	Garcia	Rodino
Chisholm	Giaimo	Rostenkowski
Collins, Ill.	Holland	Sebelius
Conyers	Hyde	Treen
Corman	Johnson, Colo.	Vander Jagt
Diggs	McKay	Williams, Ohio
Dougherty	Marlenee	Wright
Eckhardt	Martin	

□ 1410

Messrs. YOUNG of Missouri, SKELTON, and VOLKMER changed their vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, I was unavoidably detained in Chicago this morning, attending the hearing of the Select Committee on Narcotics chaired by the gentleman from Illinois (Mr. MURPHY). My plane arrived at 5 minutes after 3, and I missed the vote on the privileged motion offered by the gentleman from California (Mr. LUNGREN).

Had I been present, I would have voted in support of the Lungren resolution and voted "no" on the motion to table offered by the gentleman from Indiana (Mr. BRADEMAS).

PROVIDING FOR SENDING H.R. 111 TO CONFERENCE

Mr. ZEFERETTI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 390 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 390

Resolved, That upon the adoption of this resolution the bill (H.R. 111) to enable the United States to maintain American security and interests respecting the Panama Canal, for the duration of the Panama Canal Treaty of 1977, with the Senate amendments thereto, is taken from the Speaker's table to the end that the House disagrees to the Senate amendments and requests a conference with the Senate thereof.

□ 1420

The SPEAKER pro tempore. The gentleman from New York (Mr. ZEFERETTI) is recognized for 1 hour.

Mr. ZEFERETTI. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Maryland (Mr. BAUMAN), and, pending that, I yield myself such time as I may consume.

Mr. Speaker, generally after passage of a House bill which is in disagreement with the companion passed bill in the Senate the chairman or chairmen of the committee or committees involved will ask the House to request a conference. This is usually done by unanimous consent so as not to take up the valuable time of the House.

However, last week on a motion to send House Resolution 111 to conference an objection was raised by an opponent of the measure. In this instance it would require the four committees who have jurisdiction over this bill to meet and vote on whether to direct the chairmen of these respective committees to offer a motion on the floor to request a conference. Unfortunately, such a procedure would require a significant amount of time and would have delayed further consideration of this bill.

The Rules Committee has been informed by the chairman of the Merchant Marine and Fisheries Committee that it is imperative for the House and Senate conferees to begin deliberation immediately so as to effectively come to agreement at the earliest possible date.

To remedy this situation the Rules Committee has reported out House Resolution 390 to effectively allow the legislative process on House Resolution 111 to progress without any further delays.

Mr. Speaker, House Resolution 390 is a very simple rule, permitting the House to request a conference on House Resolution 111. The conference procedure after the adoption of this rule will move forward, allowing the conferees to come to some form of agreement, and giving the House opportunity to vote up or down this important piece of legislation.

The House of Representatives has already spent numerous days and countless hours on this measure and I believe it is about time we brought this bill to some form of conclusion and move forward to the other issues we presently have pending before us.

Mr. BAUMAN. Mr. Speaker, the gentleman from Maryland did indeed object to sending this bill to conference when the request was made to do so on last Friday.

I agree that the House has a limit on its valuable time and we should be using it on many issues, but I think in this particular situation, the objection was justified. This is a very important issue.

Under rule 701(d) of the Rules of the House, the Speaker of the House has almost unlimited discretion to name conferees on any matter, and that discretion cannot be challenged in the House. But he also has the discretion to limit the jurisdiction of individual conferees to those parts of the bill that deal directly with the jurisdiction of their committees.

It is proposed that when later today we finally reach the point of naming conferees, at least 18 conferees will be named from four different committees of jurisdiction. I can tell the House, and I think I have some proper judgment, having dealt with this issue in some detail for many months, that the majority of those conferees are not necessarily in favor of the House's position.

I say that without prejudice to the fact that any Member has the right to cast his vote, but I have examined their voting patterns on this legislation; and I do not think that is an unfair estimation of what could happen.

Now I certainly do not criticize the Speaker of the House in any way for using the powers at his command. That is the way the House is run. That is as it should be when you are in the majority. But in this case it could seriously harm the best interests of the American people.

I would suggest to the House that this issue is one of major importance to this country, particularly in light of the ominous developments that are occurring in Latin America even as we debate this today.

When this bill was first brought before the House, H.R. 111 was the product in the most part of the Committee on Merchant Marine and Fisheries, of which the gentleman from New York (Mr. MURPHY), is the distinguished chairman.

The other three committees had limited jurisdiction over parts of the bill and dealt mainly with those parts dealing with Foreign Affairs, Post Office and Civil Service, and Judiciary. And when the rule that was granted by the Rules Committee was brought before the House, it even limited their committee amendments to the areas of their jurisdiction.

Now, what is proposed by the Speaker, and, as I say, it is within his rights that all of the conferees, is that all 18 conferees vote on all parts of the bill. I have no doubt that the other body will name conferees opposed to the House bill; and what may well happen is the House's position will not be upheld.

I suggest to the House that what we are seeing here today on these conferees is part and parcel of a legislative plan of action that was laid out by represent-

atives of the administration, the State Department, the Defense Department early this year, and has been known to us in various forms. We knew what the plan was, and that plan was to introduce legislation in the Senate that would give Panama, the State Department, and the administration free hand in administering the canal for the balance of this century without control of Congress.

I remind my colleagues that under the treaties, the United States has the right jointly with Panama to administer that canal until the year 1999.

The administration plan was to allow the so-called Murphy bill, as we have referred to it in the House, to be reported to the floor, and not to challenge it in any respect, and at no time during the debate or the 5-minute rule was there any amendment offered by opponents of the bill to change any of the elements in the Murphy bill.

In the other body as planned, just the opposite happened. The bill that was reported from the Armed Services Committee by one vote completely guts the House position in almost every respect, and it particularly takes away from the Congress of the United States the right to vote each year on appropriations and authorizations for the canal for the remainder of this century. It completely negates the House's joint right to pass upon the ceding of property under treaties which the Murphy bill upheld. It completely removes the various provisions that would allow the U.S. taxpayers to be protected against unwarranted expenditures from our Treasury.

In other words, the other body's bill bears no relationship to the view that the majority of this House held.

You can go back and look at the debate, which was extended over several days in this House, and you will find the gentleman from New York, the gentleman from Maryland and others said that if a bill was finally before us in conference report form, that did not uphold the House's position, that he would oppose it, that I would oppose it, and we both would urge the majority of the House to oppose it. That could yet happen.

I have to tell my colleagues that I think the President of the United States is in the instance playing roulette with the future of the Panama Canal, because if we do not have by October 1st implementing legislation, the President of Panama has made clear his intentions in a letter which he sent on July 10 to the President of the United States, and I would refer my colleagues to page 20822 of the RECORD of last Thursday, where that letter is introduced into the other body's proceedings.

President Royo has made it clear in that letter that he has already rewritten the Panama Canal treaties. In many important respects he has already negated the understanding of the two parties, and he views the legislation before the conference as a test of whether or not Panama may abrogate the treaty from the beginning and even appeal to international forums.

So I think we do need legislation, but what you are seeing in the issue of appointing these conferees is an attempt to surrender the House's position before the meeting ever is held; an attempt to come back with legislation that would negate the House position. I would rather go to conference and write a bill. I am going to support the House position. I think most of our conferees from the Merchant Marine and Fisheries Committee, which had the jurisdiction over the major part of this bill, would do the same.

I opposed the bill when it passed the House, but I am willing to support it in conference now that the House position is known.

But I can tell my colleagues frankly this is another step in the sell-out of the American interests in the Panama Canal. It is a legitimate one in the sense of our rules, but it is not one that we ought to support, and when the time comes and a motion to instruct is offered, I hope that you will support it with your vote.

I reserve the balance of my time.

□ 1430

Mr. ZEFERETTI. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Merchant Marine Committee.

Mr. MURPHY of New York. Mr. Speaker, the provisions of the bill that provide for authorization and appropriation control over all obligations and expenditures by the Panama Canal Commission go to the heart of the bill. Under the Senate amendments to the bill substituting a Government corporation for the appropriated fund agency established by the bill as it passed the House, the Commission would not be subject to any general limitation on the amount of its expenditures and obligations, other than an annual limit on selected administrative expenses. The provisions of the bill as it passed the House require all revenues from tolls and other sources to be paid into the Treasury, and require both authorization and appropriations. Appropriations are limited to the amount of revenues paid into the Treasury. Without such requirements revenues collected by the Commission could be increased by changes in rates of tolls, and spent freely in the discretion of the Commission.

As a result the canal operation under the new treaty, far from continuing on a self-supporting basis, would tremendously increase the burden on the U.S. taxpayers.

The Panama Canal Treaty provides that the United States will operate the canal for the next 20 years through a U.S. Government agency established by and in conformity with the laws of the United States. H.R. 111, as it passed the House, establishes such an agency subject to the laws applicable to Government agencies generally. As is the case with other Government agencies, the bill locates the agency in the Federal organization by making the Commission subject to direction by the Secretary of Defense.

As the bill passed the Senate, the form of agency established by the House is discarded and an agency in corporate form is substituted. The characteristic attribute of a corporation is that it is an entity separate from its owners and has independent rights and authority. The Senate bill clearly contemplates that the Panama Canal Commission will be such a separate entity, distinct from its owner, the United States, and exercising powers of disposition of assets of the United States vested in the Commission by the bill. The provision for direction by the Secretary of Defense is also omitted.

The House should insist on the retention of the provisions of the House bill on these points, particularly in view of the official position of the Government of Panama that under the treaty the Commission is not subject to any higher authority in the Government of the United States.

Under the Panama Canal Treaty, Panama is to receive: First, a payment of $0.30 per Panama Canal net ton, an amount that will be adjusted for inflation; second, a fixed annuity of $10 million; and third, a public service payment, which initially will be $10 million and will be adjusted for inflation. Additionally, Panama is to receive a contingent payment of up to $10 million per year out of surplus revenues.

The fact that the House version of House Resolution 111 sets standards for the reception of the contingency payment is not at all remarkable. Within the text of the Senate bill and even the earlier language proposed by the administration, standards are set. The Panama Canal Commission, by the terms of article III of the treaty, is to be an agency of the U.S. Government. As such, it will determine the priorities for its payments in accordance with the laws constructed to guide its operation. Moreover the understandings to the Panama Canal Treaty give the United States discretion in this matter. Conceptually there is no difference between the views of the executive branch, the Senate, and the House on this issue—although President Royo's letter to President Carter makes it clear that Panama feels they must receive the payment.

Finally, with respect to the property transfer provisions contained in sections 373 and 374 of the House bill, significant constitutional issues involving powers of the House are at stake. If the House does not act as the trustee for its own significant powers, these powers will atrophy.

The Edwards against Carter case is not an overriding precedent against a House role in property transfer because: First, the Supreme Court, which refused to hear the case on appeal, has never overturned decisions which say the property transfer power belongs exclusively to Congress; and second, the Edwards decision said the property power was concurrent, which of course in no way precludes legislation on the subject of property transfer.

The disposition of Panama Canal property has always been accomplished in accordance with legislative authorization. The Panama Canal Treaty and the Executive have sought to skirt the Congress on this matter. We cannot

allow that to happen. It would be a disaster for one of the principal powers conferred on this body by the Constitution.

Mr. BAUMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, I am surprised that this issue of possibly instructing conferees and of selection of conferees became such a major issue since it had gone through the Rules Committee. It is my understanding that when this side of the aisle designated Mr. BAUMAN as one of our members of the Rules Committee, that he would totally dominate that body. I am surprised that a rule would be brought to the floor that would not please Mr. BAUMAN. But since he did prevail the way he should have, I can understand the need for a motion to instruct conferees.

Also, as I listened to the gentleman from Maryland, I must take exception to some of his slightly critical comments about the President. I happen to think that President Carter, even with the many faults that he has, is an intellectually honest individual. On the canal issue he is doing what he thinks is best for the country. I happen to think it is best for the country to pass the implementing legislation.

However, the issue before this body is a bit different under any normal procedure, and even the implementing legislation, there should be an honest effort in conference to protect the position of this body. That is something that we expect of conferees, but that is something we do not always get because too often what happens is that a conference is dominated by people who go a little beyond the House position or short of the House position. In this particular case I think my friend from Maryland is correct, that the intention is that the House conferees would not, in fact, fight for a fair portion of the House bill, but would, for all practical purposes, acquiesce to the other body's version.

Now, the other body passed their implementing legislation in an almost perfunctory fashion. I do not think they gave it a good, hard look, as they did, of course, 2 years ago when they passed the treaty. So I would think, keeping in mind the priority, and the priority should be first and foremost protecting to a degree possible the House position, that I believe, as a supporter of the implementing legislation, as a supporter of the President's basic diplomatic effort vis-a-vis Panama, I believe that the motion to instruct should be adopted. I do not think that does a disservice to the position of the President, nor do I think it will do a disservice to the final legislation that we must have in place to implement the treaties.

As one who stuck his neck out in support of the implementing legislation, I would recommend to all of my fellow colleagues that they give our conferees the first expression of support that they deserve. Please accept the motion to instruct. The motion will be limited to specific items that I think will equip them well to deal with the other body. The final version, as always, will be a compromise between the two bodies. I would urge support for the forthcoming motion to instruct.

Mr. ZEFERETTI. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. BOWEN).

Mr. BOWEN. Mr. Speaker, I do not think we need to take a great deal of time at this particular moment today to debate the issue of instructing conferees. It is my understanding that an hour will be available when the gentleman from Maryland offers his motion to instruct conferees, and I will oppose the motion at that time.

□ 1440

But, I do hope that Members will proceed as rapidly as possible at this stage to approve House Resolution 390 so that we can proceed to the conference and resolve this matter. It would be of great value to this Nation if we could complete the conference this week and bring back a conference report.

I have served on a good many conference committees during the 7 years that I have served in this House. I have never found it to be desirable to instruct conferees. I happen to feel that we could much more easily arrive at a desirable conclusion in that conference if we did not instruct.

The Senate, incidentally, has adopted 61 out of the 100 sections of the bill passed by the House. I think the Senate has done rather well in agreeing to a great deal that is in the House bill. Certainly, there are some significant items—very significant items—which of course the Senate did not agree with us on, but I think there is room for compromise in that conference. I hate to have to disagree with the position taken by my good good friend, the gentleman from New York, the chairman of the Committee on Merchant Marine and Fisheries (Mr. MURPHY), and I am probably more often in a position of disagreeing with my friend, the gentleman from Maryland (Mr. BAUMAN), but I must oppose the motion to instruct. I do hope now that we can proceed rapidly to a vote on this resolution. Then, we will have an appropriate debate, I think, for the purpose of deciding whether or not we will instruct the conferees.

Mr. BAUMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I think it is good for us to refresh our memories as to what has happened since the House of Representatives first voted on June 21 to implement the Panama Canal treaties by passing H.R. 111.

Since then, an allegedly secret memo from U.S. intelligence agencies to the Department of State was made public. The memo dated May 2, 1979, was cited heavily by members of the national press. The memo was circulated widely in press and governmental circles, and has subsequently been validated by the State Department. The memo clearly affirms that Cuba and Panama were in constant collaboration since September of 1978, to subvert and communize the rest of Central America with current major efforts being focused in the upper tier nations of Nicaragua, El Salvador, Honduras, and Guatemala.

Since then, Cuban weapons and military advisers (including members of Castro's elite Africa Corps) were flown into Costa Rica on Panamanian Air Force planes to help the Sandinistas in their final offensive.

Since then, large quantities of arms were also provided to the terrorists by Iran, Libya, Iraq, and the Palestine Liberation Organization, which believed that the Somoza regime was pro-Israel and was receiving weapons from Jerusalem.

Since then, Panama, has been running guns, both legally with the complicit knowledge of the State Department as well as illegally, from the United States to the Castro-backed Marxist Sandinista revolutionaries operating in Costa Rica, Nicaragua, and neighboring countries.

Since then, the countries first recogizing the Sandinista junta were: Panama, Grenada, Syria, Iraq, South Yeman, Libya, and Iran.

Since then, Panamanian officials have been blatantly brazen about their involvement in terrorist activities, claiming that such involvement has brought great pride to the Panamanian people.

Since then, in the July 2 issue of Newsweek the administration claimed—

> That leaders of two of the three guerrilla factions had received training in Havana and that Cuba had channeled Soviet-made arms to the Sandinistas through Costa Rica and Panama.

Since then, on June 25 an EFE Wire Service report stated that a captured Costa Rican flight crew testified that the traffic of arms to the Sandinistas was intense. The crew said that the arms were being provided by Panama and Venezuela and sent to Costa Rica for delivery into Nicaragua.

Since then, the Consul General of the Dominican Republic in Philadelphia was arrested with three accomplices on charges that he plotted to sell arms and ammunition to the Sandinista guerrillas in Nicaragua. This gunrunning was being financed by the sale of cocaine in the United States. The weapons were again to be transported to the terrorists with the assistance of the Panamanian Government.

Since then, Panama assisted in an outright invasion of Nicaragua from Costa Rica in direct violation of the charters of both the United Nations and the Organization of American States, as well as the terms of the new Panama Canal treaties.

Since then, the House found out that it had the right and power to deal with the merits of treaties, even to amending or repealing them.

Since then, the revolutionaries began the blooodbath in Nicaragua with eight executions.

Since then, the Marxist revolutionaries shut down even the leftist press in Nicaragua.

Since then, the Marxist government in Nicaragua asked the United States for military assistance.

Since then, the Marxist revolutionaries arrested 5,000 soldiers from Red Cross centers for trial on charges of antirevolutionary activity.

Since then, major Sandinista leaders flew to Havana to celebrate the July 26th birthday of Marxist revolution in Cuba.

Since then, the Soviets put a combat brigade into Cuba.

Since then, Cuba shifted 3,000 combat troops from its Africa Corps to Costa Rica.

Since then, Mexico privately urged the United States to prevent the fall of Nicaragua to a Red revolutionary government.

Since then, Panamanian President Aristedes Royo lied to the American people and the Congress when he stated in a letter dated June 5, 1979, to President Carter that "Panama is not intervening (in Nicaragua) and will not intervene in the internal affairs of any country." The May 2 intelligence memo clearly exposes the untruth of this statement.

Recent events in the Caribbean are alarming. The Soviets have established a command structure in Cuba for a 6,000-man brigade of combat-ready troops in violation of the Kennedy agreement. Marxist revolution laps at the very door of Mexico. Cuba has its Africa Corps in Costa Rica and deep involvement in Nicaragua and other nations. How long will it be before we abandon the absurd notion that we can win friends among leftist revolutionary countries to the south by the bribery of giving away the Panama Canal and with it our own safety and our economic stability?

Panama itself has been the gunrunner for Central American Marxist revolutionaries with direct involvement with Cuba, the PLO, and other leftist Arab States, and in violation of U.S. law.

Whatever this body judges best about implementation, I urge that it be done on the merits and not in haste under the lash of contrived deadlines caused by the administration's own dilatory tactics.

Mr. Speaker, last Thursday the Senate passed the administration's Panama Canal implementation bill which it deceptively called H.R. 111 as amended. By Friday, an attempt was already underway to have the real H.R. 111 and the disguised administration bill rushed into conference under circumstances which would have seriously undermined the House position.

Only a delay caused by the vigilance of Merchant Marine and Fisheries Committee Chairman JACK MURPHY and ranking Panama Canal Subcommittee member BOB BAUMAN and others slowed this railroad job down, otherwise, this House might today be considering a conference report to recede and accept the administration's implementing legislation.

This should not surprise us. The President told a delegation of House members, including Mr. MURPHY, and Mr. BAUMAN, even before we considered H.R. 111 that, since he could not get his bill in the House, he would take H.R. 111 here and then replace it with the administration bill in the Senate. Even knowing of this strategy, the House ironically voted to play the President's game and now we are considering a rule designed to complete the farce of making us participate in our own humiliation.

It is well known that I have always opposed the new Panama treaties and their implementation. Despite my misgivings, with the support of many Members, I offered amendments to limit the damage of the treaties to our economic and defense interests. Many other Members offered amendments with the same general goal of curing the defects in what even Mr. MURPHY has called a vague and unsatisfactory treaty.

Almost without exception, meaningful perfecting amendments were defeated. The ones with which I was associated lost by the narrowest of margins. Members will remember that the principal elements of those defeats was the insistence by Mr. MURPHY that H.R. 111 had to be preserved intact as the best and, indeed, only vehicle for saving the American position in the light of the defective treaties and because it had administration support.

It is in this state of the case that I rise to ask this body to protect itself and preserve what remains of its integrity, its prerogatives, and its rights by rejecting this rule. If Mr. MURPHY's statements of June 20 and 21, 1979, are to be believed and I accept his sincerity without reservation, there is no possibility of honorable compromise between H.R. 111 and the fake which has come from the Senate. On June 20, Mr. MURPHY said:

> The gentleman from New York has no intention of going to a House-Senate conference and caving in to any position that is short of H.R. 111.

On June 21, he said:

> We will come back with a conference report, and I will guarantee the gentleman from Idaho and the gentleman from Maryland and every member of this House that we will keep intact the principles which we establish in H.R. 111.

Trusting the gentleman's word, with any hope of guarding the House position, how can we send him to conference when everyone in this Chamber knows that the House delegation to the conference is being selected from among those who will not object to the gutting of H.R. 111. There is no other reason for this rule being before us now. For what reason was the unanimous-consent route withheld if not the attempt to load the conferees with supporters of the administration bill as passed by the Senate. No one doubts Mr. MURPHY's intentions. But we are receiving a clear signal from the White House that we can be manipulated and that we can do nothing about it. The President said he would play it this way and we are gullibly letting it happen.

If this House has no real power to influence the course of the Nation in so crucial a matter as the transfer of the Panama Canal, why are the very people who tell us we are impotent so anxious to rush us into accepting less than H.R. 111. There is an orderly and even-handed way to adjust the differences between the two versions—if they can be adjusted at all. But we are being told that we must hurry. That there is no time to stop and think, and that we have little authority anyway.

I ask the House to remember that the Senate debated implementing legislation for less than a day and the House for less than a day and a half. A total of less than three days were devoted to implementing treaties which will change the history of the Western Hemisphere if not the world. Right to the very end, we are rushed to prevent reflection on what we are doing.

June 21 is only a few weeks ago. Yet in just that brief period of time since passage of H.R. 111, our position in the Western Hemisphere has materially eroded. Cuban-backed Marxists have taken over several Caribbean nations and are beginning the assault on others.

Even worse, we now know that the House was denied critical facts by the administration. The President of Panama before June 21 denied that his government was exporting revolution in Central America. Now, after the House vote, he freely admits it. Before House action, Cuba denied its involvement, now it boasts of training, organizing, and supplying revolutionary activities in the Caribbean. This has all been officially corroborated by a May 2 intelligence document withheld from Congress by the State Department during our hearings and consideration of Panama Treaty implementing legislation.

I refuse to believe that this House will accept the role of children to be gulled, lied to, and manipulated to force upon us a treaty which even the author and principal supporters of H.R. 111 consider a disaster. We must here decide whether in a matter which clearly concerns the very survival of the Nation we can be relied upon to put responsibility above partisanship and the self-destructive inertia of the system.

Much has been made over the legal limitations of the Congress in implementing treaties. There are two simple answers to such doubts and concerns. First, there is clear evidence that the Congress has always possessed and exercised the right to review, amend, repeal, and repudiate treaties. There is no substantive basis for avoiding our duty to protect and preserve the Nation.

And second, beyond legalities, there is a much more profound question. Are those who suggest that we must blindly rubberstamp this treaty prepared to say that, even had we the sure knowledge that the treaty would imperil the Nation, that we would be compelled to accept potential destruction rather than carry out our oaths of office? For we are surely endangering the safety of the Nation in implementing this treaty.

This rule is an affront to the deliberations of this House on H.R. 111. It is an attempt to make Judas goats out of honorable people by subverting us to an acceptance of the administration bill which

we so totally rejected more than 6 months ago.

I strongly urge the defeat of this rule.

Mr. BAUMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. BETHUNE).

Mr. BETHUNE. Mr. Speaker, on June 21 I voted for the implementing legislation, H.R. 111. I also voted for the Hansen and Montgomery honesty amendments, because I believe that H.R. 111 was the minimum that we could do, and still discharge our responsibilities. But, I did believe and I do believe now, that H.R. 111 was the maximum that we should do. After that day's proceedings I advised the committee chairman that I had done all that I could do on the House bill.

I did that in good faith. As the gentleman from Illinois said, I stuck my neck out on that issue. But, I do not think in all honesty that the bill would have gotten my vote, and I do not think it would have passed this House, had the representation not been made over and over that H.R. 111 would remain intact, and that we would fight for it when we got to the conference committee. So, I want to make the point again that if this implementing legislation comes back to the floor in a more liberalized form, or closer to the President's position, that I shall vote against it.

Mr. BAUMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CARNEY).

Mr. CARNEY. Mr. Speaker, hundreds of hours have been spent on this bill, both in subcommittee, full committee, and on the floor of this House. In an unprecedented move, this House went into secret session to further debate the issue.

It is no secret that this Member opposed the bill, H.R. 111. I opposed it in subcommittee; I opposed it in full committee; and I voted against it on the floor of the House. But, I think we are getting down to a crucial time in our history, and I think that if we have any intentions to have any type of implementing legislation passed by October 1, the only way we can proceed to do that is to support the motion to instruct the conferees to support the House-passed bill.

It is the best of two totally unacceptable bills in the eyes of the majority of Americans.

□ 1450

I think it is a matter of record that many Members of Congress who voted for H.R. 111, will not support the conference report unless the bill remains essentially the same. As my colleague, the gentleman from Arkansas (Mr. BETHUNE) who just got up in support of the motion to instruct said, these Members will switch their votes and not support implementing legislation, and that perhaps could be the worst thing that could happen at this time and at this date for our country.

Mr. BAUMAN. Mr. Speaker, it is not my intention necessarily to ask for a vote on the rule. I think we could pass on to a motion to instruct conferees. I yield back the remainder of my time.

Mr. ZEFERETTI. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MOTION OFFERED BY MR. BAUMAN

Mr. BAUMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BAUMAN moves that the conferees on the part of the House on the disagreeing votes of the two Houses on the bill H.R. 111, be instructed to adhere to the language of sections 101, 102, 103, 104, 105, 110 of chapter 1; sections 231, 232, 233, 234, 235, 236, and 250 of chapter 5; sections 371, 372, 373, and 374 of chapter 9 of H.R. 111 as passed by the House with respect to the matters considered therein.

The SPEAKER pro tempore. The gentleman from Maryland (Mr. BAUMAN) is recognized for 1 hour.

Mr. BAUMAN. Mr. Speaker, as I yield throughout whatever time we may consume, I yield only for the purpose of debate. I yield 30 minutes to the gentleman from New York (Mr. MURPHY) for purposes of debate only.

Mr. Speaker, I understand that there will be several speakers on this motion, some in opposition, and I will only briefly explain the terms of the motion. A number of the sections of H.R. 111 read are unitary in the sense that all deal with one of four topics which were addressed in the "Dear Colleague" letter that the gentleman from New York (Mr. MURPHY) and I sent around on Friday and which I think most Members have before them.

First of all, the most important part of this motion to instruct is to insure that during the life of the Panama Canal treaties until 1999 this House and the other body will have, on an annual basis, the right to pass on authorization and appropriation legislation controlling the entire budget of the Panama Canal. Without this, I think that this legislation should be rejected by this House, and the other body's bill does not provide that protection for the taxpayers of the United States.

Second, this motion will insure that the Panama Canal Commission, which will administer the affairs of the canal with a 5-to-4 American majority, will remain an agency of the Federal Government as the treaties require. The other body's position is contrary to this and allows the Commission to operate as an independent corporation.

Third, and very importantly from a constitutional viewpoint, the motion will require that the right of the House of Representatives to pass upon the ceding of territory of the United States is vindicated, which is part of the Murphy bill, and has been rejected by the other body. Lastly, and I think this is important to the taxpayers, the motion insists upon those provisions of the bill which will assure that there would be no contingent payments made to the Government of Panama under article XIII(c)4 of the treaty during the life of these treaties unless and until all costs of the U.S. taxpayers in running the canal are paid first. The other parts of the bill, which are considerable, are open to negotiation between the conferees. I would like to have instructed on more matters, but these are the essential points that the gentleman from New York and I discussed last week and agreed on as a minimum to be included in the motion.

I reserve the remainder of my time.

Mr. MURPHY of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi (Mr. BOWEN).

Mr. BOWEN. Mr. Speaker, in reading the "Dear Colleague" letter which I received on this subject, I find that I am in agreement with several of the principles that are stated there. Last year, for example, I signed, I think, just about every petition and voted for every resolution that came before us supporting the position that the House should have a direct voice in the disposition of property of the United States.

The point that I am making to you today in opposing the motion to instruct is simply that I believe that we can work out language which the House will approve more easily and more effectively if we do not set ourselves in concrete on the issue.

I think we can establish the principle that the gentleman who offered the motion would want to see established, that we here in the Congress should have annual authorization and appropriation control over the budget of the Panama Canal Commission, if we are not bound rigidly to one position, with no flexibility over change in language or detail of wording.

In short, what I am saying to the Members is that I do not believe that we will get the kind of cooperation out of the Senate which we want if we throw the gauntlet down to them in this fashion. I think we are going to want the Senate to recede to us on a number of matters, and I think they can be just as stubborn and hardheaded as we can be here in the House.

I regret that, but I am afraid we are going to have to ask them to give in to us in a number of areas, and I hope that they will. But I believe that supporting a motion of this kind simply presents a challenge to the Senate to see if they cannot instruct their conferees, too, and to see how long we can protract this conference, just how long we can drag it out, see if we can drag it out with failures to compromise, see if we can remove any possibility for any face-saving compromises, see if we can draw this thing out until after the recess, and if we do that, then, of course, we are faced with a situation in which we are creating great jeopardy for the national interests of this country.

We would be creating a situation in which the employees of the Panama Canal Company have no idea what is going to happen to them, and we would make it much more difficult to pass legislation and have it in place by October 1 if we fail to complete this conference and bring back the resultant conference report to both Houses and pass it this week.

So I sincerely think that by nailing down our position in this rigid fashion

we make it more difficult for the Senate to make some of the concessions that I think are always needed in a conference.

I think I probably do agree with most of what the gentlemen supporting this motion want to come out of conference. I just happen to think we can achieve it more effectively and more quickly if we go at it without providing these instructions.

I would mention to the Members that one of the problems that we would be creating for ourselves if we do accept the resolution is that we will have to be voting constantly on transfers of property. I think we can establish a principle that the House has the right to have a voice in the transfer of property without coming back here with dozens and dozens, and perhaps hundreds of votes over the next few years on property transfers.

Let me give the Members an example. If we pass this, and if the conference report contains that language, as spelled out in the House bill, within 1 year we will have to come back in, and all of us are going to have to vote on the disposition of three Defense Mapping Agency buildings; within 2 years, two Army Meddac warehouses; within 30 months, the Balboa Police Station complex, the Balboa Magistrates Court, and the Balboa and Coco Solo commissary buildings; within 3 years, family housing units, two warehouses, an antenna farm, and barracks facilities.

One after another these things are going to have to come before us in the House until the year 2000. I think we have enough business to keep us well occupied here in the House of Representatives without having to vote on these issues, item after item, year after year after year.

I am simply saying we can arrive at a compromise in the conference if we retain for ourselves the flexibility we want. The Senate, as I said, can be just as hardheaded about it as we can.

I feel that it will be easier to bring back a good compromise and more easily assert the House position if we do not adopt this motion.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. BOWEN. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I appreciate very much my colleague, the gentleman from Mississippi, yielding. I certainly have great respect for him and the tough position he has taken on this treaty issue. But I am a little confused. The gentleman in the well told me a few months ago the reason that he had taken this position.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MURPHY of New York. I yield 2 additional minutes to the gentleman from Mississippi (Mr. BOWEN).

Mr. MONTGOMERY. If the gentleman would yield further, the gentleman told me that he opposed the treaty that was hammered out in Panama by the administration because he thought it was a bad treaty.

Mr. BOWEN. That is correct.

Mr. MONTGOMERY. And I think he told the people in Mississippi that.

Mr. BOWEN. That is correct.

Mr. MONTGOMERY. Now he tells us today that he did adopt some of the amendments, and he did a lot of work on the House position. I am confused as to why he does not support the House position and give more strength in instructing the conferees.

Mr. BOWEN. The reason is very simple. While I think we are very wise here in this House, I think there might be some respository of knowledge in the other body. I have taken the position, I think, with every conference I have ever served on that there should not be rigid instructions provided. I just do not like the principle of providing instructions for conferees, and I think that we can more easily bring back to this House an acceptable conference report, which is absolutely necessary, without this motion. I think the legislation is necessary although I opposed the treaties. Some kind of treaty management legislation must be passed.

□ 1500

Mr. MONTGOMERY. If we do not, what happens then?

Mr. BOWEN. If we do not have legislation, then, of course, as I have pointed out to the gentleman, and as others have in this well, then at some point later this year the Panama Canal will be transferred to the Republic of Panama, the United States will give up its right to administer the canal, we will have to withdraw our military forces and instead of our staying there until the year 2000, it will be their canal this year.

Mr. MONTGOMERY. I do not want to put the gentleman on the spot but what the gentleman says is if the Senate position prevails, the gentleman will support that position?

Mr. BOWEN. I am not going to that conference to support the Senate position. I expect to support the House position. I do not happen to believe it is wise to try to provide instructions of this kind which simply toughen and harden the Senate position, make them less willing to yield to the points on which the gentleman from Mississippi is addressing me and which both he and I support.

Mr. MONTGOMERY. I understood the President to tell a group, and I am not sure whether you were in the group, at the White House, that the administration position was going to prevail and the President would not support the House.

Mr. BOWEN. There is no way the administration position can prevail because the Senate has already adopted 61 out of 100 of the sections in the House bill, H.R. 111.

We have a bill and I have supported a bill which differs substantially from the White House bill. There is no way we are going to bring anything that looks very much like the White House bill back here to this House. I have worked for these differences, and I believe we have a bill far superior to the original White House bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MURPHY of New York. I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR of Michigan. Mr. Speaker, I would like to reiterate some of the points that my colleague from Mississippi has listed for you here this afternoon. It just seems to me by instructing the conferees on this important piece of legislation that we will be, if you will, tightening both sides in terms of how we resolve the issue. I think that, in fact, could be damaging to the legislation and to the treaty, itself, but it is even more damaging when we consider the fact that the implementation of this treaty goes into effect on October 1. That gives us about 2 months in which to have something on the books in which the present Governor of the Panama Canal Zone and his people down there can begin to implement the legislation we have before us.

I think the gentleman from Mississippi is correct whn he speaks about the political implications in what we are going to do. I do not think the Members of this House want to come back and face this issue time and time again, year after year, with the disposition of property.

Let me point, also, to the fact if we do not reach an agreement this week by the time we adjourn, it seems to me this issue will be with us, it is going to linger, it is going to fester, it is going to be an issue which I do not think too many Members of this body want to carry with them into the coming election year, to be very frank and honest with you.

Mr. Speaker, it seems to me we need some room for movement, we need some room for flexibility in this conference. The issue that the gentleman from New York (Mr. MURPHY) my distinguished chairman, refers to as the guts of the bill: The corporation form versus the appropriated agency form, is one which I think we can work out, despite the differences we had between the House and the Senate on this issue. There have been compromises offered in this body and in the Committee on Merchant Marine and Fisheries that I think resolves the issue and gives the House the authority to deal with the question of operation of the canal through the authorization and appropriations process which we have not had a chance to express ourselves on the floor or to vote on it in the full body.

I would hope, Mr. Speaker, as a matter of principle, we do not instruct our conferees, we do not put our feet in cement, that we have that flexibility because the flexibility is tremendously important in view of the fact we only have 3 or 4 days in which to reach a compromise so we can get the implementing legislation into effect.

Thank you, Mr. Speaker.

Mr. MURPHY of New York. Mr. Speaker, I yield 5 minutes to the gentlewoman from Colorado (Mrs. SCHROEDER).

Mrs. SCHROEDER. Mr. Speaker, I truly want to thank the gentleman from New York for yielding to me and

I really want to compliment him for the time and the energy he has spent on this Panama legislation. This has been a long year, working hard, and I think the gentleman has made some tremendous improvements in what we saw when we began the hearings on the Panama Canal implementation legislation.

My committee, the Committee on Post Office and Civil Service, held extensive hearings in Panama and also worked very hard on this legislation. There have been many committees in the House who have worked very hard on this legislation. The whole House has also had a historic secret session on Panama. I think the House and Members are probably more informed about the issues surrounding Panama than almost any other issue we have had before us this year.

That is why I think the motion to instruct is really not needed at this time. I think, first of all, it does several things. It sets our side in cement. It is almost saying to the Senate, "We assume you are a sell-out to the administration, only we can be trusted."

I do not know any Senator who really feels he has sold out and I think they would be offended if we imply that by passing these instructions. Please allow the conferees a little flexibility in dealing with the Senate. I guess I have always been a person who believes you do better to take carrots rather than great big sticks. This heavy set of instructions is a stick.

If the conferees get there and we find out the Senate is being terribly reticent and will not listen to anything we say, then we can come back and say, "Give us a motion to instruct. To show our solidarity."

I plead with the House to give the conferees a chance. We should allow free and open discussion to work before we prejudge. The Senate has already accepted 61 of 100 House provisions and 61 percent is not bad before you even get to conference.

If we decide on every bill we pass that the House is going to insist on its position and the Senate is going to insist on their position then we are not going to get anywhere legislatively. It will be a parliamentary gong show.

What is at issue and why is it so important? First of all, we are looking at October 1 as a very important date. It is the date the canal treaty is supposed to take effect.

We know how serious energy has been to this country. We know how difficult things are in that part of the world at the moment. What would happen if it appears the Americans were not going along with the treaty? What would happen if the canal shut down? What would happen to us getting oil supplies through? How much more energy would we have to expend to send our shipping down through Tierra del Fuego? I think if that were to happen because this body did not get legislation out because of gamesmanship we would certainly be faulted. After all the work the House has done we have to be worried about it being derailed now.

I hear many Members who are very concerned about the political stability in Panama, Nicaragua, and that part of the world. I understand what they are saying. All of us are concerned. Even the Senate is concerned.

Let me talk a little bit about some of the things we have seen in history. We do not talk about history enough. I can think of over 22 different nations that we thought at one time were fully in a Marxist mold who have since changed. I think some of the ones that come to mind the most are countries such as Egypt, Indonesia, Sudan. There were times when those and at least 22 other countries we had almost written off and been very worried about.

When people say there is no way to work rationally in that area of the world, it has gone down the tubes, write it off forever; history shows that could be the worst strategy possible. There is a lot of potential for positive input in Central America and I think it is all the more important that we as a legislative body appear calm, cool, and collected. We should not react hysterically and go out there with 435 different Secretaries of State deciding what our policy should be, amending and changing it at will every day.

All House conferees are going to go to conference under the leadership of the gentleman from New York (Mr. MURPHY). We are going to fight very hard for the House position. We have already been very persuasive, and I think this notion to instruct is not needed. If we find it is needed we can always come back and ask for instructions.

At this time I think we set a dangerous precedent. We are only asking the Senate to show that they can be just as stubborn. We could end up having some kind of a standoff that might not be so important except for the impending August recess and the impending October 1 deadline on which date the canal treaty goes into effect whether or not we have acted.

I plead with my colleagues to think long and hard before they vote to instruct. I hope they give the conferees maximum flexibility to deal with the Senate. Remember, if we do not get what we want we always have the option of being able to turn down the conference. It is not like the House is giving unbridled authority to conferees to go off and negotiate any way that we want to and that the House will never have another say about it.

□ 1510

The responsible vote is to proceed to conference and to proceed in the way that we normally proceed in conferences, giving both sides a chance to work out an agreement.

Mr. MURPHY of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. CHARLES WILSON).

Mr. CHARLES WILSON of Texas. Mr. Speaker, I will not take the entire 3 minutes.

I think we all know what this is about. The administration knows that they simply could not have passed the Panama Canal enabling legislation on the floor of the House without the bill being in the form that the House passed. Now they hope to take it to conference, and with a rather convoluted method of appointing members they feel they have conferees who will recede to the Senate on all the important points.

Now, what we are really talking about this afternoon is something no one has yet mentioned; Panamanian adventurism in the affairs of other Central American countries. Nicaragua was first, and I do not think there is any question but that Guatemala and El Salvador will be second and third.

Are we in the House going to say, "Yes, Mr. Torrijos, we approve of your adventurism. We approve of your effort to export your revolution. We approve of your effort to destabilize your neighbors."

If that is what we want to do, then we will vote against the instruction motion. If we want to say, "No, we think that your actions in the last 6 months have been such that we do not have confidence," then I think that our proper action will be to vote for it.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. CHARLES WILSON of Texas. I certainly do.

Mrs. SCHROEDER. Mr. Speaker, I am fascinated by how the gentleman characterizes all this. I am a conferee and I am totally unaware of any great plot or little plot by the administration to resurrect their bill. I do not understand where the gentleman is getting these rumors. Could the gentleman tell me where he is getting them?

Mr. CHARLES WILSON of Texas. I think I can explain it to the gentlewoman. I am not sure that I can understand it for her.

It is reasonably simple to me. The administration simply does not think that Panama will accept this legislation as the House passed it and they do not think that the House will pass it the way Panama will accept it; so now the effort is to go to conference to get the Senate bill, and the gentlewoman knows that.

Mrs. SCHROEDER. Well, if the gentleman will yield further, though, I resent the implication that those of us who are conferees have met secretly and agreed to be administration lackeys.

Mr. CHARLES WILSON of Texas. Well, it is my time, and I will tell the gentlewoman that I could not be more distressed with the gentlewoman's distress. I am just beside myself.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. BAUMAN. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. Speaker, so that we can let the gentlewoman from Colorado in on the deal, may I explain to the gentlewoman that earlier this year when the Committee on Merchant Marine and Fisheries was considering the Murphy bill, it became apparent to the lobbyists for the State Department and the administration that there was no chance that their dear little piece of implementing legislation, which turned the canal over to Torrijos for the rest of the century, would see the light of day.

There was, therefore, held in the inner councils of the administration a series of conferences out of which several

points were made. First of all, it was decided that the administration's bill would not even be submitted on the House floor as an amendment.

Second, they decided that the only issue that they would really fight would be the Hansen amendment, the so-called honesty amendment.

Third, they decided that the provisions of the bill of the gentleman from New York (Mr. MURPHY) would not be challenged separately by any amendments on the floor.

We did not see the gentleman from Mississippi (Mr. BOWEN) or anyone else who has been cooperating with the State Department throughout this period offer any amendments to strip any of these provisions out of the House bill.

The internal administration decision was made that all the issues would be fought instead on the floor of the other body.

Now, the President of the United States indiscretely told us that was the plan at a meeting at the White House several weeks after this strategy had been plotted; so from the beginning the deal has been, squeak the bill through the House in any form you can get it; even if it has an ugly face on it from the viewpoint of the Panamanians and the State Department, and once you get it in the other body, then the administration would really go like gangbusters. And that is the scenario they have followed to this day.

That is what the naming of these conferees is, all part of that arrangement to undermine the stand taken by this House.

Mr. CHARLES WILSON of Texas. Mr. Speaker, I appreciate the gentleman clarifying the situation for the gentlewoman from Colorado. I was unable to explain it properly.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield further?

Mr. CHARLES WILSON of Texas. Yes, I yield.

Mrs. SCHROEDER. Mr. Speaker, I find this wonderful, but it sounds more like a script from Walt Disney than something that actually is going on or has gone on. This is all fantasy.

Mr. CHARLES WILSON of Texas. Mr. Speaker, I think the gentlewoman has it exactly and I would like to associate myself with the gentlewoman's remarks.

Mr. BAUMAN. Mr. Speaker, I yield 6 minutes to the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I rise in support of the motion to instruct the conferees on H.R. 111. There can be no doubt that the areas for instruction laid out by Chairman MURPHY and Mr. BAUMAN must be preserved in any report returned by the committee. However, I remind the Members that there is much more which the other body has changed than these areas.

Undoubtedly, it is only because of the sheer volume of change that the motion limits itself to those matters. But, as Mr. MURPHY himself has said in floor debate on H.R. 111, "We will keep intact the principles which we establish in H.R. 111." The very first priority of importance in H.R. 111, established by Mr. MURPHY himself is, "It puts the Department of Defense in control of this Panama Canal Commission." It is, therefore, urgent that the conferees not recede from the provisions of H.R. 111 which make the Secretary of Defense the dominant force in the Commission and place the canal under the control of the military in circumstances of threat of war.

Section 250(g) of H.R. 111 expressed the concern of the House, later abundantly justified, that Panama was violating terms of the Neutrality Treaty. To recede from conditioning the contingency payments to Panama in view of its admitted major role in bringing down the government of a neighboring state would be a reward for misconduct.

One of the major thrusts of the narrowly defeated amendments which I offered to H.R. 111 and which in other terms is in the House-passed version is the requirement that interest on the U.S. investment in construction of the Panama Canal continue to be paid. The Senate version waives this and other payments. Nearly half a billion dollars is saddled on the taxpayers by this simple waiver. It is difficult to see how this House could agree to casting such a monstrous burden on our already overburdened constituents.

I remain deeply opposed to the Panama Canal Treaty and to H.R. 111 as the vehicle for implementing it. Although other voices prevailed in the House, Members will remember by what a small margin and with what effort H.R. 111 survived. Since the House acted on June 21, many of the worst fears of the bill's opponents have been realized.

I am not pleased that the predictions of misfortunes were so soon proved accurate. Nor is it a time for recriminations that one was right and another wrong. We are charged with taking the world as it now is and discharging our responsibilities in the light of existing circumstances. We now face a Marxist Central America, dominated by the avowed leftist regimes of Torrijos and Castro. Our decisions of what to do about H.R. 111 and indeed, the treaty itself must take into account these new certainties. The motion to instruct is but a small step from the final consideration of what our role should be in the unfolding tragedy of the new realities of Marxist domination of the Caribbean.

These minimum instructions should not be viewed as the only factors of concern to Members of this body. But this motion and your vote to support it should serve notice that the House retains its active role in determining the course of this Nation in the coming decades. It would also demonstrate that our vote can no longer be conditioned by the misrepresentations of the State Department.

Our vote for Panama Canal Treaty implementation and any conference report will now be with the full knowledge that Panama concedes that it is a Marxist regime. And the whole world now knows that the events of recent weeks, putting another Marxist regime even closer to our border, were arranged by a combination of nations and forces, whose reputations speak for themselves. Actively collaborating to install the Marxist's takeover of Nicaragua were Cuba, Panama, the PLO and other leftists of the Arab world.

Our vote should not be colored by the vain anticipation that by giving away the canal we can buy friends in the Western Hemisphere. Since the success of the coup in Central America, there is scarcely a country of Central America which has not condemned us for real or fancied grievances. While our strength earned respect if not affection, our weakness has drawn scorn from the very nations whose love the gift of the canal was supposed to buy.

Our final vote, yet to come, on the conference report will be with the full knowledge that the canal will not buy friendship. Moreover, the people of our own Nation do not understand that huge sums of money are to be paid along with the canal to a petty dictator. The argument that our defense is somehow enhanced by giving the Marxists control of one of the key waterways of the world is rapidly evaporating.

That last vote will be in the full pitiless glare of the facts. We will only agree to the treaty because we are told to by an administration whose foreign policy record demands our trust—a trust now badly shopworn. We cannot even claim that we have no options. The very pressures exerted here to force a conference prearranged to force aside the will of the House and endorse the administration bill speaks loudly that the people who claim we have no power do not believe it themselves.

I intend to vote for the motion to instruct. I will do so with the clear understanding that I cannot bind myself to vote for the report unless it protects the people from tax burdens, limits the inflationary impact on canal users, and protects the defense and commercial interests of the United States. Those goals as of this moment seem most unlikely of achievement.

□ 1520

I might say one other thing, Mr. Speaker. We all know the fact that there was a deal cut, that the White House was attempting an entrapment of the House. We all know there is grave danger in making changes in the status of the Panama Canal, especially now with the recent successes of the Sandinista Marxists and the Cubans.

We are worried about compromising away safeguards with the Senate and what is likely to follow when we visualize how the administration will probably act and further compromise with the Panamanian Government of Mr. Royo. This is spelled out visibly in the terms set forth in Royo's letter to President Carter, printed in the July 6, 1979, RECORD by Senator HELMS, where it shows the severe degree by which Panama disagrees with even the administration's very liberal proposal for implementation legislation.

We must insist on the tightest possible safeguards in any legislation we approve. This is why the conferees must be given basic mandatory instructions.

Mr. BAUMAN. Mr. Speaker, it is my great honor to yield to one of the premier foreign experts in the Congress of the United States, the outstanding gentleman, a great orator, the laconic gentleman from Illinois (Mr. DERWINSKI).

The SPEAKER pro tempore. The Chair wishes to inquire, after that eulogy, how much time the gentleman yields to the gentleman from Illinois (Mr. DERWINSKI).

Mr. BAUMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, may I first point out the issue before us. There is a motion to instruct. Now, we cannot tell the players without a scorecard this afternoon, since we have been on different sides of this bill and different sides of this issue, and we are all taking different sides here.

I am supporting the motion to instruct. I think it is good tactics. I think it is good legislation. I think it is a practical way to support the basic House position.

When I say that, however, I want to emphasize that I do not feel there is any conspiracy afoot. I do not think there has been any deal. The chairman of the committee, the gentleman from New New York (Mr. MURPHY), was masterful in passing a bill through the House. It was really a wonderful exhibition of legislative leadership, and he will show that same leadership in conference.

I think the motion to instruct strengthens the hands of the House conferees.

As I mentioned earlier, the Senate passed the bill in a rather perfunctory fashion. We ought to have a good honest conference. I want the implementing legislation passed, and I want all the diplomatic good will that will come with it to follow.

I will say to my good friend, the gentleman from Idaho (Mr. HANSEN), that the issue of what has happened in Nicaraugua does not have any direct relationship to the implementation legislation for the canal treaties. I deplore the takeover by the Sandinistas in Nicaragua, but we should not blame President Royo. If there was any wrongdoing, it was by the Sandinista sympathizers within the Panamanian structure, not President Royo himself. I point out that President Royo, not Torrijos, is heading that country. Secondly, it is technically and politically inaccurate to describe the Panamanian Government as "Marxist." They may have some sympathies with what went on in Nicaragua, but they are technically not a Marxist government. So, if we can keep our facts straight, we will have a better view of the entire picture.

Last but not least, as I see the situation, it would be a drastic diplomatic setback for the United States if we would not have implementing legislation by October 1.

So as a supporter of the legislation, I support this motion to instruct and send the House conferees with a good solid position to enable them to work expeditiously to bring back the most practical bill. By instructing the conferees and supporting the gentleman from Maryland (Mr. BAUMAN), we do away with the doubts of some of the Members in this House that there is a conspiracy, or that the White House cut a deal.

Let us keep this open and aboveboard. By this particular vote they will still have the flexibility within the conference to work out the best possible language.

Mr. Speaker, as a supporter of the implementing legislation, I urge the Members to support the motion to instruct.

The SPEAKER pro tempore. The time of the gentleman from Illinois (Mr. DERWINSKI) has expired.

Mr. BAUMAN. Mr. Speaker, I yield 2 additional minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. CHARLES WILSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the distinguished gentleman from Texas.

Mr. CHARLES WILSON of Texas. Mr. Speaker, may I ask, is the gentleman serious in his advocacy that the Government of Panama was not directly involved in the Nicaraguan situation?

Mr. DERWINSKI. Mr. Speaker, what I said was that there may have been elements in the Government that were involved. The Government officially I do not believe was involved.

Mr. CHARLES WILSON of Texas. The Government of Cuba officially probably was not involved either, or the Government of Costa Rica.

Mr. DERWINSKI. I do not compare the two. The Government of Cuba is a totally different situation.

Mr. CHARLES WILSON of Texas. Is the gentleman aware that officials of the Government were indicted for gunrunning?

Mr. DERWINSKI. Yes.

Mr. CHARLES WILSON of Texas. Does the gentleman think, then, that the officials of the Government in Panama were not acting with the approval of the government?

Mr. DERWINSKI. Our Government officials sometimes act without the approval of the President. We cannot blame the President for that.

Mr. CHARLES WILSON of Texas. Is the gentleman aware that Fidel Castro at one time said that he did not have to furnish arms to the Sandinistas as long as Panama was doing it?

Mr. DERWINSKI. I do not believe that is a quote I saw officially.

Mr. CHARLES WILSON of Texas. That is the meaning of what was said, I believe.

Mr. DERWINSKI. Mr. Speaker, I am not going to have the gentleman place me in the position of defending a nonexistent government position for Panama. All I am saying is that regardless of the involvement or, in my opinion, the lack of direct involvement of the Panamanian Government, that is not an issue in the implementation legislation.

Now, everything the gentleman says about the tragedy in Nicaragua is true. Everything the gentleman worries about as to what may happen after that is true, but that does not directly relate to the issue before us, which is the implementing legislation.

Mr. CHARLES WILSON of Texas. Mr. Speaker, let me ask the gentleman one more question.

If arms were transmitted from Cuba to Panama and if then the Panamanian Government facilitated the transfer of these arms by water to the Sandinista training camps in Costa Rica, would the gentleman then think that the Government of Panama was directly involved?

Mr. DERWINSKI. That would depend on whether it was the Government itself that was involved. But let me remind the gentleman that despite his attempt to booby-trap me here, he and I share the same position in support of the motion to instruct.

The SPEAKER pro tempore. The time of the gentleman from Illinois (Mr. DERWINSKI) has again expired.

Mr. BAUMAN. Mr. Speaker, I yield 1 additional minute to the gentleman from Illinois (Mr. DERWINSKI) so that he may have the last word.

Mr. HANSEN. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Idaho.

Mr. HANSEN. Mr. Speaker, is the gentleman familiar with the May 2 intelligence document received from an intelligence agency by the State Department regarding Cuban and Panamanian involvement in the Sandinista effort?

Mr. DERWINSKI. Mr. Speaker, if the gentleman is speaking of the report of transmission of certain weapons from Miami, yes.

Mr. HANSEN. No, this is not from Miami; this is from Havana by Panamanian Air Force planes. Our own intelligence has laid out the time, the place, and the amount of weapons, and this has all been done in the last 6 months or so.

Mr. DERWINSKI. I am not familiar with that.

Mr. HANSEN. This has been in the CONGRESSIONAL RECORD, and it has been in the national news media that there is a direct official connection, and that Panamanian Air Force planes were moving those weapons from Cuba.

Mr. DERWINSKI. Mr. Speaker, I think that we have to draw the line on the degree of officialdom involved. The Panamanian military is run by General Torrijos. They are not necessarily directed by the civilian leaders of the Panamanian Government.

Mr. HANSEN. Who runs the country?

Mr. DERWINSKI. De facto, General Torrijos; de jure, President Royo.

Mr. BAUMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, I rise in support of the motion to instruct the conferees, and I commend my two colleagues, the gentleman from New York (Mr. MURPHY) and the gentleman from Maryland (Mr. BAUMAN) for offering this motion.

I would also like to take this time to thank our good friend, the gentleman from Idaho (Mr. HANSEN) for all the hard

work he has done on the Panama Canal treaties, working for the people and trying to come up with some type of treaty that would be acceptable to most of us. The gentleman has certainly worked hard.

Mr. Speaker, for many months during the debate that was going on in the Senate pertaining to ratifying the treaty, a number of us felt that we should have a vote in the House as far as transferring the Federal properties that were included in the Panama treaties. As the Members know, we were left out; we were not given this privilege.

However, we were given the opportunity to vote on implementing the treaty, and some good amendments were added by the House of Representatives. Some of us had amendments that were not added, but still there were some beneficial amendments adopted by the majority of the House, and we did try to save the taxpayers some money.

As I understand it—and the gentleman from New York (Mr. MURPHY) may correct me if I am wrong—in the Senate version it does not set any firm limits on costs of the treaties to the American people. They only included a sense of the Congress provision that it should exceed $1 billion in costs, but would not legally limit costs to this amount. And what is even worse, in my opinion, is that this nonbinding $1 billion limit is even more than the legally binding limits on costs in the House bill. In effect, the Senate bill provides no protection for the American taxpayer and that is why we must insist on the House position.

But, Mr. Speaker, my major concern is, like that of the other Members, what effect this treaty has on the American people.

□ 1530

For a number of years, nothing but gloom and doom and "What is wrong with the Government?" comes out of Washington. President Carter's speech, when he came down off of the mountain on that Sunday, was full of "What is wrong with the Nation? and "What is wrong with the Congress?" The Vietnam war was a bad experience for all of us. Then we had the energy crisis in 1973, and now in 1979. Inflation is upon us. We hear, and it comes out from Washington every day, that the Russians are coming, how strong militarily the Russians are. The people hear this.

Now we come along with the final action on Panama Canal. Really, the people are ready to hear something good coming out of our Capitol. They are tired of hearing about gloom and doom and what is wrong with the Nation.

So, Mr. Speaker, I think if we instruct the conferees to stay with the House position, this will make the people feel better and reaffirm their faith in our Government. If we lose our position in conference, then I think the House position would be to defeat the conference report, and this will make the people feel even better, because this House would have stood up for the American people and their views on the giveaway of the Panama Canal.

Mr. HANSEN. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Idaho.

Mr. HANSEN. I thank the gentleman for yielding.

Mr. Speaker, I would just like to take a moment to commend the gentleman from Mississippi (Mr. MONTGOMERY), who has been one of those right in the very forefront of the fight to save the Panama Canal and who probably has worked as hard or harder than anyone I know with regard to this legislation, as he does in all such matters in the House. I commend him for his ongoing, continuing interest in trying to make sure that America's interests are best served.

Mr. BOWEN. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Mississippi.

Mr. BOWEN. I thank the gentleman for yielding.

Mr. Speaker, I understand that the gentleman said he hoped that, under certain circumstances, we might defeat a conference report that came back, and that would make the people of the country feel good.

Mr. MONTGOMERY. Feel better, and reaffirm their faith in our Government.

Mr. BOWEN. Would it really make the people of this country feel good if we turned the canal over to General Torrijos this fall because of our inability or unwillingness to pass implementing legislation? Does the gentleman think that would make the people of this Nation feel good?

Mr. MONTGOMERY. I think the people have been very disappointed in the treaties. Someone who served in the Ford and Nixon administrations told me that we should negotiate on the Panama Canal but not just give in completely without receiving anything in return. I do not think the people want to give up the Panama Canal.

But I think the people have just about given up as a result of the treaties. They do not want to send Americans down to fight and to take the canal back over. I do not think they would want to lose one life. They are generally disappointed. I think they have just kind of marked it off.

Mr. BOWEN. If the gentleman will yield further, I certainly do agree with the fact that you and I wish we could have kept this canal in perpetuity; but since the Senate and the President have determined that we cannot, I know the gentleman agrees with me that it would be desirable if we could at least hold onto the canal and keep it out of General Torrijos' hands until the year 2000, when he may not be in any position of authority. We no longer have the option the gentleman and I both would like, that of renegotiating the treaties and coming away with a better deal. We now have a choice only of keeping the canal under American management and protection until the next century, or turning it over to Panama this year. I prefer to keep it in American hands as long as possible.

Mr. BAUMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. I thank the gentleman for yielding.

Mr. Speaker, I would ask my good friend if he does not deem it to be true that Torrijos cooperated with the guerrillas who overthrew Nicaraguan President Anastasio Somoza?

Mr. MONTGOMERY. If the gentleman will yield, that is exactly right.

Mr. CARTER. Also, is it not true that Cuba, with Torrijos and Panama, assisted in the rebellion which took place in Nicaragua? Is that correct?

Mr. MONTGOMERY. The gentleman is exactly right.

Mr. CARTER. What does the gentleman think is going to happen to Guatemala, which, I understand, is the next country in Central America on the hit list?

Mr. MONTGOMERY. The gentleman from Texas (Mr. CHARLES WILSON) covered that area. I got the impression, and I think the gentleman is right, and also the gentleman from Idaho (Mr. HANSEN), that that country could fall. It is the domino theory.

Mr. CARTER. Is it the gentleman's belief now that we will lose all of Central America as a result of our ineptness in the past several months?

Mr. MONTGOMERY. I certainly agree with the gentleman from Kentucky.

Mr. CARTER. I thank my distinguished and patriotic colleague.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Is it also true that, on July 28, 1978, Mr. Torrijos said that the policy of Panama was to return Guantanamo Bay to the Cubans? That is also a statement of fact.

Mr. CARTER. Again, we are dealing with Communists who would turn all of this area over to communism and be just as Cuba is today, I regret to say.

Mr. HANSEN. Mr. Speaker, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Idaho.

Mr. HANSEN. Mr. Speaker, I have sat here for several weeks and listened to the gentleman from Mississippi (Mr. BOWEN) makes this absurd statement that if we fail to act, everything is going to be chaos and Torrijos will march in and occupy the canal.

Such a possibility would have to be predicated upon the attitude and actions in the White House as to what would be allowed or transpire. However, there is plenty and ample proof to say that if these treaties are not implemented, the old treaties and laws remain in place and there will be no such thing happen. The Congress should work its will without such intimidation which has long been a tactic of the State Department to bully through the legislation it desires.

Mr. MURPHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. MURPHY of New York. Mr. Speaker, I rise in strong support of the motion offered by the gentleman from Maryland to instruct the conferees in very narrow areas—in very narrow areas. I do so in the interest of time.

The day this Congress convened, I introduced H.R. 111, which very clearly laid out a regime to protect America's interest in the Panama Canal Zone area for the next 20 years. It took the administration more time to make their legislative recommendations. They had 2 years to get their act together and they could no get it together. So a month after the Congress convened they came in with a bill, and then insisted upon immediate action by the House.

This legislation went to four committees of the House. It went to the Committee on the Judiciary and to the Committee on Post Office and Civil Service, which dealt with the vital elements of the American Canal personnel and their future, and, of course, the contributions they made in the past, and what their future working conditions would be in Panama. Of course, the bulk of the bill went to the Committee on Merchant Marine and Fisheries, which has legislative responsibility for the Panama Canal and inter-ocean canals generally. Of course, the Committee on Foreign Affairs had

We thought hearings were necessary, that in-depth hearings were necessary, its responsibilities.

and 9 days of hearings were held by the Panama Canal Subcommittee. But we also made a commitment to finish this legislation in that committee before the Easter break, because I understood, and the members of the committee understood, that time was of the essence, because the BROOKE amendment to the treaty of 1977 very clearly meant that October 1, of this year, was the trigger date—the trigger date—to implement the Panama Canal treaty regime.

So we undertook our responsibilities under a time frame necessary to properly legislate. We were ready to come to this floor right after the Easter break. But what happened? We did not get much cooperation from the administration. Then we saw certain foreign aid bills come up, and we saw Panama's military aid pulled out from one bill and economic aid pulled out from another, all of which were messages from this House to the administration and to the people in Panama that this Congress understood what type of regime they had in Panama, and what type of operations of subversion and revolutionary exploitation that they were perpetrating not only in Nicaragua, but in El Salvador and Guatemala, and other countries as well.

So the Committee on Merchant Marine sent it subcommittees and task force to Panama. It went down there because it found out that the Panamanian representatives, those who negotiated the treaties, were renegotiating and were trying to use this vehicle of implementing legislation to effectively renegotiate this treaty.

So we came to the House, and the gentleman from Arkansas (Mr. BETHUNE), in the debate on this rule, clearly laid out the situation we face in the House. We must relate to the good faith of the Members of the House who, by a narrow margin, about 20 votes, passed legislation to implement the Panama Canal treaties. But as the House acted it did so by very clearly protecting a number of items: Item No. 1, the operational control of the canal; No. 2, the fiduciary integrity of the canal, its revenues, and the welfare of the American taxpayers and the obligations thereto; and, finally, the defense of the canal and the protection of American workers.

So we do not have a broad instruction by the gentleman from Maryland. We have his very narrow instruction, a narrow instruction which goes to the question of timing.

Here we are going to adjourn for a break on Friday of this week. We will not come back until after Labor Day. October 1 comes in quickly after that, in a matter of 3½ weeks after Labor Day, and we are supposed to have in place a conference committee report by that time. This conference report and this implementing legislation is going to require a number of things that must take place prior to October 1. First is a toll increase. When we get into the administrative law and Federal registry requirements under the House bill, 60 days are necessary of notice in order to have a toll increase that is necessary to implement this canal treaty and make the payments of $75 million-plus annually to Panama.

So we should have been at this stand a long time before today. We should have been here months ago. But you can thank this administration and its dilatory tactics. You heard the gentleman from Maryland respond to the gentlewoman from Colorado as to the reason for the delays.

□ 1540

Well, I think somebody thinks there is going to be a quick fix over in the conference, and all of a sudden we are going to come back with that 1-month delayed package the administration had.

Well, we are not going to do that. I think the instructions to these conferees, as narrow as they are—and I will just state them for you, so you know they are narrow—are necessary. We know there may be issues that are outside the treaty and legislation that has been passed on both the Senate side and on the House side, and we should clean those up. But none of these issues, none of these issues in these instructions are extra to the implementation or to the treaty itself.

I made a commitment to the President that we would pass legislation in this Congress, in this House, that was within the letter of the treaties and I intend to keep the commitment.

The instructions by the gentleman from Maryland deal with the Panama Canal Commission. It is a commission of nine commissioners who are going to run that canal, five Americans and four Panamanians and the key supervisory position associated with it, the fact that the U.S. members will receive the advice and consent of the Senate, that they will operate under the Defense Department and that the American Commissioners will vote en bloc. It is not too onerous a provision.

Concerning the question of Canal Zone funds and accounting and dealing with the key appropriations issue, the administration told the people of America that the taxpayers would not pay a cent for the implementation of this bill. Then, all of a sudden, they said only $800 million or $600 million or $700 million is involved. Well, in the House version of H.R. 111 we go to the protection of the appropriations process and a very wise recommendation of the gentleman from Maryland, and, third, we go back to Edwards against Carter, wherein the constitutional prerogative of this House that was swept aside when the Supreme Court would not hear the case. What we do in the House version of H.R. 111 is we say that on October 1, by law, we transfer the necessary property under the 1977 treaties to Panama and we say that future property transfers will be done by act of Congress, thus reestablishing the constitutional right of the House in the treaty-related process, a right that we should have established before.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. MURPHY of New York. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I would like to compliment the gentleman on his statement. Let me clear up one point. Both the gentleman from New York (Mr. MURPHY) and the gentleman from Maryland (Mr. BAUMAN), have implied that some of us were in on some kind of conspiracy or quick fix scheme. Maybe the two gentlemen were at a meeting at the White House and heard something. I was not. As a conferee I was not part of any quick fix scheme conspiracy.

I think we ought to state that there was not a conspiracy among conferees. I understand that some representatives are upset that members of other committees can vote on the entire package, but having chaired the civil service portion of the bill, I think the commission issue is very important, because they are Federal employees' and are crucial to the entire package.

A lot of this implementing legislation overlaps and gets intertwined among different jurisdictions, maybe it was a mistake to allow different committees to vote on different parts of the bill, but I am not aware of any kind of conspiracy.

If the two gentlemen are aware of one, fine. But I want to make it absolutely clear for the record that I know of no conspiracy.

Mr. MURPHY of New York. If the gentlewoman is interested in a fast conference, give me a proxy and we will complete it all in about 2 days.

Mr. BONIOR of Michigan. Mr. Speaker, will the gentleman yield?

Mr. MURPHY of New York. I yield to the gentleman from Michigan.

Mr. BONIOR of Michigan. Mr. Speaker, I do respect the time and effort the gentleman has put in on this issue and the guidance of this legislation through the House. With respect to the gentleman's comments about delay on the part of the administration, the fact of the matter is, and I think the gentle-

man knows this, we did not have the votes for this implementing legislation in April during the Easter recess. They just were not there.

I think I followed this legislation as closely as anybody on this side in terms of where we stood with the Members. It is unfortunate that we are at the point now where we have 2 months to go before the implementation takes effect, and we have to get a conference report back to this House before we adjourn.

The other point I would like to mention is the chairman's comment that these issues are narrow. Well, we debated the rule approximately an hour ago. The gentleman from New York, my distinguished chairman, mentioned that the guts of this bill, the heart of this bill, was the first instruction that the gentleman from Maryland offered which deals with the appropriations versus the corporation concept. That is, in my opinion, in no way narrow. It is probably as broad and as important an issue as we could face in this legislation.

I would like to hear the gentleman's response to that aspect of the legislation.

Mr. MURPHY of New York. I would say to my colleague that it was not until late May and early June that the extensive gunrunning support by Panama to the Sandinista movement in Costa Rica and then into Nicaragua had become public. The votes were there for this legislation in May. We would not have had this problem; Panama brought this upon itself, if the gentleman will go back and examine his calendar.

I think the question of the Commission versus corporate form is probably the greatest protection for the interests of the United States.

But, in conclusion, I would say this vote and the size by which the House should pass this vote will be a clear message to the conferees that the House itself wants an implementation bill, but it wants an implementation bill that does protect the prerogatives of the House and, of course, of the American people in the implementation of the 1977 Canal Treaty and operation of the canal for the next 20 years.

Mr. BAUMAN. Mr. Speaker, in closing, I would just say that the surest way to make this a quick and efficient conference is an overwhleming vote in favor of this motion to instruct, so the other body will understand precisely the parameters of what this House desires on this issue.

I urge those who opposed the legislation, and some of us did, and those who supported it, to join together in instructing these conferees.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BROWN of California). The question is on the motion offered by the gentleman from Maryland.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BAUMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 308, nays 98, not voting 28, as follows:

[Roll No. 400]

YEAS—308

Abdnor
Addabbo
Akaka
Albosta
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Atkinson
Badham
Bafalis
Bailey
Baldus
Barnard
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Boggs
Boland
Boner
Bonker
Bouquard
Breaux
Brinkley
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Butler
Byron
Campbell
Carney
Carter
Chappell
Cheney
Clausen
Cleveland
Clinger
Coelho
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Derrick
Derwinski
Devine
Dickinson
Dicks
Dingell
Donnelly
Dornan
Dougherty
Duncan, Oreg.
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fazio
Ferraro
Findley
Fisher
Fithian
Flippo
Florio
Ford, Mich.
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Tex.
Hammer-schmidt
Hance
Hanley
Hansen
Harsha
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Hollenbeck
Holt
Hopkins
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kazen
Kelly
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lujan
Luken
Lungren
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McKinney
Madigan
Marks
Marriott
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Ohio
Minish
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Ottinger
Panetta
Pashayan
Paul
Perkins
Petri
Peyser
Pickle
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Ratchford
Regula
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Roe
Rose
Roth
Rousselot
Royer
Rudd
Runnels
Russo
Santini
Satterfield
Sawyer
Schulze
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solomon
Spellman
Spence
St Germain
Staggers
Stangeland
Stanton
Steed
Stenholm
Stockman
Stratton
Stump
Swift
Symms
Synar
Tauke
Taylor
Thomas
Traxler
Trible
Udall
Vander Jagt
Volkmer
Walker
Wampler
Watkins
Weaver
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wolff
Wyatt
Wydler
Wylie
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zeferetti

NAYS—98

Alexander
Anderson, Ill.
Ashley
Aspin
AuCoin
Barnes
Beilenson
Bingham
Blanchard
Bonior
Bowen
Brademas
Brodhead
Brooks
Brown, Calif.
Burlison
Burton, John
Burton, Phillip
Carr
Cavanaugh
Dellums
Dixon
Dodd
Downey
Drinan
Early
Eckhardt
Edgar
Edwards, Calif.
Fascell
Fenwick
Foley
Ford, Tenn.
Giaimo
Gray
Green
Hall, Ohio
Hamilton
Harkin
Harris
Hawkins
Holtzman
Howard
Kastenmeier
Kildee
Kogovsek
Kostmayer
LaFalce
Lehman
Leland
Lowry
Lundine
McHugh
Maguire
Markey
Matsui
Mikva
Miller, Calif.
Mineta
Mitchell, Md.
Moffett
Moorhead, Pa.
Nedzi
Oberstar
Obey
Patten
Patterson
Pease
Pepper
Rangel
Reuss
Richmond
Rosenthal
Roybal
Sabo
Scheuer
Schroeder
Seiberling
Shannon
Simon
Solarz
Stack
Stark
Stewart
Stokes
Studds
Thompson
Ullman
Van Deerlin
Vanik
Vento
Walgren
Waxman
Weiss
Wirth
Wolpe
Yates
Zablocki

NOT VOTING—28

Ambro
Bolling
Chisholm
Clay
Collins, Ill.
Conyers
Corman
Diggs
Emery
Fish
Flood
Forsythe
Garcia
Holland
Horton
Johnson, Colo.
McKay
Marlenee
Martin
Mathis
Nolan
Railsback
Rodino
Rostenkowski
Sebelius
Treen
Williams, Ohio
Wright

□ 1600

Messrs. ALBOSTA, WEAVER, and LONG of Maryland changed their vote from "nay" to "yea".

Mr. ULLMAN changed his vote from "yea" to "nay."

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. MURPHY of New York, DINGELL, BOWEN, HUBBARD, BONIOR, WYATT, ZABLOCKI, FASCELL, HANLEY, Ms. HOLTZMAN, Mrs. SCHROEDER, Messrs. HARRIS, MCCLOSKEY, BAUMAN, CARNEY, BROOMFIELD, DERWINSKI, and FISH.

There was no objection.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE REPORT ON H.R. 2759, TO PROMOTE ORDERLY DEVELOPMENT OF HARD MINERAL RESOURCES IN DEEP SEABED

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until 5 p.m. on August

17, 1979, to file a report on H.R. 2759, to promote the orderly development of hard mineral resources in the deep seabed, pending adoption of an international regime relating thereto.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York.

There was no objection.

GENERAL LEAVE

Mr. BAUMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to instruct conferees just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

GENERAL LEAVE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on my motion to table the resolution in the matter concerning the gentleman from Michigan (Mr. DIGGS).

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ADJOURNMENT OF HOUSE FROM THURSDAY, AUGUST 2, 1979, TO WEDNESDAY, SEPTEMBER 5, 1979, AND RECESS OF SENATE FROM FRIDAY, AUGUST 3, 1979, to WEDNESDAY, SEPTEMBER 5, 1979

Mr. BRADEMAS. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 168) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 168

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, August 2, 1979, it stand adjourned until 12 o'clock meridian on Wednesday, September 5, 1979, and that when the Senate recesses on Friday, August 3, 1979, it stand in recess until 12 o'clock meridian on Wednesday, September 5, 1979.

The SPEAKER. The gentleman from Indiana (Mr. BRADEMAS) is recognized for 1 minute.

Mr. BRADEMAS. Mr. Speaker, the purpose of the concurrent resolution I have offered is simply to implement that provision of the Legislative Reorganization Act which provides, and I quote from section 132 of the Legislative Reorganization Act of 1946, as amended:

SEC. 132. (a) Unless otherwise provided by the Congress, the two Houses shall—

(1) adjourn sine die not later than July 31 of each year; or

(2) in the case of an odd-numbered year, provide, not later than July 31 of such year, by concurrent resolution adopted in each House by rollcall vote, for the adjournment of the two Houses from that Friday in August which occurs at least thirty days before the first Monday in September (Labor Day) of such year to the second day after Labor Day.

Mr. Speaker, the purpose of this concurrent resolution is to provide that when the House adjourns on Thursday, August 2, it stand adjourned until noon on Wednesday, September 5; and that the same, with 1 day's difference, obtain with respect to the other body.

The SPEAKER. The question is on the concurrent resolution.

Under the rules, a rollcall is automatic.

The vote was taken by electronic device, and there were—yeas 338, nays 70, not voting 26, as follows:

[Roll No. 401]

YEAS—338

Addabbo
Akaka
Albosta
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Annunzio
Anthony
Ashbrook
Ashley
Aspin
AuCoin
Badham
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bellenson
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Byron
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Clausen
Clay
Cleveland
Coelho
Coleman
Collins, Tex.
Conte
Corcoran
Cotter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
de la Garza
Dellums
Devine
Dickinson
Dicks
Dingell
Dixon
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Ferraro
Findley
Fisher
Fithian
Flippo
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gephardt
Giaimo
Gibbons
Ginn
Glickman
Goldwater
Gonzalez
Gore
Gradison
Gramm
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hamilton
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holt
Holtzman
Horton
Howard
Huckaby
Hutto
Ichord
Ireland
Jeffords
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kindness
Kogovsek
Kramer
LaFalce
Latta
Leath, Tex.
Lederer
Lehman
Leland
Lent
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McHugh
Madigan
Maguire
Markey
Marks
Marriott
Matsui
Mattox
Mavroules
Mazzoli
Michel
Mikulski
Mikva
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Nedzi
Nelson
Nichols
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Pepper
Perkins
Peyser
Pickle
Preyer
Price
Pursell
Quayle
Quillen
Rahall
Rangel
Ratchford
Regula
Reuss
Richmond
Roberts
Roe
Rose
Rosenthal
Rousselot
Roybal
Royer
Rudd
Runnels
Russo
Sabo
Santini
Satterfield
Scheuer
Seiberling
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Slack
Smith, Iowa
Snowe
Snyder
Solarz
Spellman
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Taylor
Thomas
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Wilson, Bob
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wyatt
Wydler
Wylie
Yates
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—70

Abdnor
Andrews, N. Dak.
Applegate
Archer
Atkinson
Bafalis
Bereuter
Bethune
Brinkley
Butler
Campbell
Clinger
Conable
Coughlin
Courter
Daschle
Davis, Mich.
Deckard
Derrick
Derwinski
Edwards, Okla.
Fenwick
Florio
Gilman
Gingrich
Goodling
Grassley
Gray
Hall, Tex.
Hammer-schmidt
Hollenbeck
Hopkins
Hubbard
Hughes
Hyde
Jacobs
Jeffries
Kemp
Kildee
Kostmayer
Leach, Iowa
Lagomarsino
Leach, La.
Lee
Levitas
McKinney
Mica
Miller, Ohio
Mottl
Murphy, Pa.
Neal
Nowak
Petri
Pritchard
Rhodes
Rinaldo
Ritter
Robinson
Roth
Sawyer
Schroeder
Schulze
Sensenbrenner
Skelton
Smith, Nebr.
Solomon
Spence
Tauke
Wampler
Yatron

NOT VOTING—26

Ambro
Bolling
Chisholm
Collins, Ill.
Conyers
Corman
Davis, S.C.
Diggs
Fish
Flood
Forsythe
Garcia
Holland
McKay
Marlenee
Martin
Mathis
Nolan
Railsback
Rodino
Rostenkowski
Sebelius
Treen
Williams, Ohio
Wilson, C. H.
Wright

□ 1620

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CALL OF PRIVATE CALENDAR, WEDNESDAY, AUGUST 1, 1979

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to call the Private Calendar on Wednesday, August 1.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ADJOURNMENT TO 10 A.M., TUESDAY, JULY 31, 1979

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that when the House

adjourns tonight, it adjourn to meet tomorrow at 10 a.m.

The SPEAKER. Is there objection to the request of the gentleman from Indiana (Mr. BRADEMAS)?

Mr. BAUMAN. Reserving the right to object, I wonder if the distinguished majority whip could tell us whether or not any certain time has been set for the close of business on Thursday. This was raised last Friday when the program was announced.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Indiana.

Mr. BRADEMAS. I would say to the gentleman from Maryland it is our intention to adjourn at 6 o'clock on Thursday.

Mr. BAUMAN. Mr. Speaker, in an effort to expedite that, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PERMISSION FOR MANAGERS TO FILE CONFERENCE REPORT ON H.R. 4389

Mr. YATES. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill, H.R. 4389, making appropriations for the Departments of Labor, Health, Education, and Welfare and related agencies for the fiscal year ending September 30, 1980, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois (Mr. YATES)?

There was no objection.

INTERIOR APPROPRIATIONS, FISCAL YEAR 1980

Mr. ZEFERETTI. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 389 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 389

Resolved, That during the consideration of the bill (H.R. 4930) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1980, and for other purposes, all points of order against the following provisions in said bill for failure to comply with the provisions of clauses 2 and 6, rule XXI are hereby waived: beginning on page 22, line 11 through page 24, line 8; and beginning on page 34, line 5 through page 37, line 23.

The SPEAKER. The gentleman from New York (Mr. ZEFERETTI) is recognized for 1 hour.

Mr. ZEFERETTI. Mr. Speaker, I yield the usual 30 minutes for the minority to the distinguished gentleman from Mississippi, Mr. LOTT, and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 389 provides for the consideration of H.R. 4930, the Department of Interior and related agencies appropriation bill for fiscal year 1980.

This rule grants waivers of points of order against portions of H.R. 4930 for failure to comply with clauses 2 and 6 of rule XXI. Clause 2 of rule XXI requires that all appropriations must have an authorization and prohibits the inclusion of legislation in an appropriations bill. This waiver is necessary since the bill includes appropriations for which authorizing legislation has not as yet been enacted. H.R. 3000, the Department of Energy Authorization Act for fiscal year 1980 is presently under consideration in the House. H.R. 3354, which provides authorization for the naval petroleum and oil shale program and H.R. 3930 which authorizes the synthetic fuel program have both passed the House but are awaiting action in the Senate.

In addition, a waiver of clause 2 of rule XXI is necessary since the appropriating paragraph "Office of Territorial Affairs" contains legislative language.

Clause 6 of rule XXI prohibits the inclusion in appropriations bills of reappropriations of unexpended balances of appropriated funds. The paragraph of the bill pertaining to "energy conservation" contains a reappropriation of unexpended funds. Thus, a waiver of clause 6 of rule XXI is necessary.

Mr. Speaker, H.R. 4930 provides a total of $10.2 billion in new budget authority for fiscal year 1980 for the Department of Interior and other agencies. This amount is $1.8 billion more than the administration requested, but $1.6 billion less for the fiscal year 1979 appropriation level. The bill provides for several major programs in the Department of Energy, including $1.5 billion for synthetic fuels development. Appropriations are also made in the bill for the Indian health and education functions of HEW, the Smithsonian Institution, the National Foundation on the Arts and Humanities, among other agencies.

Mr. Speaker, I urge the adoption of House Resolution 389 in order that we may discuss and debate H.R. 4930.

□ 1630

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution provides for the consideration of H.R. 4930, the Department of the Interior and related agencies appropriation bill for fiscal year 1980. The resolution waives all points of order against certain provisions of the bill for their failure to comply with clause 2 of rule XXI. Under this provision of the rules, no appropriation shall be reported in any general appropriation bill for any expenditure not previously authorized. The clause also prohibits legislation in an appropriations bill.

In addition, the resolution waives clause 6 of rule XXI against specified provisions of the bill. This provision of the rules prohibits the consideration of a general appropriations bill if it contains a provision reappropriating unexpended balances of appropriations.

H.R. 4930 provides $10,195,553,000 in new budget authority for the Department of Interior and other agencies, including the Forest Service, Department of Energy, the Smithsonian Institute, and the National Foundation on Arts and Humanities. The amount recommended in the bill is $1,754,783,000 above the budget request for fiscal year 1980, but it is $1,568,950,000 below the appropriation for these purposes for fiscal year 1979. One item of special interest is the inclusion of $1.5 billion for the purchase or production of synthetic fuels under the authority of the House-passed H.R. 3930.

Mr. Speaker, I have no objection to the passage of this resolution.

Mr. Speaker, I have no requests for time. I support the resolution.

Mr. ZEFERETTI. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. YATES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4930) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1980, and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Pennsylvania (Mr. MCDADE) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Illinois (Mr. YATES)?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois (Mr. YATES).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4930, with Mr. MINETA in the chair.

(By unanimous consent, the first reading of the bill was dispensed with.)

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Illinois (Mr. YATES) will be recognized for one-half hour, and the gentleman from Pennsylvania (Mr. MCDADE) will be recognized for one-half hour.

The Chair recognizes the gentleman from Illinois (Mr. YATES).

Mr. WYDLER. Mr. Chairman, will the gentleman yield to me?

Mr. YATES. I yield to the gentleman from New York.

Mr. WYDLER. Mr. Chairman, the Science and Technology Committee last year adopted my amendment for $5.4 million to initiate a comprehensive oil That money was appropriated for fiscal heat R. & D. and marketing program. year 1979 and this year DOE requested $3.85 million for their follow-on activity. This is a vital program for people in the Northeast who depend heavily on oil to heat their homes.

The $500,000 of the DOE request was set-aside by our committee from the important oil-fired unit demonstration to the space conditioning in research project activity at Brookhaven National Laboratory. This demonstration activity was designed in three phases, the first

two of which require Federal stimulation.

The redirection of funds in this program will speed the introduction of advanced combustion concepts and furnaces to raise efficiency 40 to 50 percent. This is a vital R. & D. program for the Northeast and deserves strong support.

FOSSIL ENERGY (COAL-OIL COMBUSTION RESEARCH)

This $250,000 is for restoration of the university research on coal-oil mixtures which was funded last year under advanced research and supporting technology but was not included in the fiscal year 1980 request. The coal-oil mixtures program was reduced by $2,950,000 in fiscal year 1980 and there are insufficient funds to complete important activity on contracts outside the energy technology centers. This set-aside is specifically for Adelphi College Center for Energy Studies and complements a smaller program sponsored by EPA which is directed at reducing emissions by coal/oil combustion. The work consists of coal desulfurization during combustion of coal-oil water emulsions. This is an economic alternative to clean liquid from coal.

SYNTHETIC FUELS PRODUCTION

This bill, as the Moorhead bill before it and the DOE authorization H.R. 3000, is a genuine energy supply bill. I recall 3 years ago when our Science and Technology Committee struggled vainly to push major initiatives for synthetic fuels production.

Outside of projects at the pilot plant scale, this country has made little progress since then because industry has not been given the incentive. I believe that setting production goals of 500,000 barrels a day by 1985, as in H.R. 4930, is the incentive that should catalyze the synthetics programs.

In the Northeast we are particularly interested in major liquefaction projects but advanced gasification techniques cannot be ignored because they are a vital source for petroleum substitutes.

I urge my colleagues to support this bill. I also want to congratulate Mr. McDADE and Mr. YATES for bringing it to the floor. It is a genuine energy supply bill.

Mr. YATES. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, we are proud and privileged to bring the Interior appropriations bill to the floor, a bill that the late Congressman from Ohio, Mike Kirwan, once described as the "all American bill." It is a bill about the land, our land, the land of the United States of America, it is the bill of and for America the beautiful—the majestic purple mountains, the fruited plains, the scenic rivers, the placid lakes, and the stately forests. It supports the national heritage of all Americans—the Nation's parks, forests, mountains and natural resources, the national heritage that we want to pass on to our children, our grandchildren and to the generations to come—a land that is better than the one we enjoy. Unfortunately, for many years and generations we despoiled the land. We cut, we gouged, we defiled—we took much from the land and returned little or nothing. This bill continues this committee's revolt against that kind of selfish unnecessary despoilation and we have gone over the President's budgetary recommendations to protect the Nation's resources.

This bill is more than $10 billion of which $3.4 billion is for the Department of Energy, and I will talk about that in a minute.

I said it is a good bill—and it is—even though it is almost $2 billion over the budget; $2 billion, Mr. Chairman. And yet I say that. This is a tight bill, a bill that has received the careful scrutiny of our subcommittee, not once but three times.

We held oversight hearings; we held our regular hearings; we held special hearings with outside witnesses whom we invited to obtain additional information. For example, we are over budget by $141 million for Navy Petroleum No. 4. The administration strongly opposed extension of the drilling program on Navy Petroleum Reserve No. 4. It was a program the administration wanted to—close down for—transfer to a private leasing program. It would cost a very substantial sum to continue that program over the budget. We called the Husky Oil Co. in to tell what was going on. On the basis of Husky's testimony and on the basis of the testimony from the Geological Survey, we were convinced the program should be continued—and we put the money in this bill. I would observe that when the House considered a deferral on the same matter June 19, that was rejected by a vote of 409 to 3.

Or take another aspect of the energy programs. We have added $1.5 billion over the budget to move the synthetic fuels program forward under the authority of the Moorhead bill which passed the House by an overwhelming margin.

And we also added $54 million without OMB approval to continue development of two plants which will make clean solids from coal and oil from coal—SRC I and SRC II. We think it is critically important to move our energy program ahead.

Take a look at our report—it is a good report. Look at page 5. You can see there, listed specifically, where the committee agreed to exceed the budget. On page 5 you will see an explanation of why the committee acted as it did.

Now you probably have been hearing from your State conservation directors complaining about the cut made by the committee to the land and water conservation fund. Yes, the committee would have liked to put more money into this fund this year—the full amount of $598,000,000 and more because we are very much aware of the importance of acquiring the park lands, the forest land, the Fish and Wildlife refuge expansions before they are gobbled up by burgeoning development.

We cut the fund by $150 million. This year, we said, this fund will have to wait while we take care of other priorities. You should know though, we put back in about $70 million of the cut in specific recommendations—for the Santa Monica Mountains in California, one of the most beautiful areas in the country where development is threatened unnecessarily—for Lake Tahoe, for Cuyahoga—and for other areas. Next year we'll take another look and try to be more helpful.

At page 6 of the report there is a list of new programs and continuing initiatives included in earlier budgets. What is not shown in that table are the decreases recommended by the subcommittee in order to provide fiscal balance. On the basis of the hearings contained in 12 published volumes taken over 46 days from more than 800 witnesses from the administration, Members of Congress, and the private sector, the subcommittee is proposing reductions in 171 programs for a total of $633,545,000. I will want the Members to be aware of this if the gentleman from Ohio (Mr. MILLER) offers his amendment to reduce this bill by 2 to 5 percent.

I would also like to call to your attention the table at the bottom of page 3 of the report which shows the revenues generated by the agencies in this bill. They are expected in fiscal year 1980 to be slightly more than $5 billion. Thus, it should be remembered that many of the programs in this bill for which additional amounts are recommended should not be treated as simple increased Federal expenditures, but as increased investments in the assets of America.

I would like now to highlight the subcommittee's recommendation program by program. For the Bureau of Land Management the subcommittee recommends a total of $499.8 million, an increase of $7 million over the budget request. That increase is principally in the areas of range management, recreation management, and cadastral survey programs of the Bureau of Land Management. BLM is responsible for the multiple use, management, protection, and development of about 417 million acres of public lands onshore, 840 million acres of federally owned subsurface rights and 1,100,000,000 acres of the Outer Continental Shelf.

For the Office of Water Research and Technology the subcommittee recommends $30,977,000. This is a net increase of $238,000 over the budget which represents several decreases and an additional $1 million for accelerated development of saline water demonstration facilities—one in Virginia Beach, Va., the other in Alamogordo, N. Mex.

For the Heritage Conservation and Recreation Service the subcommittee recommends a total of $637,715,000, a reduction of $170,239,000 below the budget request. Of that amount $150.9 million is in the land and water conservation funds, which I mentioned earlier and $25 million is in the urban park and recreation fund. These reductions are offset by increases of $702,000 in the salaries and expenses account which result from the transfer of a new program for this agency which has previously been administered by the National Park Service. In addition the subcommittee recommends a $5 million increase over the budget for the historic preservation fund—for a total of $50 million. For the urban park and recreation fund the subcommittee recommends a total of $125 million for the first full year's operation of the program. The supplemental which has just cleared the House includes $20 million for the balance of fiscal year

1979. The subcommittee feels that the amount included in the supplemental, $20,000,000, coupled with the $125,000,000 recommended in this bill will be about all the agency can handle in its first full year of operation.

For the United States Fish and Wildlife Service the subcommittee recommends a total of $278,582,000, an increase of $13,753,000 over the budget. Of that, $5,000,000 is associated with the acquisition of 42,000 acres of land along the Texas gulf coast from the migratory bird conservation account which will be repaid in future years. The balance of $8,753,000 is in the Fish and Wildlife construction program. The Fish and Wildlife Service is responsible for the conservation, protection, and enhancement of fish and wildlife and their habitat. It is responsible for a wildlife refuge system of over 46 million acres consisting of 410 refuges and 7 wetlands management districts, 88 fish hatcheries, a spawning channel, 5 fisheries development centers, 2 training schools, 12 fisheries research laboratories, and 19 biological stations. Over 6 million pounds of fish a year are produced from this national hatchery system.

The subcommittee is recommending appropriation of $500,312,000 for the National Park Service, a reduction of $575,000 from the budget request—that is net of increases and decreases in the construction, maintenance, and a fee account which also provides maintenance support in the national parks. The administration had submitted a budget proposing that both additional and increased fees be charged at the national parks. The budget proposed that these increased fees be used principally for maintenance in the national parks. The House has adopted legislation freezing the fee level for national parks, thus this increased maintenance cannot be supported from the fee account. However, the subcommittee has recommended changes in the budget for the national park system which permit increases in the maintenance program of the National Park Service above that proposed in the budget request.

The recommendation for the Geological Survey is $594,217,000, an increase of $138,769,000 over the budget. Of this, $141,500,000 is associated with the development of the national petroleum reserve in Alaska, as discussed previously, offset by reductions of $2.7 million in the regular program. In addition the subcommittee is recommending that the Survey spend $2,000,000 to make greater use of a new map-data gathering technique known as synthetic aperture radar—SAR. This technique, using radar, will permit a rapid gathering of data for relatively inaccessible areas, in places such as Alaska. In addition it provides a more accurate map of geological features; $134,883,000 is recommended for the Bureau of Mines, a net of $311,000 below the budget. In addition the subcommittee again recommends rescission of $47,500,000 of permanent contract authority for the helium fund which will become available in fiscal year 1980.

For the Office of Surface Mining the subcommittee recommends $196,936,000, a net increase of $1,700,000 over the President's budget. This includes an increase of $4,200,000 to expand the mineral institutes so that a total of 30 States will have the institutes. The eight new institutes recommended in this bill are for the States of Louisiana, Georgia, Virginia, Iowa, North Dakota, South Dakota, Nevada, and Washington.

For the Bureau of Indian Affairs the subcommittee is recommending a total of $992,527,000, an increase of $18,407,000 over the President's budget. Of this amount, $17,674,000 is in facility and road construction. The subcommittee in fiscal year 1978 required the Secretary to develop, independently of the BIA, a priority program for construction, and the subcommittee has adhered to the priorities for school construction established by that program. This will fund 8 additional school projects over the budget, a total of 11 school projects.

For territorial affairs the subcommittee recommends an appropriation of $196,921,000, an increase of $51,107,000 over the budget request. Of that, $37,357,000 is in the Office of Territories and is principally composed of $9 million for construction grants in the Northern Marianas, $18,600,000 for health care grants in the Virgin Islands, and $10,000,000 for operation grants for the Virgin Islands. This latter grant is made contingent upon the Virgin Islands increasing their revenues by a similar amount in order to eliminate their projected deficit of $20,000,000. The legislation authorizing this grant intended that a grant be made only after the Virgin Islands had exhausted other remedies. Information provided to the subcommittee is that the legislature has refused to raise additional revenues from such areas as property taxes, sales taxes, and industrial taxes. This grant, on a matching basis, will help the Virgin Islands to understand that they must meet their legislative requirements, as well as providing an orderly transition in meeting their financial responsibilities.

For the Office of Secretary of the Interior and the Solicitor of the Department of Interior the subcommittee recommends a total of $71,660,000, a net increase of $6,280,000 above the budget. This is mainly made up of an increase of $9,400,000 to establish an office of construction management to monitor the construction programs of the Department, principally those of BIA discussed earlier, offset by a $2,000,000 reduction associated with a proposed publications distribution center at a departmental facility in Beckley, W. Va. The fiscal year 1979 supplemental bill proposes transfer of that facility from the Department of Interior to the Department of Labor.

As I mentioned earlier the subcommittee has provided an increase over the budget of $243,251,000 for the Forest Service. This provides a total of $1,486,058,000 for the Forest Service, a reduction of $26,156,000 below the fiscal year 1979 level. That reduction is associated primarily with the Youth Conservation Corps which I also had mentioned earlier. This proposal will provide a total of 12.2 billion board feet of timber scheduled for sale with 11.5 billion board feet to be harvested. This is an increase of half a billion board feet over the budget level. The timber produced from the national forest lands represents about one-fourth of the total timber and 30 percent of the soft wood timber cut for industrial purposes annually and is equivalent to the construction of about 1 million average size homes. In addition to timber production the Forest Service administers the grazing of 3.7 million head of livestock and 3.5 million big game animals which graze on national forest lands. The subcommittee has included in their recommendation $10,891,000 to implement provisions of the Boundary Water Canoe Area Wilderness. This is $3.3 million over the amount requested by the administration. It is also in addition to the amount budgeted for land acquisition in this area in the land and water conservation fund which the subcommittee also recommended. Other outputs from the Forest Service that the subcommittee expects to be achieved within this allowance are: Reforestation of 221,000 acres; timber stand improvement on 277,000 acres; silvicultural examinations of 8,000,000 acres; habitat restoration and development on 3,300,000 acre equivalents; range improvements on an additional 3.1 million acres; 145,000 acres of soil and water restoration and improvement; and 1,100 additional miles of land line location.

For the Department of Energy the subcommittee recommends $3,354,311,000, an increase of $1,462,681,000 over the budget. Of this, $1,500,000,000 is associated with the synthetic fuels program discussed previously. From that it can be seen that, except for the synthetic fuels program, the subcommittee's recommendation for energy programs is $37,319,000 under the budget proposed by the OMB. This reduction still permits work to progress on two solvent refined coal demonstration plants, a high Btu gasification demonstration plant, and a low Btu utility gasification demonstration plant. In the conservation area demonstrations of technology for increasing efficiency and using urban waste have been supported above the budget level.

In fossil energy, as well as the previously mentioned funding of additional demonstration plant activity, totaling $61 million, the subcommittee has recommended increases of $9 million in mining R. & D., $16.5 million for existing gasification plants, $6.5 million for fuel cells, $3 million for magnetohydrodynamics (MHD), $3.2 million for a new tar sands program, and $5.5 million for enhanced gas recovery. These increases were offset by several decreases, the largest of which was $40 million in plant construction funds not needed because of delay or cancellation of planned projects.

In conservation programs, research and development activity was increased by $24 million and offset by reductions of $36 million in grant programs at State and local levels. The added funds will allow for increased emphasis on urban waste, fuel cells, and industrial efficiency technology.

Energy information and regulation are recommended at a level of $213 million which, although a decrease of $35 million from the budget because rationing funds were cut, still remains $52 million, or about 33 percent above fiscal year 1979 appropriations.

Finally, no additional funds except for administration are recommended for the strategic petroleum reserve. The subcommittee does, however, believe the reserve should still be filled and did not recommend rescinding funds as was assumed in the first budget resolution.

For the Indian health and education programs administered by the Department of Health, Education, and Welfare, the subcommittee recommends total appropriations of $691,626,000, a net increase of $29,395,000 above the budget request. These increases are associated with construction of new and replacement hospitals and clinics, outpatient care facilities, and personnel quarters for the Bethel, Alaska, and Redlake, Mont., hospitals. In addition, increases are provided for contract care, ambulatory care, urban Indian care, and other medical programs.

The subcommittee recommends $10,900,000 for the Institute of Museum Services, the budget estimate.

For the Smithsonian Institution, the subcommittee recommends $139,548,000, a reduction of $5,442,000; $4,000,000 of that amount is associated with a historic preservation program in Pakistan to which the Government of Pakistan has not yet agreed. An additional $500,000 is associated with planning for two structures known as the south quadrangle complex which would house an oriental art gallery to complement the Freer Gallery and another building to house, among other things, the Museum of African Art which recently became a part of the Smithsonian Institution. This building program is not yet authorized and, in addition, the overall cost and financing does not yet appear to be adequately developed. The subcommittee recommends the amount of $22,311,000 for the National Gallery of Art and $1,611,000 for the Woodrow Wilson International Center for Scholars. There are minor reductions made in the budget requests of those programs but they will impose no impairments on the excellent programs of those institutions.

The subcommittee conducted extensive and exhaustive hearings in connection with the National Foundation on the Arts and the Humanities and concluded that the grant review and award processes of both institutions are sound. No reductions are proposed for those programs although additional administration funds are proposed at the expense of the matching grant programs in offsetting amounts as explained in the subcommittee report.

Mr. Chairman, this is a good bill, a balanced bill, and I recommend that it be reported to the House by the committee.

□ 1640

Mr. McDADE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in support of H.R. 4930 making appropriations for the Department of the Interior and related agencies and to urge its approval by the Members of this House.

Mr. Chairman, over the years this bill has been described as an all American bill—a resource bill and an energy bill. It is all of those things. In my judgment, it is one of the most important bills we consider each year because it gets right to the heart of the two major concerns of every American—inflation and energy. It does this by funding the management of our Nation's natural, cultural, energy, and human resources of the millions of Americans on Indian reservations and in the trust territories.

To steer the diverse programs of this bill through the House our committee is fortunate to benefit from the leadership and the skill of my friend from Illinois, SID YATES. The gentleman always conducts our hearings, our markups, and our activities in a most thorough, bipartisan manner and with, I might say, an incredible amount of patience. The result has been a bill that each year reflects the maximum input of all of this subcommittee.

Mr. Chairman, the bill we bring before you today is the very careful product of many months of deliberation as to how we can best meet the national mandate to develop and replenish our national resources. The delay in bringing this bill before you is testimony to a major dilemma we faced this year. We undertook this task with a budget submitted to our committee that was totally deficient in the critical areas of energy. We could have brought to you a bill that went along with that budget and ignored those resource programs that we have initiated and which Congress has supported through the years. Or we could choose to meet those budget problems head on. We chose the latter.

Our chairman, SID YATES, has told you about some of those decisions. He noted that the committee did not just add funds here and there. We cut, too, and we made some cuts that are going to hurt some popular programs. We cut $633.5 million out of 171 programs contained in this bill. But we did it to stress our desire to rewrite this bill to bring you a product that clearly backs up our Nation's goals with the dollars to realize them.

For example, while it is true that we bring to you a bill that is $1.7 billion over the budget—$1.5 billion of which is to fund the recently passed Moorhead bill, H.R. 3930. It is probable that the $1.5 billion will never add to this year's outlays. But our committee has served public notice to the Nation that we are serious about creating a synthetic fuel industry, and we intend to provide the dollars as soon as possible.

We were presented with budget estimates that did not respond to the national sense of emergency that confronts us with regard to our energy dilemma. We considered a budget that eliminated funds for additional oil exploration on the national petroleum reserve in Alaska. These funds were cut by OMB in the name of "budget austerity." And we made a decision that will keep the U.S. Government in the business of drilling for oil on Federal lands. The other choice was to sit back and do nothing. We chose to go forward and we added $141 million above the budget to keep Husky Oil Co. drilling on the North Slope.

I commend the additional views at the end of the report to your attention. Twenty-four Members signed them to express the committee's strong belief that we can serve a key role in future congressional deliberations on the synthetic fuels question. While our committee did proceed to fund the provisions of the Moorhead bill, we should have gone farther in creating a synthetic fuels industry through this appropriations bill. The additional views and the testimony heard before the committee, which I would also urge you to read, makes a compelling and convincing case for fast action now. The members of our committee will watch the progress of synthetic fuels legislation in the coming months and will offer our proposal to the Congress as an acceptable vehicle to create this vital industry.

I urge the Members of this House to examine our actions on the energy budget. We believe we invested tax dollars wisely on projects with the most realistic chances of success in the short and long term. Forty percent of this budget, $4.2 billion, funds the Energy and Interior Department's energy agencies. We provided $3.3 billion directly to the Department of Energy to move forward on both solvent refined coal processes, a high Btu gasification demonstration plant, and a low Btu plant. These processes are at the heart of our Nation's effort to convert coal to clean-burning solids, liquids and gas for use as a substitute for high-priced OPEC oil. Again, the administration being pennywise and pound foolish wanted to fund only one SRC plant until it got its energy security trust fund. We said no, we cannot wait. We need them both. And we provided $54 million for both plants.

In addition to this activity, the committee did not neglect the new initiatives designed to provide alternate sources of energy from oil. We added $3 million for MHD, $3.2 million to begin a new program to extract oil from tar sands, an additional $6 million for urban waste research and more funding for fuel cells, $6.5 million to test their effectiveness as a residential and industrial source of heat and power. This is a good energy budget and one you can support with enthusiasm.

The committee was faced with the painful choices that were contained in the administration's budget for the U.S. Forest Service, a budget so inadequate that it could not possibly meet the President's publicly expressed goal of a 12.7 billion board feet timber cut. The administration wants to cut the timber, but it does not want to build the roads, conduct the research, and reforest the timber stands that would allow that cut to happen. We could have chosen to accept the budget's recommendation that we fund an 11.7 billion board foot timber cut or we could increase the funding to accommodate a larger cut, and we did to 12.2 billion board feet. In addition, the committee decided to take the first steps to fund, at a vastly reduced level from last year, the very successful and very popular YCC program. We added plus $27 million to provide employment for 18,000 young people next summer on our Nation's public lands. The YCC provides $1 in return for every dollar spent in needed conservation. Nevertheless, our

funding level is still $32 million below last year's level.

We are spending $1.6 billion for programs designed to open new educational economic and health improvement opportunities for our Native Americans. Forty-five thousand Indian children benefit directly from the educational programs you approve here today, while another 325,000 children and adults have renewed opportunity to get a better education and better job opportunity because of the programs advanced by the Office of Indian Education.

Perhaps the best way to measure whether or not your dollars are being put to work by the Indian Health Service is the statistics showing over the past 20 years we have increased the life expectancy of Indian children by 5 years; we have reduced the death rate from influenza and pneumonia by 65 percent and 72 percent respectively, and we have practically eliminated the threat of death from tuberculosis to Indian children. There are other meaningful numbers which indicate the great progress we are making here.

I am certain that many of you have heard about the committee's actions regarding the fish, wildlife, parks, and recreation items in this bill—accounts which total nearly $1.5 billion. One of the most unpleasant choices the committee was forced to make was to reduce the State share of funding under the land and water conservation fund by $159 million. We made this cut to try to bring some symmetry to our bill to offset some vital increases in energy and the Forest Service and to try to avoid the prospect of a veto down the road. To offset some of the difficulty we may be causing the States, we funded the urban parks program at $125 million, a reduction of $25 million below the budget request. However, the Congress has just given final approval to the fiscal year 1979 supplemental appropriations bill containing $22 million for this initiative and this, when combined with the money here, will give the HCRS an active program this year and next.

The committee also reaffirmed its support for the historical preservation program by adding $5 million, bringing the program to a $50 million level—a level which is still $10 million below what we approved last year.

The three major items of note to the members in the National Park Service are the committee's denial of the proposal to purchase the concession at Yellowstone National Park—a $15 million saving made possible by the lack of sufficient information available to the committee. In addition, because the House has adopted legislation freezing the fee levels for the national parks we reduced the fee account by $12.6 million. In addition, the committee made a $24 million commitment to complete 300 miles of the Natchez Trace Parkway.

The committee will also note that we devote one-half billion dollars in this bill to the management of our Nation's land and water activities in the Bureau of Land Management and the Office of Water Resources Research. The $7 million increases in the BLM highlight the committee's desire to improve recreation, range management, and cadastral survey programs on the 417 million acres of land on shore and 1.1 billion acres on the Outer Continental Shelf. You will note that the committee also gave the go-ahead to the OWRT to accelerate the development of their saline water facilities in Virginia Beach, Va., and Alamagordo, N. Mex.

In summary, I hope you will give your support and your endorsement of the actions taken by the committee. This bill deserves support from both sides of the aisle because it is a bill that meets the recreational, cultural, energy, and national resource needs of our Nation.

Mr. Chairman, this bill contains some very significant amendments designed to assist the National Park Service in the long overdue development of the Delaware Water Gap National Recreation Area. This park, which borders on my congressional district, has endured tremendous growing pains because of the uncertainty surrounding construction of the Tocks Island Dam.

Much of that uncertainty has been eliminated because of the actions of the Congress by enacting legislation to include the Delaware River in the National Wild and Scenic Rivers System. Now we can proceed to accurately define the park boundary, identify carefully just what lands will be acquired and what lands will be left in private ownership and, most importantly, we can proceed to develop the facilities to make the park more attractive to visitors.

Millions of visitors are coming to the DWGNRA from all across the Nation, and because it is one of the largest of the eastern parks so close to the major population centers, we desperately need to improve the services available to these new visitors. The amendments which are contained in this bill will accomplish that improvement.

This bill contains $2 million for improvements in the park, including historic site restoration, road repairs, and other development activities. In addition, the committee provided $250,000 to be made available for cleanup and law enforcement activities in the five counties adjacent to the upper Delaware. This money, $50,000 for each of the counties, will implement my legislation enabling them to be assisted in meeting the expected increase in campers, canoeists, and other tourists that will certainly come to the upper Delaware to enjoy its many attractions.

Mr. YATES. I want to insert the following table:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1979 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1980

Agency and item	New budget (obligational) authority, fiscal year 1979 [1]	Budget estimates of new (obligational) authority, fiscal year 1980	New budget (obligational) authority, recommended in bill	Bill compared with— New budget (obligational) authority, fiscal year 1979	Bill compared with— Budget estimates of new (obligational) authority, fiscal year 1980
(1)	(2)	(3)	(4)	(5)	(6)
TITLE I—DEPARTMENT OF THE INTERIOR					
LAND AND WATER RESOURCES					
Bureau of Land Management:					
Management of lands and resources	$335,003,000	$287,931,000	$295,361,000	−$39,642,000	+$7,430,000
Acquisition, construction, and maintenance	19,011,000	16,343,000	16,343,000	−2,668,000	
Payments in lieu of taxes	105,000,000	108,000,000	108,000,000	+3,000,000	
Oregon and California grant lands (indefinite, appropriation of receipts)	55,000,000	55,000,000	55,000,000		
Range improvements (indefinite, appropriation of receipts)	8,665,000	10,900,000	10,900,000	+2,235,000	
Recreation development and operation of recreation facilities (indefinite, special fund)	300,000	300,000	300,000		
Service charges, deposits, and forfeitures (indefinite, special fund)	13,750,000	13,750,000	13,750,000		
Miscellaneous trust funds (indefinite)	100,000	100,000	100,000		
Total, Bureau of Land Management	536,829,000	492,324,000	499,754,000	−37,075,000	+7,430,000
Office of Water Research and Technology: Salaries and expenses	28,357,000	30,739,000	30,977,000	+2,620,000	+238,000
Total, Land and Water Resources	565,186,000	523,063,000	530,731,000	−34,455,000	+7,668,000
FISH AND WILDLIFE AND PARKS					
Heritage Conservation and Recreation Service:					
Salaries and expenses	15,174,000	14,954,000	15,656,000	+482,000	+702,000
Urban park and recreation fund	20,000,000	150,000,000	125,000,000	+105,000,000	−25,000,000
Land and Water Conservation Fund (indefinite)	737,025,000	598,000,000	447,059,000	−289,966,000	−150,941,000
Historic preservation fund	60,000,000	45,000,000	50,000,000	−10,000,000	−5,000,000
Total, Heritage Conservation and Recreation Service	832,199,000	807,954,000	637,715,000	−194,484,000	−170,239,000

See footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1979 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1980—Continued

Agency and item	New budget (obligational) authority, fiscal year 1979[1]	Budget estimates of new (obligational) authority, fiscal year 1980	New budget (obligational) authority, recommended in bill	Bill compared with— New budget (obligational) authority, fiscal year 1979	Bill compared with— Budget estimates of new (obligational) authority, fiscal year 1980
(1)	(2)	(3)	(4)	(5)	(6)
FISH AND WILDLIFE AND PARKS—Continued					
U.S. Fish and Wildlife Service:					
Resource management	$200,629,000	$207,055,000	$207,055,000	+$6,426,000	
Construction and anadromous fish	97,856,000	47,574,000	56,327,000	−41,529,000	+$8,753,000
Migratory bird conservation account (definite, repayable advance)	10,000,000	10,000,000	15,000,000	+5,000,000	+5,000,000
Development and operation of recreation facilities (indefinite, special fund)	150,000	200,000	200,000	+50,000	
Total, U.S. Fish and Wildlife Service	308,635,000	264,829,000	278,582,000	−30,053,000	+13,753,000
National Park Service:					
Operation of the national park system	386,806,000	382,777,000	383,512,000	−3,294,000	−735,000
Construction	118,488,000	85,358,000	97,144,000	−21,344,000	+11,786,000
Planning, development, and operation of recreation facilities (indefinite, special fund)	15,478,000	28,465,000	15,781,000	+303,000	+12,684,000
John F. Kennedy Center for the Performing Arts	4,055,000	4,287,000	3,875,000	−180,000	−412,000
Total, National Park Service	524,827,000	500,887,000	500,312,000	−24,515,000	−575,000
Total, Fish and Wildlife and Parks	1,665,661,000	1,573,670,000	1,416,603,000	−249,052,000	−157,061,000
ENERGY AND MINERALS					
Geological Survey:					
Surveys, investigations, and research	418,606,000	451,021,000	448,290,000	+29,684,000	−2,731,000
Exploration of national petroleum reserve in Alaska	231,048,000	4,427,000	145,927,000	−85,121,000	+141,500,000
Total, Geological Survey	649,654,000	455,448,000	594,217,000	−55,437,000	+138,769,000
Bureau of Mines:					
Mines and minerals	148,507,000	135,194,000	134,883,000	−13,624,000	−311,000
Helium fund (permanent contract authority)		47,500,000			−47,500,000
Total, Bureau of Mines	148,507,000	182,694,000	134,883,000	−13,624,000	−47,811,000
Office of Surface Mining Reclamation and Enforcement:					
Regulation and technology	53,944,000	81,320,000	85,520,000	+31,576,000	+4,200,000
Abandoned mine reclamation fund (definite, trust fund)	61,451,000	113,916,000	111,416,000	+49,965,000	−2,500,000
Total, Office of Surface Mining Reclamation and Enforcement	115,395,000	195,236,000	196,936,000	+81,541,000	+1,700,000
Total, Energy and Minerals	913,556,000	833,378,000	926,036,000	+12,480,000	+92,658,000
INDIAN AFFAIRS					
Bureau of Indian Affairs:					
Operation of Indian programs	792,052,000	792,020,000	792,753,000	+701,000	+733,000
Construction	126,554,000	67,721,000	83,395,000	−43,159,000	+15,674,000
Road construction	79,253,000	58,379,000	60,379,000	−18,874,000	+2,000,000
Alaska native fund	30,000,000	30,000,000	30,000,000		
Trust funds (definite)	3,000,000	3,000,000	3,000,000		
Trust funds (indefinite)	23,000,000	23,000,000	23,000,000		
Eastern Indian Land Claims Fund	3,500,000			−3,500,000	
Total, Bureau of Indian Affairs	1,057,359,000	974,120,000	992,527,000	−64,832,000	+18,407,000
TERRITORIAL AFFAIRS					
Office of Territorial Affairs:					
Administration of territories	53,517,000	46,804,000	84,161,000	+30,644,000	+37,357,000
Trust Territory of the Pacific Islands	114,706,000	99,010,000	112,760,000	−1,946,000	+13,750,000
Micronesian Claims Fund, Trust Territory of the Pacific Islands	12,600,000			−12,600,000	
Total, Office of Territorial Affairs	180,823,000	145,814,000	196,921,000	+16,098,000	+51,107,000
SECRETARIAL OFFICES					
Office of the Solicitor: Salaries and expenses	15,085,000	15,619,000	15,500,000	+415,000	−119,000
Office of the Secretary:					
Departmental management	43,100,000	48,761,000	45,760,000	+2,660,000	−3,001,000
Construction management			9,400,000	+9,400,000	+9,400,000
Salaries and expenses (special foreign currency program)	1,000,000	1,000,000	1,000,000		
Total, Office of the Secretary	44,100,000	49,761,000	56,160,000	+12,060,000	+6,399,000
Total, Secretarial Offices	59,185,000	65,380,000	71,660,000	+12,475,000	+6,280,000
Total, title I, new budget (obligational) authority, Department of the Interior	4,441,770,000	4,115,425,000	4,134,484,000	−307,286,000	+19,059,000
Consisting of:					
Appropriations	4,441,770,000	4,067,925,000	4,134,484,000	−307,286,000	+66,559,000
Definite appropriations	3,588,302,000	3,338,210,000	3,568,394,000	−19,908,000	+230,184,000
Indefinite appropriations	853,468,000	729,715,000	566,090,000	−287,378,000	−163,625,000
Permanent contract authority		47,500,000			−47,500,000
TITLE II—RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service: Forest management, protection and utilization:					
Forest research	110,969,000	105,064,000	109,490,000	−1,479,000	+4,426,000
State and private forestry	54,870,000	37,938,000	65,964,000	+11,094,000	+28,026,000
National forest system	761,235,000	752,137,900	847,151,000	+85,916,000	+95,014,000
Total, Forest management, protection and utilization	927,074,000	895,139,000	[2] 1,022,605,000	+95,531,000	+127,466,000

See footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1979 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1980—Continued

Agency and item	New budget (obligational) authority, fiscal year 1979 [1]	Budget estimates of new (obligational) authority, fiscal year 1980	New budget (obligational) authority, recommended in bill	Bill compared with— New budget (obligational) authority, fiscal year 1979	Bill compared with— Budget estimates of new (obligational) authority, fiscal year 1980
(1)	(2)	(3)	(4)	(5)	(6)
DEPARTMENT OF AGRICULTURE—Continued					
Construction and land acquisition	$36, 177, 000	$337, 438, 000	[2] $425, 823, 000	+$389, 646, 000	+$88, 385, 000
Youth conservation corps	60, 000, 000		27, 400, 000	−32, 600, 000	+27, 400, 000
Forest roads	243, 466, 000			−243, 466, 000	
Forest roads and trails	231, 392, 000			−231, 392, 000	
Timber salvage sales	3, 000, 000			−3, 000, 000	
Acquisition of lands for national forests:					
Special acts (special fund, indefinite)	385, 000	325, 000	325, 000	−60, 000	
Acquisition of lands to complete land exchanges (special fund, indefinite)	239, 000	155, 000	155, 000	−84, 000	
Rangeland improvements (special fund, indefinite)	5, 400, 000	5, 900, 000	5, 900, 000	+500, 000	
Assistance to States for tree improvement	1, 522, 000			−1, 522, 000	
Construction and operation of recreation facilities (indefinite, special fund)	3, 459, 000	3, 850, 000	3, 850, 000	+391, 000	
Rights of way (indefinite)	100, 000			−100, 000	
Total, Forest Service	1, 512, 214, 000	1, 242, 807, 000	1, 486, 058, 000	−26, 156, 000	+243, 251,000
DEPARTMENT OF ENERGY					
Fossil energy research and development	[3] 578, 189, 000	[4] 675, 592, 000	699, 377, 000	+121, 188, 000	+23, 785, 000
Fossil energy construction	99, 709, 000	77, 050, 000	71, 250, 000	−28, 459, 000	−5, 800, 000
Energy production, demonstration and distribution	[5] 169, 415, 000	[6] 124, 299, 000	125, 971, 000	−43, 444, 000	+1, 672, 000
Energy conservation	707, 455, 000	[7] 557, 995, 000	545, 552, 000	−161, 903, 000	−12, 443, 000
Reappropriation		[8] 200, 000, 000	197, 500, 000	+197, 500, 000	−2, 500, 000
Economic Regulatory Administration	[10] 100, 333, 000	[9] 159, 646, 000	125, 697, 000	+25, 364, 000	−33, 949, 000
Strategic petroleum reserve	[11] 3, 007, 071, 000	8, 391, 000	8, 391, 000	−2, 998, 680, 000	
Energy Information Administration	[12] 60, 544, 000	88, 657, 000	87, 273, 000	+26, 729, 000	−1, 384, 000
Synthetic fuels production			1, 500, 000, 000	+1, 500, 000, 000	+1, 500, 000, 000
Total, Department of Energy	4, 722, 716, 000	1, 891, 630, 000	3, 361, 011, 000	−1, 361, 705, 000	+1, 469, 381, 000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE					
Health Services Administration:					
Indian health services	489, 493, 000	535, 116, 000	541, 449, 000	+51, 956, 000	+6, 333, 000
Indian health facilities	76, 960, 000	50, 240, 000	74, 302, 000	−2, 658, 000	+24, 062, 000
Total, Indian health	566, 453, 000	585, 356, 000	615, 751, 000	+49, 298, 000	+30, 395, 000
Office of Education: Indian education	71, 735, 000	76, 875, 000	75, 875, 000	+4, 140, 000	−1, 000, 000
Office of the Assistant Secretary for Education: Institute of Museum Service	7, 852, 000	10, 900, 000	10, 900, 000	+3, 048, 000	
Total, Department of Health, Education, and Welfare	646, 040, 000	673, 131, 000	702, 526, 000	+56, 486, 000	+29, 395, 000
NAVAJO AND HOPI INDIAN RELOCATION COMMISSION					
Salaries and expenses	8, 752, 000	950, 000	950, 000	−7, 802, 000	
SMITHSONIAN INSTITUTION					
Salaries and expenses	98, 202, 000	104, 740, 000	103, 498, 000	+5, 296, 000	−1, 242, 000
Museum programs and related research (special foreign currency program)	3, 700, 000	7, 700, 000	3, 700, 000		−4, 000, 000
Science Information Exchange	2, 063, 000			−2, 063, 000	
Construction and improvements, National Zoological Park	3, 900, 000	6, 550, 000	6, 500, 000	+2, 600, 000	−50, 000
Restoration and renovation of buildings	2, 100, 000	4, 900, 000	5, 250, 000	+3, 150, 000	+350, 000
Construction	575, 000	21, 100, 000	20, 600, 000	+20, 025, 000	−500, 000
Subtotal	110, 540, 000	144, 990, 000	139, 548, 000	+29, 008, 000	−5, 442, 000
Salaries and expenses, National Gallery of Art	19, 281, 000	22, 577, 000	22, 311, 000	+3, 030, 000	−266, 000
Salaries and expenses, Woodrow Wilson International Center for Scholars	1, 588, 000	1, 648, 000	1, 611, 000	+23, 000	−37, 000
Total, Smithsonian Institution	131, 409, 000	169, 215, 000	163, 470, 000	+32, 061, 000	−5, 745, 000
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES					
National Endowment for the Arts:					
Salaries and expenses	102, 160, 000	97, 000, 000	97, 000, 000	−5, 160, 000	
Administrative expenses	9, 925, 000	10, 500, 000	12, 000, 000	+2, 075, 000	+1, 500, 000
Subtotal	112, 085, 000	107, 500, 000	109, 000, 000	−3, 085, 000	+1, 500, 000
Matching grants (indefinite)	37, 500, 000	46, 900, 000	45, 400, 000	+7, 900, 000	−1, 500, 000
Total, National Endowment for the Arts	149, 585, 000	154, 400, 000	154, 400, 000	+4, 815, 000	
National Endowment for the Humanities:					
Salaries and expenses	98, 300, 000	100, 300, 000	100, 300, 000	+2, 000, 000	
Administrative expenses	10, 431, 000	10, 800, 000	11, 400, 000	+969, 000	+600, 000
Subtotal	108, 731, 000	111, 110, 000	111, 700, 000	+2, 969, 000	+600, 000
Matching grants (indefinite)	36, 500, 000	39, 000, 000	38, 400, 000	+1, 900, 000	−600, 000
Total, National Endowment for the Humanities	145, 231, 000	150, 100, 000	150, 100, 000	+4, 869, 000	
Total, National Foundation on the Arts and the Humanities	294, 816, 000	304, 500, 000	304, 500, 000	+9, 684, 000	
COMMISSION OF FINE ARTS					
Salaries and expenses	263, 000	271, 000	268, 000	+5, 000	−3, 000
ADVISORY COUNCIL ON HISTORIC PRESERVATION					
Salaries and expenses	1, 204, 000	1, 672, 000	1, 350, 000	+146, 000	−322, 000

See footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1979 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1980—Continued

Agency and item	New budget (obligational) authority, fiscal year 1979 [1]	Revised budget estimates of new (obligational) authority, fiscal year 1980 [2]	New budget (obligational) authority recommended in bill	Bill compared with— New budget (obligational) authority, fiscal year 1979	Bill compared with— Budget estimates of new (obligational) authority, fiscal year 1980
(1)	(2)	(3)	(4)	(5)	(6)
TITLE II—RELATED AGENCIES—Continued					
NATIONAL CAPITAL PLANNING COMMISSION					
Salaries and expenses	$2,019,000	$2,193,000	$1,975,000	−$44,000	−$218,000
FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION					
Salaries and expenses	20,000	10,000	40,000	+20,000	+30,000
JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA					
Salaries and expenses	594,000			−594,000	
PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION					
Salaries and expenses	1,659,000	1,856,000	1,811,000	+152,000	−45,000
Land acquisition and development fund (borrowing authority)	33,000,000	17,000,000	17,000,000	−16,000,000	
Public development	30,255,000	20,110,000	20,110,000	−10,145,000	
Total, Pennsylvania Avenue Development Corporation	64,914,000	38,966,000	38,921,000	−25,993,000	−45,000
Total, title II, new budget (obligational) authority, related agencies	7,384,961,000	4,325,345,000	6,061,069,000	−1,323,892,000	+1,735,724,000
Consisting of:					
Appropriations	7,351,961,000	4,108,345,000	5,846,569,000	−1,505,392,000	+1,738,224,000
Definite appropriations	7,268,378,000	4,012,215,000	5,752,539,000	−1,515,839,000	+1,740,324,000
Indefinite appropriations	83,583,000	96,130,000	94,030,000	+10,447,000	−2,100,000
Reappropriation		200,000,000	197,500,000	+197,500,000	−2,500,000
Borrowing authority	33,000,000	17,000,000	17,000,000	−16,000,000	
RECAPITULATION					
Total, new budget (obligational) authority, all titles	11,826,731,000	8,440,770,000	10,195,553,000	−1,631,178,000	+1,754,783,000
Consisting of:					
Appropriations	11,793,731,000	8,176,270,000	9,981,053,000	−1,812,678,000	+1,804,783,000
Definite appropriations	(10,856,680,000)	(7,350,425,000)	(9,320,933,000)	(−1,535,747,000)	(+1,970,508,000)
Indefinite appropriations	(937,051,000)	(825,845,000)	(660,120,000)	(−276,931,000)	(−165,725,000)
Reappropriation		200,000,000	197,500,000	+197,500,000	−2,500,000
Borrowing authority	33,000,000	17,000,000	17,000,000	−16,000,000	
Permanent contract authority		47,500,000			−47,500,000

[1] Includes fiscal year 1979 supplemental appropriations contained in H.R. 4289 as passed by the House.

[2] Includes budget amendment of $7,600,000 contained in H. Doc. 96-145 as follows: Forest research, $400,000; State and private forestry, $1,750,000; National Forest system, $3,559,000; and construction and land acquisition, $1,891,000.

[3] Excludes $79,200,000 from programs previously included in "Energy Conservation" and $1,613,000 from programs previously included in "Energy, Science and Defense Activities—Operating Expenses" which are now included in fiscal year 1980 estimates.

[4] Includes $5,000,000 transferred from "Energy Supply, Research and Development—Operating Expenses" account.

[5] Excludes $2,284,000 from "Energy, Science and Defense Activities—Operating Expenses" which are now included in fiscal year 1980 estimates.

[6] Includes $2,000,000 transferred from "Departmental Administration" account.

[7] Includes $79,200,000 for programs transferred to "Fossil Fuel—Operating Expenses" in fiscal year 1980 estimates and excludes $2,503,000 from programs previously included in "Energy, Science and Defense Activities—Operating Expenses" which are now included in fiscal year 1980 estimates.

[8] Includes $2,700,000 transferred from "Energy Supply, Research and Development—Operating Expenses" account.

[9] Reappropriation of funds for conservation grants for schools and health care facilities, appropriated in Public Law 95-240, the availability of which is due to expire on Sept. 30, 1979. Budget proposes extension of availability—a reappropriation under concepts agreed to between the Office of Management and Budget and the Appropriations Committees.

[10] Includes $4,100,000 for programs transferred to "Energy Information Administration" account in fiscal year 1980 estimates.

[11] Excludes $675,000 from programs previously included in "Energy, Science and Defense Activities—Operating Expenses" which are now included in fiscal year 1980 estimates.

[12] Excludes $4,100,000 for programs previously included in "Energy Regulatory Administration" account which are now included in fiscal year 1980 estimates.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. McDADE) has expired.

Mr. McDADE. Mr. Chairman, I yield myself 2 additional minutes.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I thank my colleague for yielding.

There are two matters that have concerned me on the subject of forests, and one of them involves the problem of increasing desiccation by overgrazing on our forest lands. I wondered if that had been taken into consideration by the committee or whether that would be more in the purview of the authorizing committee.

Mr. McDADE. Mr. Chairman, perhaps the gentlewoman noticed the article that appeared in the New York Times Sunday.

Mrs. FENWICK. Yes.

Mr. McDADE. It concerned both the Bureau of Land Management and the U.S. Forest Service, both of which have grazing areas.

I want to assure the gentlewoman that this is a problem that has been of great concern to us for the past 10 years. This committee, without ever getting a budget request, has engaged in a program in both the BLM and in the U.S. Forest Service to try to get those lands in shape.

Let me say that a group instituted a court action which prevented the funds we had appropriated from being spent on the land. Happily, that dispute is now resolved, and we can look forward to improvements in both ranges.

Mrs. FENWICK. Mr. Chairman, I have one further question, if the gentleman will yield?

Mr. McDADE. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, this refers to page 5 of the report, to which the gentleman from Illinois (Mr. YATES) suggested we should turn.

The OMB recommended no funds to continue the Youth Conservation Corps and recommended instead the Youth Adult Conservation Corps.

What were the considerations involved in keeping the Youth Conservation Corps in favor of the recommendations of the OMB that it be discontinued?

Mr. McDADE. Mr. Chairman, the YCC is the only program on the books that provides an 8-week work experience in our national forests, parks, woodlands, and certain urban areas. It is partly administered by the Labor Department.

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For every dollar invested in employing those youngsters and in giving them the work experience, we get a dollar back in benefits, because indeed they do work on our national assets.

Mrs. FENWICK. What is the difference between the two?

Mr. McDADE. One of them is a limitation to youngsters; the YCC is 15 to 18, and an 8-week course, and the YACC is a program that applies to older children and has a different time period.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from Illinois.

Mr. YATES. YACC is a year-round program. The YCC program is a summer program only.

Mr. McDADE. They are targeted at different groups. The administration recommended zero. We have it in as a committee consensus.

● Mr. WYDLER. Mr. Chairman, the Science and Technology Committee last year adopted my amendment for $5.4 million to initiate a comprehensive oil heat R. & D. and marketing program. That money was appropriated for fiscal year 1979 and this year DOE requested $3.85 million for their follow-on activity. This is a vital program for people in the Northeast who depend heavily on oil to heat their homes.

The $500,000 of the DOE request was set-aside by our committee from the important oil-fired unit demonstration to the space conditioning in research project activity at Brookhaven National Laboratory. This demonstration activity was designed in three phases, the first two of which require Federal stimulation.

The redirection of funds in this program will speed the introduction of advanced combustion concepts and furnaces to raise efficiency 40 to 50 percent. This is a vital R. & D. program for the Northeast and deserves strong support.

FOSSIL ENERGY (COAL-OIL COMBUSTION RESEARCH)

This $250,000 is for restoration of the university research on coal-oil mixtures which was funded last year under advanced research and supporting technology but was not included in the fiscal year 1980 request. The coal-oil mixtures program was reduced by $2,950,000 in fiscal year 1980 and there are insufficient funds to complete important activity on contracts outside the energy technology centers. This set-aside is specifically for Adelphi College Center for Energy Studies and complements a smaller program sponsored by EPA which is directed at reducing emissions by coal/oil combustion. The work consists of coal desulfurization during combustion of coal-oil water emulsions. This is an economic alternative to clean liquid from coal.

SYNTHETIC FUELS PRODUCTION

This bill, as the Moorhead bill before it and the DOE authorization H.R. 3000, is a genuine energy supply bill. I recall 3 years ago when our Science and Technology Committee struggled vainly to push major initiatives for synthetic fuels production.

Outside of projects at the pilot plant scale, this country has made little progress since then because industry has not been given the incentive. I believe that setting production goals of 500,000 barrels a day by 1985, as in H.R. 4930, is the incentive that should catalyze the synthetics programs.

In the Northeast we are particularly interested in major liquefaction projects but advanced gasification techniques cannot be ignored because they are a vital source for petroleum substitutes.

I urge my colleagues to support this bill. I also want to congratulate Mr. McDADE and Mr. YATES for bringing it to the floor. It is a genuine energy supply bill.●

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BENJAMIN).

Mr. BENJAMIN. Mr. Chairman, I rise to thank the distinguished chairman of the committee, the gentleman from Illinois (Mr. YATES), and his fine ranking minority member, the gentleman from Pennsylvania (Mr. McDADE), for developing a truly comprehensive bill and report.

I also take this time to inquire of my chairman if I am correct to understand that the demonstration of a new coke-making technique, described by the committee in its discussion of industrial energy conservation on page 76 of the committee report, refers to the Inland Steel Corp.'s proposed project in East Chicago, Ind.?

Mr. YATES. If the gentleman will yield, the gentleman is correct.

Mr. BENJAMIN. Originally, a request for $5 million was made for this project for fiscal year 1980. Does the committee's decision not to fund this project during the coming fiscal year reflect its disapproval of the project?

Mr. YATES. No, I would say to the gentleman that is not a disapproval. The committee has taken no action because the Department of Energy has asked for time to review the proposal. That is the reason that the committee took no action. We are waiting for the report from the Department of Energy.

Mr. BENJAMIN. I thank the chairman.

I wonder if the ranking minority member would have a comment on that.

Mr. McDADE. If the gentleman will yield, I am delighted to respond to him.

I echo the sentiments of the gentleman from Illinois (Mr. YATES). We await the report. We appreciate the fact that the gentleman from Indiana brings it to our attention. We are interested in it.

Mr. BENJAMIN. I thank the gentleman very much.

A final question, Mr. Chairman.

In its report, the committee states they expect a comprehensive report on this process, its energy-saving potential and its benefits and costs in time to be considered in the fiscal year 1981 congressional budget process. As chairman of the Interior Subcommittee, what date does the gentleman believe the subcommittee should release its report in order to allow for a full and careful review prior to the consideration of the fiscal year 1981 legislation?

Mr. YATES. If the gentleman will yield, I will tell the gentleman that I would expect that report to be provided to the subcommittee early next year and it will be considered during the hearings on the fiscal year 1981 budget.

Mr. BENJAMIN. I thank the chairman and the ranking minority member.

Mr. McDADE. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I will not take the 5 minutes, but I do want to commend the chairman, the ranking minority member, and the other members of this subcommittee for an excellent bill. This is a difficult bill, because we deal with a lot of matters of great interest to many groups. For example, this bill funds the Bureau of Indian Affairs. They have great needs. There is never enough money to go around for the national parks and forest development and the many other responsibilities of Government that are funded in this bill. A strenuous effort was made to bring out a balanced bill. The results are responsible in terms of building for the future and in terms of our national interest, and yet doing so with a concern for the budgetary impact.

The YCC program is funded in the amount of $27 million. Just today I received a letter from a group in the 16th district, saying what an excellent job had been accomplished this summer by the YCC group. They worked hard. They accomplished a number of items of lasting benefit in our community.

Also, it should be pointed out that an effort has been made in this bill to increase funding for the urban parks, a recognition that the urban parks have great value to people because of the proximity to our population centers. The pressures will continue to grow as people pay a high cost for fuel and as shortages continue. There is a need for recreational facilities close to the location of population centers. Historically, we have developed magnificent national parks that are scattered around the country, but in many instances they have been distant from the population centers. In this bill we have attempted to address that problem by giving strong support to the urban parks development.

There will be an increase in timber cutting that will result from the increased funding. This is vital if we are to maintain accessibility to lumber at a reasonable cost to those who want to build. It will be helpful in reducing the inflationary growth of the costs in the building industry.

The funding of the two SRC demonstration plants is important. We have gone beyond just the R. & D. stage and said, "Let us get on with the program that will produce synthetic fuels," recognizing that down the road this becomes a very vital part of the fuel needs of this Nation.

In terms of the Forest Service, there is a provision for multiple use, again a recognition that there is a growing need for the recreational aspects of forest lands.

On balance, if you take the bill as a total, it represents a good stewardship of a vital American resource, and that is the public lands. Most people do not realize that we have over 750 million acres of land that is owned by the U.S. Government. This represents one-third of all of the land in the United States, and this does not include the offshore areas that are under control of the U.S. Government, also.

As we all recognize, land is growing tremendously in value. Land is an asset that is precious to all of us, and what we have tried to do in this bill is to manage the public lands wisely for the benefit of present users and also to preserve these assets for the future.

I certainly commend to all of my colleagues the support of the bill that is before us today.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, first of all I want to say that I commend the distinguished chairman, the gentleman

from Illinois (Mr. YATES), and the ranking minority member, the gentleman from Pennsylvania (Mr. McDADE), for the outstanding leadership they have provided on this bill.

I think this bill in its totality is an outstanding piece of legislation that addresses the natural resource problems of this country, it does much for our national parks, and it funds and takes care of the critical problems facing our need to develop energy alternatives for our country.

I have one small reservation about this bill which I have expressed to my two distinguished leaders on this committee, and that deals with the National Petroleum Reserve of Alaska.

The administration does not support funding included in this bill for next year's fiscal year 1980 budget of $141.5 million to drill 5 additional wells as part of this project.

Today we have already funded drilling of 19 wells in Alaska. The administration says it is prepared now to present its view that we ought to go ahead and have private exploration and, thus, the expenditure of an additional $141.5 million simply is not required.

Now, that is just the beginning. There is money in this bill for four wells for next year, and that might cost another $191 million, plus the eventual termination cost of some $50 million, for a total expenditure of $381 million over the next 2, 2½ years.

Quite frankly, at a time when we cannot fund fully the Land and Water Conservation Fund of this country, at a time when we cannot fund the very important Youth Conservation Corps program, I am hard pressed to rationalize or justify this kind of a massive expenditure for only five additional wells.

I think it is time to turn over the National Petroleum Reserve of Alaska to the private sector so that we can get busy and develop the oil potential of this important area.

I hope when we begin dealing with amendments my colleagues will pay attention to an opportunity not to add to this bill, but to subtract from it, and to subtract from it in the two following fiscal years. This is a chance to save the taxpayers of this country approximately $381 million. I think it is the right course of action. I intend, later on, to offer an amendment to that effect.

Mr. McDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BURGENER).

□ 1700

Mr. BURGENER. I thank my colleague for yielding.

Mr. Chairman and my colleagues, I rise in wholehearted support of this bill in its entirety. As a new member of the committee assigned for the first time this year to this committee, it has been a real privilege to serve with the chairman of the committee, the gentleman from Illinois (Mr. YATES), with the gentleman from Pennsylvania (Mr. McDADE) and all of the members of the subcommittee.

I am pleased particularly that this bill addresses itself on the one hand to energy, to things that we must extract from the ground, for our economy and our lifestyle and our security, and on the other hand in the very same document it deals with the conservation and the management of our resources and our public lands and acquisition of more public lands and the protection of our great resources. It deals in a responsible manner with both great needs.

So I think all in all it is an excellent document and a bill that should receive the overwhelming support of this committee.

Mr. YATES. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. McCORMACK).

Mr. McCORMACK. First, I congratulate the chairman of the subcommittee, the gentleman from Illinois, and the ranking minority member, the gentleman from Pennsylvania, for their efforts in preparing this very important bill. I am disappointed that the schedule change bringing H.R. 4930 to the floor for consideration today has made it impossible for me to offer an amendment which would have restored $159 million to the land and water conservation fund of the Heritage Conservation and Recreation Service. If the bill had been brought before the House in the orderly manner scheduled, I would have submitted an amendment. Such an initiative on my part is, of course, unrealistic when the bill is presented so suddenly and ahead of schedule.

A few words should be said about the history and public benefits of the land and water conservation fund.

A special fund to acquire public parklands and related recreation resources and to aid in the development of State and local recreation resources was a central element of the report of the bipartisan Federal Outdoor Recreation Resources Review Commission in 1962. The Land and Water Conservation Fund Act was passed in 1965, again with strong bipartisan support. In the first 13 years of the fund some 22,000 State and local planning, acquisition and development projects have been undertaken with assistance from this program. Resources made available through the land and water conservation fund annually reach every State in the Union, the District of Columbia, and the territories through a population-based formula. From time to time since its original passage the Congress has recognized the constructive social and environmental significance of the fund, and has increased authorization levels for the program consistent with escalating acquisition and construction costs. In 1976 the Congress, by the overwhelming vote of 392 to 3 approved the present ceiling of $900 million.

State and local projects are essentially selected by the respective State, with Federal overview; thus, there is a direct relationship between the perceived needs of the people and application of resources.

Let me speak directly to a concern that I personally share with most of the Members of Congress—fiscal responsibility. If we were to look closely at every single program—Federal, State or other—the land and water conservation fund stands out as one of the Nation's more responsible and responsive, for several reasons: First. The Federal State matching ratio remains at 50 percent. Those familiar with Federal assistance will recognize that this is favorable to the Federal Government when compared to most other programs. While some users and potential users are concerned with this ratio, it remains one of the most conservative of all grants-in-aid programs.

Second. All of the long-term costs of project operation and maintenance are borne by State or local participants. They make that legal commitment when they receive the grant. The Federal Government has no further obligation.

Third. The program leverages significant amounts of local financial support; frequently more than five times as much as the Federal contribution.

Fourth. Funds allocated to each State must be legally obligated within a 3-year period. While the demand is such that over 90 percent of the funds are obligated in the first year, the program allows State and local governments to more rationally plan and arrange for their fiscal contributions.

Mr. Chairman, in the current situation of energy shortages and rapidly rising gasoline costs, visitor use of more close-to-home recreation and tourism resources has substantially increased, while use of more distant parks—accessible principally by auto—has dropped substantially. This seems to me no time to be cutting back on quality recreation facilities which can be made available close to home for most people.

I believe that the cuts made by the Appropriations Subcommittee, however well-intentioned they may have been, were ill-advised and unfortunate. I hope that they will be restored in the other body, and that the conferees on the House side will agree to adequate funding for these programs, at least at the level requested by the administration.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Illinois.

Mr. YATES. I would like to assure the gentleman that the members of the subcommittee are as fully appreciative of the value of the land and water conservation fund as is our good friend from Washington.

It was only the budgetary constraints in this bill which required us to make the reduction in the fund for this year. I would like to assure the gentleman that, except for those restrictions, we would not have made that cut.

I would also like to assure the gentleman that it is my anticipation that if the Senate does restore that part of that funding, that it will receive very serious and sympathetic consideration from this committee when the committee goes to conference.

Mr. McCORMACK. The gentleman has already answered the question I anticipated asking him: If the other body does fund the program to the administration level, will he support it?

Mr. YATES. Well, I do not think that any Member of the House likes to precondition his going into a conference,

but as I indicated to the gentleman, I anticipate the Senate may put additional funds in, and as conferees, we will give that figure our very serious and sympathetic consideration.

Mr. McCORMACK. I thank the gentleman.

I wonder if the gentleman from Pennsylvania has any sort of response.

Mr. McDADE. Well, the land and water fund is a program we all support. You support it. I support it. Everybody here does. As the gentleman knows, this is a very difficult bill with which to deal. We are now over the budget, far beyond our widest expectations because of the inadequate budget that was sent to us from downtown.

I am not going to offer the gentleman a commitment. The land and water fund is a marvelous vehicle. We all regret the fact that it had to be cut. We will look to see what the Senate does and try to work out agreements.

Of course, we all claim some partnership with the land and water fund. We all think it is a marvelous institution. We support it, and we intend to support it to the best of our abilities.

Mr. McCORMACK. I thank the gentleman.

I would like to comment that I believe that going over the budget as you have was a commendable thing to do. I have dealt with parts of this budget myself and very much agree with the gentleman that the programs were unconscionably underfunded by the Department of Energy, in particular with which the gentleman was dealing. So in this case I think you are serving America well by providing the adequate funding.

Mr. McDADE. I thank my friend. I want to assure him as well that I know that the chairman and I expected this bill to be on the floor tomorrow, so I just want to assure the gentleman that there was no effort on our part that this bill was called up for reasons that are beyond my knowledge, but we thought we were going to be on the floor tomorrow.

I want to assure the gentleman there was no effort to prevent him from having any full discussion about it.

Mr. McCORMACK. I completely understand.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. YATES. Mr. Chairman, I yield 15 additional seconds to the gentleman from Washington.

Mr. McCORMACK. I was going to say that if the bill had been considered on Wednesday, I would have submitted the amendment. As it is, I will trust now to the gentleman's judgment and leadership.

Mr. GINN. Mr. Chairman, I share the Member's deep concern about the committee's recommendation on the land and water conservation fund. This program has, since it inception, been one of the most effective of all Federal programs. The lay public strongly supports it and public officials responsible for general government and park system planning and development hail its social and environmental benefits.

I submit for the RECORD, Mr. Chairman, a table which shows, on a State-by-State basis, the difference between the administration's funding level and that of the Appropriations Committee.

Mr. Chairman, I sincerely hope my colleagues will, in the final analysis, report a bill which more closely resembles the administration's request.

LAND AND WATER CONSERVATION FUND ASSISTANCE TO STATES, ESTIMATED FISCAL YEAR 1980 APPORTIONMENTS

State	Level	Level	Difference
Alabama	$5,907,571	$3,240,744	$2,666,827
Alaska	2,841,988	1,712,354	1,129,634
Arizona	4,777,345	2,674,188	2,103,157
Arkansas	4,198,452	2,392,677	1,805,775
California	26,396,943	13,396,780	13,000,163
Colorado	5,224,978	2,895,791	2,329,187
Connecticut	6,049,593	3,302,836	2,746,757
Delaware	3,122,718	1,851,495	1,271,223
Florida	11,477,293	5,999,073	5,478,220
Georgia	6,975,666	3,775,649	3,200,017
Hawaii	3,467,163	2,022,045	1,445,118
Idaho	3,071,018	1,829,465	1,241,553
Illinois	14,412,081	7,461,872	6,950,209
Indiana	7,727,098	4,145,420	3,581,678
Iowa	4,778,450	2,684,246	2,094,204
Kansas	4,446,773	2,515,608	1,931,165
Kentucky	5,360,917	2,973,054	2,387,863
Louisiana	6,116,366	3,344,388	2,771,978
Maine	3,327,690	1,957,176	1,370,514
Maryland	7,007,814	3,780,464	3,227,350
Massachusetts	9,271,172	4,899,566	4,371,606
Michigan	12,235,043	6,379,939	5,855,104
Minnesota	6,274,003	3,422,649	2,851,354
Mississippi	4,206,190	2,400,052	1,806,138
Missouri	7,074,463	3,822,052	3,252,411
Montana	3,068,448	1,827,402	1,241,046
Nebraska	3,823,123	2,203,709	1,619,414
Nevada	3,168,891	1,873,810	1,295,081
New Hampshire	3,248,993	1,915,785	1,333,208
New Jersey	10,850,325	5,685,008	5,165,317
New Mexico	3,405,265	1,995,691	1,409,574
New York	22,572,906	11,507,838	11,065,068
North Carolina	7,026,535	3,807,072	3,219,463
North Dakota	2,989,589	1,787,856	1,201,733
Ohio	13,843,893	7,181,109	6,662,784
Oklahoma	4,964,609	2,771,992	2,192,617
Oregon	4,656,059	2,616,789	2,039,270
Pennsylvania	15,055,276	7,782,593	7,272,683
Rhode Island	3,606,292	2,090,553	1,515,739
South Carolina	4,919,759	2,751,559	2,168,200
South Dakota	2,985,954	1,786,696	1,199,258
Tennessee	6,477,826	3,524,677	2,953,149
Texas	15,222,471	7,865,932	7,356,539
Utah	3,798,167	2,186,742	1,611,425
Vermont	2,807,335	1,697,308	1,110,027
Virginia	7,295,492	3,930,936	3,364,556
Washington	6,074,830	3,320,704	2,754,126
West Virginia	3,940,823	2,264,065	1,676,758
Wisconsin	6,787,121	3,680,104	3,107,017
Wyoming	2,750,125	1,668,163	1,081,962
District of Columbia	1,309,701	704,376	605,325
Puerto Rico	4,659,282	2,550,848	2,108,434
Virgin Islands	103,109	58,400	44,709
Guam	111,523	63,166	48,357
American Samoa	34,489	19,534	14,955
Contingency	12,000,000	12,000,000	0
Total	359,307,000	200,000,000	159,307,000

Mr. McDADE. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona.

Mr. RUDD. Mr. Chairman, I would like to sincerely commend the distinguished gentleman from Illinois, the chairman of this committee and the ranking member, the gentleman from Pennsylvania, for the genuinely outstanding job that they did in putting this bill together.

I want to note that this bill appropriates a modest $4 million to start implementation of the Tribally-Controlled Community College Assistance Act of 1978.

In the report accompanying the bill, the Bureau of Indian Affairs is instructed to give priority in grants to academic institutions serving Indians which are already accredited, and to give "special consideration * * * to those institutions with financial difficulties which, without a grant, would be unable to operate during the upcoming school year."

Since institutions in this "special consideration" category are most in need of prompt action in making those grants by the Bureau of Indian Affairs, I would like to propound a question to the distinguished chairman of the subcommittee (Mr. YATES):

I understand that the Bureau of Indian Affairs has already conducted some preliminary feasibility study work under contract in order to implement the Tribally-Controlled Community College Assistance Act when it was funded by an appropriation.

In fact, the College of Ganado, as one example, was the subject of two separate visitations by the BIA contractors earlier this year.

As you know the fiscal year starts in October, the school year in September.

Owing to the short period of time remaining to consider and approve grants for those financially threatened institutions, eligible for support under the committee's "special consideration" category, is it the intention of the committee that the BIA will satisfy the law by utilizing the preliminary feasibility study work, already conducted, in order to get funds approved for these eligible institutions promptly? This is necessary so that they will know their circumstances and be able to count on support at the beginning of the academic year.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. RUDD. I yield to the gentleman from Illinois.

Mr. YATES. It is my understanding the law requires feasibility studies. It is my understanding that studies that have been partially made, and when completed, should satisfy the requirements of the law.

Mr. RUDD. I thank the chairman.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. RUDD. I yield to the gentleman from Pennsylvania.

Mr. McDADE. I want to commend my friend for bringing this matter to our attention. I share the views expressed by my friend from Illinois. The gentleman can be assured we will do our very best to work with him.

Mr. RUDD. I thank the gentleman.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, when I came before the Subcommittee on Interior of the Committee on Appropriations in May, I said to our colleagues that the time has come to pay the piper on the matter of the Boundary Water Canoe Area Act of 1978. The House last year promised the people of northern Minnesota that in exchange for converting the BWCA into total wilderness, the House would provide funding for programs to ease the economic burden caused by imposing virtual total wilderness status on the area.

This House gave final approval to the Boundary Waters Canoe Area Wilderness Act of 1978 in the last hours of the 95th Congress.

I opposed the legislation because I felt it was not in the best interests of the

people I represent in the House. While I supported the termination of logging and mining in the Boundary Waters, I could not support the extensive restrictions that legislation imposed on existing motor use of the area.

The Congress, however, determined that the restrictions were in the national interest. Those restrictions are now law.

In enacting those restrictions, the Congress recognized the impact they would have on the economy and the way of life of the people of the rural area surrounding the Boundary Waters Canoe Area, and included programs to mitigate that impact in Public Law 95–495.

That law specifically recognizes that our economy in northern Minnesota is heavily dependent on timber-harvesting and a recreational/tourism economy which consists of small, locally owned and operated businesses.

Northeastern Minnesota needs programs designed to help individual businesses adjust to the restrictions imposed on the use of the BWCA, to help the small communities and the region adjust to the changes imposed by the law, and to replace the lost timber yield of the Boundary Waters Canoe Area.

Congress made a commitment to the people of my district to ease the adverse economic impact of the conversion to wilderness. Many of my colleagues in the House relied upon that commitment in voting for this legislation during the 95th Congress. They felt the people would be well cared for, economically, under the new law.

To the people I represent, the mitigating programs of economic adjustment are just as integral to the law as the restrictions.

To the private citizen in Minnesota, the difference between authorization and appropriation means little, if anything.

I speak not just of those who opposed restrictions, but for Minnesotans of all opinions on the BWCA issue. Full appropriations have been endorsed by not only the people of the area but by the advocates of total wilderness as well—including the Friends of the Boundary Waters Wilderness.

Our Minnesota congressional delegation stands united behind the appropriation of funds for the programs authorized under Public Law 95–495.

□ 1710

The Appropriations Committee has done a commendable job on a bipartisan basis in providing those promised funds. I want to thank the chairman of the subcommittee, Mr. YATES, for his diligence in putting up with the numerous meetings I have had with him and requests and pleas that I have made to him and to the gentleman from Pennsylvania (Mr. MCDADE) the ranking minority member of the subcommittee, and the gentleman from Ohio (Mr. REGULA). They have spent a considerable amount of time helping work out funding for the programs that are so needed to do justice to the people of northeastern Minnesota.

The committee has recommended $10,891,000 in direct appropriations and $3,000,000 from the Land and Water Conservation funds for the purchase of resorts as provided in section 5 of Public Law 95–495.

In recommending $13.9 million, the Appropriations Committee added $3.3 million to the administration fiscal year 1980 budget request. I commend the committee for this addition. As the report to accompany the bill notes, the committee did not feel the administration request was adequate. The report understates the deficiency of the administration budget request.

The entire Minnesota congressional delegation requested and continues to support an appropriation of $17.4 million. The Forest Service has developed a program for implementing the law which would require that appropriation.

While the Appropriations Committee did not fund our full request, it made additions to the administration budget in the most critical areas and provides full funding for the State of Minnesota's intensive forest management program and for assistance under section 19 to resorters and outfitters impacted by the law.

During the coming fiscal year, the Forest Service should use appropriated but unobligated funds for BWCA programs in addition to the specific appropriation.

The issues of timber and of recreational trails construction are two components of the committee recommendation that raise a question. The committee has provided substantial funding above the rather penurious request made by the administration, but left a gap between what I proposed and what was actually appropriated by the committee for timber haul and access roads to actually go into the areas of the Superior National Forest outside of the Boundary Waters Canoe Area and harvest the timber that is available. The chairman has advised me funds could be made available if the Superior National Forest were to request those funds from the U.S. Forest Service national appropriation beyond the special BWCA funds, and I refer to the additional $88 million increase the committee has provided for the Forest Service. I wonder if the chairman could amplify on that.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the chairman of the subcommittee.

Mr. YATES. Mr. Chairman, I would certainly be of the opinion that the funds we have made available to the Forest Service for all programs that make up the Forest Service would be available to the Superior National Forest as well, and that the funds that we have itemized specifically for carrying out the agreement for the Boundary Water Canoe Area of the Forest Service would certainly not limit the application of funding to that area.

Mr. OBERSTAR. I want to thank the chairman for that elaboration. The Forest Service then is not limited to those specifically mentioned funds, but can draw upon the additional increase provided by the committee? That will be so important to northeastern Minnesota. I must say that with these funds and those approved by the House in the Agriculture Appropriations bill for direct loans to small businesses, we are beginning to meet the commitment made to the people of Minnesota.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. YATES. I yield the gentleman 1 additional minute.

Mr. OBERSTAR. I also want to thank the gentleman for his consideration of the peat gasification program, which means so much to northeastern Minnesota and the whole country. Minnesota has about half of the Nation's reserves of peat. The peat gasification work that will continue under the $6.7 million recommended by this committee will be enormously significant to the Nation's energy program.

Mr. McDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CLAUSEN).

Mr. CLAUSEN. Mr. Chairman, the Interior appropriations bill for fiscal year 1980 is a comprehensive and meaningful bill deserving of our fullest support.

I would like to applaud my colleagues on the House Appropriations Committee for their willingness to address a number of key issues in a realistic and responsible fashion.

I am particularly grateful to the distinguished chairman of the Interior Subcommittee, the gentleman from Illinois (Mr. YATES), for the opportunity he afforded me to have direct input in the development of this legislation from its earliest stages. The open fashion in which his subcommittee considered the bill permitted me the opportunity to address a number of key issues affecting the management of our public lands, the conservation of our natural resources, our efforts to achieve energy independence and the educational and health needs of our Native Americans.

In submitting its budget request earlier this year, the administration chose a different set of priorities. The changes the committee has made to reestablish priorities which we in the Congress believe represent a sound investment in our natural resources. Dollars spent wisely and cautiously today to develop renewable resources will greatly increase the strength and wealth of our Nation.

The bill provides funding for a number of programs of particular significance to the north coast of California. Of particular note is the recognition given to the reforestation needs on our national forests. The bill provides the funding necessary to implement a more effective reforestation effort. For many years, we have sought to increase the dollars available for this work and I am pleased to be a part of this effort.

The budget recommended for the Forest Service will give them the tools they need to do the kind of job we expect of them and will allow us to protect the valuable investment we hold in our forests.

At the same time, the bill provides funding which will permit the U.S. Forest Service to increase timber sales to 12.2 billion board feet in fiscal year 1980 in line with the President's recommendations made on June 11.

I support the administration's efforts to increase timber supplies as a means of holding down housing costs and reducing inflation. The increase in the allowable cut on our public lands will be balanced by our increased reforestation program, sound wildlife management, soil protection and water quality enhancement.

Another item of great importance to northern California is the payments-in lieu-of-taxes program administered by the Department of the Interior. As originally setup by those of us on the authorizing committee, the payments go to our counties to help offset the loss in revenue associated with public ownership of land. I applaud the willingness of my colleagues on the Appropriations Committee to provide adequate funding for the program and I support their interest in insuring the most accurate and up-to-date information on which the Department bases its payments each year.

Another issue of concern to all rural areas such as our north coast is the animal damage control program administered by the U.S. Fish and Wildlife Service. The bill maintains the 1979 funding level for the on-the-ground portion of the program. This ongoing program has a direct impact on the ability of our ranchers and farmers to minimize losses to predators and can often mean the difference between staying in business and going under.

In addition, the budget for the Fish and Wildlife Service contains funding for a propagation program for the endangered California condor. Many of my constituents have worked hard to protect this species and I commend the committee for moving ahead in this area.

Funds provided in the bill will also fnance the construction and rehabilitation of fish hatcheries and wildlife refuges giving us the means of preservnig and enhancing our anadromous fish resources.

We are in the process of initiating a major effort in northern California for the revitalization of anadromous fish habitat through watershed protection and stream improvements. The program funded under this legislation coincides with our ongoing efforts and increases our ability to meet our goals.

Our energy needs are also addressed in this legislation. The committee has rightfully stated our need to face up to the threats to our security imposed on us by the OPEC oil cartel. Critical research and development goals and major conservation initiatives are set forth in the bill.

As a major energy consumer, the Federal Government is being called upon to foster greater conservation in its own facilities. The Department of Energy is also directed to undertake an aggressive fuel savings program by developing wood energy as a safe, economical, and environmentally acceptable alternative energy source.

The action being taken by the House today also closely coincides with previous action taken to develop a synthetic fuels program. A meaningful energy package would be incomplete without addressing this energy source.

The committee has given careful consideration to all the facts and details made available to them by more than 40 days of hearings and countless witnesses. I believe the end product of their work is a balanced and responsive bill. I urge my colleagues to support its passage.

Mr. McDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, I want to express my appreciation to the members of the Subcommittee on Interior Appropriations for their favorable consideration of my request to include funding the acquisition and reconstruction of the Thomas Stone National Historic Site which is located in my district in Charles County, Md. Last year my amendment to the omnibus national parks bill authorized the Park Service to proceed to acquire this historic building, but no funds were provided in the President's budget this year to carry out this project.

Through the wisdom of the subcommittee and with the guidance of the gentleman from Illinois (Mr. YATES) and the gentleman from Pennsylvania (Mr. McDADE), the full funding for this worthwhile project has been included in the bill. I know that the citizens of Maryland, particularly those in Charles County, the members of the Maryland Historical Trust, and those interested in historic preservation will applaud this action as I do.

Mr. Chairman, I would again remind the House that located only a scant 25 miles from Washington, D.C., the Thomas Stone site will be within easy access to the many hundreds of thousands of citizens who would enjoy seeing an authentic working colonial plantation which has as its major feature a home unique in its architecture. On the grounds are buried Thomas Stone, one of Maryland's four signers of the Declaration of Independence and a leader in our colonial history, and many of his family.

I am informed by officials of the National Park Service that with this funding they will be ready to proceed to immediate acquisition and eventual restoration and I again thank the committee for making this progress possible.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. DUNCAN).

Mr. DUNCAN of Oregon. Mr. Chairman, this is the bill that Mr. Kirwan, that great old gentleman from Ohio, the former chairman of this subcommittee, used to call the bill for all America.

It goes without saying that I support this bill. I want only a few moments to tell the House what I think of the chairman of this committee and his work. Most of us come to the House representing a fairly narrow congressional district, and we bring with us parochial views which reflect that constituency.

Our chairman, Mr. YATES, may have had those characteristics at one time; I do not know. But I do know that during the period of time that I have served with him on this committee his attitudes and his actions have been characterized by the converse of parochialism. His views are most cosmopolitan; whether the subject matter is art or trees, the environment or the economy, energy or antiquities, the chairman displays the empathy and the understanding of the Nation's problems that characterized his understanding of international problems during his service at the United Nations. He has been a great chairman, and he is a great Member of this body, and he has produced another bill that we can truly call a bill for all America.

Mr. YATES. Would the gentleman like another 10 minutes to continue?

Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Chairman, it is difficult to follow up on what the gentleman from Oregon has just said.

I would ask the gentleman from Illinois (Mr. YATES) if he might clarify something in the committee report on page 100. It indicates there is approximately $40,000 appropriated for the Franklin Delano Roosevelt Memorial Commission. As a former leader of my party, I naturally want to commemorate him. But a couple of my constituents notified me that in front of the Archives there is a memorial and it quotes the former President as saying "If any memorial is erected to me, I know exactly what I want it to be. I should like it to consist of a block about the size of this (putting his hand on his desk) and placed in the center of that green plot in front of the Archives Building. I do not care what it is made of, whether limestone of granite, or whatnot, but I want it plain without any ornamentation but the simple carving 'In memory of ——.'"

Mr. Chairman, on April 12, 1965, 20 years after the death of the former President, that memorial was placed in front of the Archives. So I would ask the chairman what is the purpose of the Memorial Commission and how long has it been appropriated, and what does the chairman expect to come out of it?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the chairman.

Mr. YATES. The Memorial Commission is in existence pursuant to legislation passed by the Congress.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. YATES. Mr. Chairman, I yield myself 1 additional minute.

The Commission has been laboring year after year to produce a monument that will satisfy not only the memory of the great President, but also the tastes and the esthetics of the various groups and bodies that have to approve that memorial. I would say to the gentleman that earlier this year the Franklin D. Roosevelt Memorial Commission proposed a plan that would have cost in the neighborhood of $46 million to $50 million, but it was made clear to those who proposed the plan that while it may have been esthetically desirable it was not economically attractive and so funds to construct that design were rejected.

May I say to the gentleman the Commission is still in operation because the legislation is still in operation, still in force and effect and the Commission is working. The funds we have appropriated pay only the minimum expenses for keeping the Commission in existence.

□ 1720

Mr. Chairman, I yield 1 minute to the gentleman from South Dakota (Mr. DASCHLE).

Mr. DASCHLE. Mr. Chairman, I want to associate myself with the comments made by the gentleman from Washington (Mr. McCORMACK) earlier in the colloquy this afternoon. In addition, I feel that the gentleman from Oregon certainly hit the nail on the head in addressing, I think with some eloquence, the tremendous accomplishments of the chairman of the committee in this bill.

Mr. Chairman, I would like to bring to the attention of my colleagues the recommendation of the Interior Committee regarding the land and water conservation fund.

I feel that the committee's recommendation of $200 million for the State/local portion of this fund is terribly inadequate. This funding is essential for State and local park and recreation programs for the acquisition and development of park projects. I know of several instances where these funds enabled a park project to be built where it otherwise would not have been possible.

The committee approved $447,059,000 for the land and water conservation fund, $162,941,000 below the administration's $610 million request. Under this proposal $200 million would be available for grants to State and local governments, and $6.693 million would go for HCRS administrative costs. The committee's action represents a reduction of about $150 million in the administration's recommended funding for State and local grants. If this reduction is sustained in further appropriation actions each State share would be reduced by about 45 percent below the current fiscal year. South Dakota will be reduced from $2.99 million to $1.79 million.

In this period of energy shortages it has become essential that recreational facilities are available to people within their community. The reduction in funding for this program would seriously curtail the development of local facilities. Therefore, I ask the conferees to strongly consider the restoration of $159 million for this program.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Chairman, I take this time to congratulate my colleague from Illinois (Mr. YATES) and the gentleman from Pennsylvania (Mr. McDADE) for the excellent job that they have done in the field of energy, particularly as it concerns my subcommittee. I had sent out a "Dear Colleague" letter, together with the ranking minority member on the subcommittee, the gentleman from New York (Mr. FISH), the gentleman from Iowa (Mr. HARKIN), and the gentleman from California (Mr. BROWN) expressing some concerns about where more funds could be used very advantageously to advance energy efficiency, particularly for more efficient automobile engines, industrial efficiency, cogeneration, conversion of waste to energy, and appropriate technology.

I am pleased to report that the gentleman from Illinois and the gentleman from Pennsylvania agreed to go a substantial way in meeting those concerns and will offer an amendment to expand the conservation appropriation in this area. Unfortunately we were not able to come to agreement on appropriate technology, and there will be an amendment offered which shows great promise.

This bill recognizes the importance of balancing energy production and energy conservation. Though I am concerned about the impacts of an excessive synthetic fuels program, it is definitely time to move ahead in this area.

The chairman and members of the committee have done a generally fine job with respect to this bill, and I am very pleased to give them my wholehearted support.

The July 23, 1979, "Dear Colleague" letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 23, 1979.

Subject: Interior Appropriations Floor Amendment.

DEAR COLLEAGUE: There is a source of energy that produces no waste, nothing in the way of petro dollars, reduces pollution and directly benefits the user be they individuals, companies or communities. It is also much cheaper than imported oil or domestic synthetic fuels. Unhappily this energy source has not received the attention it deserves. The source might be called improved energy efficiency, but more commonly it is known as conservation technology.

We are deeply concerned that in addition to the Department of Energy the Appropriations Committee has not recognized the priority this program merits. The reported conservations appropriations are far from that considered necessary to meet the President's short term energy goals!

Because of this situation we plan to support a floor amendment which will increase the interior and related agencies appropriation by $70.2 million.

The increase is shown by specific project on the reverse side of this letter.

Should you be unfamiliar with the merits of these increases we have summarized them below:

Transportation energy research, plus $20.9 million.

More efficient automobile engines for improved mileage and fuel flexibility including alcohol.

Industrial efficiency and cogeneration, plus $14.5 million.

By the year 2000 the expected payoff of these additional projects will be a 1.6% reduction in energy demand equivalent to $3.2 billion a year.

Conversion of waste to energy, plus $23.3 million.

If the energy in waste were recovered it could provide an additional two quadrillion BTU's of energy by 1985 which is equivalent to 13.4 billion automobile miles.

Appropriate technology, plus $11.5 million.

The one federal energy program which supports energy innovations proposed by individuals. Two-thirds of the evaluated good ideas will be dropped because of inadequate funding.

We thank you for your interest and would appreciate your support.

TOM HARKIN, M.C.
GEORGE E. BROWN, Jr., M.C.
RICHARD L. OTTINGER, M.C.
HAMILTON FISH, Jr., M.C.

Mr. YATES. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. WEAVER).

Mr. WEAVER. Mr. Chairman, I want to associate myself with the remarks of my colleague from Oregon, BOB DUNCAN, as to the great leadership that Chairman SID YATES has given this committee. I also want to say that the ranking minority member, the gentleman from Pennsylvania (Mr. McDADE) has steadfastly given leadership in this committee in the path that is a very right and good one.

I want to thank both of these gentlemen and all members of the committee for what they have done for the forestry community, for the Forest Service, and for the funding of this great national agency which manages our great national forests.

I also would like to inform the Members of the House that I will be offering two amendments, however, to the bill. One is to strike $1.5 billion for synfuels, and the other amendment is to strike $18 million for synfuels and add it to reforestation and slash energy from our forests.

Mr. FISH. Mr. Chairman, I rise to support an amendment to H.R. 4930 which will allow an extremely promising energy option to be funded at an appropriate level. This amendment will provide $5 million for the loan guarantee program for constructing municipal waste-to-energy demonstration facilities. The municipal waste-to-energy program offers the potential for making fuel out of waste materials which otherwise would be discarded, and at the same time contributing to meeting our future energy needs. Our Nation can obtain 2 quads of energy from this resource by 1985, enough to provide an additional 1,000,000 barrels of oil per day.

Driven by the increasing demand for disposal sites to dump the waste generated by our cities, as well as by the need for cheap, domestic sources of energy, our Nation has become increasingly aware of the promise of "trash power." Waste materials from cities represent a large resource of energy, and I believe that we would be remiss if we did not expedite the building of additional facilities that can put this resource to use.

I was deeply disappointed to see that the Administrations Committee has not recommended any funding for the loan guarantee program. Consequently, I am afraid that the committee has overlooked a strong tool that can help us tap the promising energy contribution which can be made by the municipal waste-to-energy program. Substantial progress has been made in the loan guarantee program, and the regulations for this program have now been finalized and released. As a result, I think the program has reached the stage where funds should be provided for actual loan guarantees for the construction of demonstration facilities.

Many municipalities cannot afford to construct municipal waste-to-energy plants by themselves. We must find ways to help these municipalities take advantage now of the energy potential of urban wastes. Several municipalities

have already expressed much interest in the municipal waste-to-energy program, and are anxiously awaiting the time when they can apply for Federal loan guarantees. In fact, as many as 30 to 40 communities would probably apply for loan guarantees if funding were available now. On numerous occasions my staff has been contacted by various executives as to when loan guarantee budget authority would become available. Without this authority, I am afraid that municipalities will not press forward at the present time with the construction of these facilities.

We can produce substantial amounts of energy from this resource in the immediate future if we permit Federal loan guarantees for the construction of facilities to convert municipal waste-to-energy. In its authorization bill for fiscal year 1980, the Committee on Science and Technology has recognized this fact, and has authorized over $10 million for the loan guarantee program. We need money in the Federal Treasury account now in order to underwrite the $300 million in budget authority provided for the program. Otherwise, no bank will accept at the present time any Federal loan guarantee as valid. Our energy shortage is a national problem and the solution should not be an expense solely on any one municipality.

Mr. Chairman, the facts about this program indicate that this is an investment that we should not reject. For this reason, I urge my colleagues to support this amendment.

● Mr. CORRADA. Mr. Chairman, while I support this legislation, I am greatly disturbed by the cut of $160 million from the land and water conservation fund. This cut represents a 45-percent reduction in funds for this program; and yet there is not one objection that has been raised as to the value of this program for our cities and States. All States will be affected by this cut. The reason given for the cut was budget constraints.

I am sure we all agree that the budget does need some trimming, but not at the expense of programs such as those under the land and water conservation fund.

I hope that this action today does not set a precedent for further cuts in this important program. Should the House again have the opportunities—through a supplemental appropriation or in the fiscal year 1981 budget to consider this program, that we calmly and collectively explore the merits of the program. I trust that this study will lead to a restoration of full funding for this program.●

● Mr. CONTE. Mr. Chairman, I rise in support of H.R. 4930, the Interior and related agencies appropriations bill for fiscal year 1980. This was my first time sitting as a member of this subcommittee and it was a great pleasure for me to work with the very distinguished chairman (Mr. YATES) and ranking minority member (Mr. McDADE) and indeed with all of the members of the subcommittee. This is a very able and dedicated subcommittee.

This particular appropriations bill covers a broad range of Federal programs which are of interest to every American. Included in this bill are funds for the preservation and restoration of millions of acres of forest and rangeland, funds for national parks and local recreation projects; for wildlife preservation; for assistance to Indian tribes and to the territories; funds for the continuation and extension of our cultural programs and funds for a myriad of fossil fuel development and energy conservation programs.

I think I can say without any exaggeration that this bill provides funds to continue and initiate programs that are of immediate and vital concern to the economic growth and stability of this country.

Dramatic increases in funding are required for a number of energy programs so that we may develop our domestic energy capacity. We are going to move ahead with a synthetic fuels industry in this country. It is long overdue. This bill provides $1.5 billion for synthetic fuels development but I would encourage all of my colleagues to take the time to read the additional views included in the report. We have the technology to produce synthetic fuels. We know from just our most recent experiences that our dependence on OPEC oil is such that even a minor disruption can cause chaos in the country. We are going to develop a synthetic fuels industry in order to control our own destiny. We must recognize that the issue we face is independence from OPEC. Yes; it is going to cost a lot of money but what price should be considered too great to insure the security and continued economic prosperity of this Nation?

And if we look askance at cost estimates of $25 to $40 a barrel for different types of synthetic fuels, we would do well to note the recent Joint Economic Committee report which indicated that when we consider the indirect costs of paying for imported OPEC oil, the cost of that OPEC oil is actually $90 a barrel.

I would also commend to my colleagues' attention the committee's action in including in this bill $141.5 million not requested by the administration for continued exploration activities on the national petroleum reserve in Alaska. The reserve is one of the few remaining unexplored onshore areas in the United States with potential for a significant discovery of oil. Even if the administration is serious about turning the reserve over to private drilling and exploration, I do not think it is wise for us to discontinue all exploration activities for the 2 to 6 years it might take to gear up for private industry exploration.

Several weeks ago this House rejected by an overwhelming margin an administration deferral request pertaining to exploration of the reserve in fiscal year 1979. I trust the sentiment of the House has not changed.

This bill also contains increased funding for reforestation. I strongly support the committee's efforts to eliminate the reforestation backlog and believe that this will become of increasing importance to the Nation.

Finally, I would like to say that even as we attempt to address our massive energy needs while protecting as best we can our natural resources, we remain aware that inflation is a serious problem that we cannot neglect. Holding the line on Government spending is critical to our efforts to contain inflation. We have gone over the budget in this bill in several areas which we felt were of absolute necessity to the well-being of this country. We did make some program cuts, most notably in the State grant portion of the land and water conservation fund. These were not easy decisions but they were necessary.

We have tried through this bill to provide the funds necessary to build our energy capacity while keeping in mind the need for budgetary restraint to control inflation. I ask my colleagues to keep this in mind when amendments are offered later to increase funding for certain programs.

Mr. Chairman, this is a well balanced bill and I am pleased to support it.●

Mr. McDADE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. YATES. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read title I.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that the bill be read by title, and that title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Chairman, I offer an amendment.

(The portion of the bill to which the amendment relates is as follows:)

EXPLORATION OF NATIONAL PETROLEUM RESERVE IN ALASKA

For necessary expenses in carrying out the provisions of section 104 of Public Law 94-258, $145,927,000, to remain available until expended.

The Clerk read as follows:

Amendment offered by Mr. DICKS: At page 15, line 35, strike line 15, beginning with the word "EXPLORATION"; all of line 16; all of line 17; all of line 18; and all of line 19, ending with the word "expended".

(Mr. DICKS asked and was given permission to revise and extend his remarks.)

Mr. DICKS. Mr. Chairman, I rise with an amendment today to strike $141.5 million in this budget which is earmarked for the national petroleum reserve in Alaska for drilling five additional wells. Now, in offering this amendment I must say that I took some time to investigate this program. Up to this point, in the national petroleum reserve of Alaska we are already drilling 19 wells. We have more drilling information about this area than we have had for almost any other area that we have leased and developed in the history of this country.

What is in this budget for next year is money for five additional wells, and also money to drill four in the following year. What is that going to cost the American taxpayers? It is going to cost the American taxpayers potentially another $190

million plus the $141.5 million I previously mentioned. Then, in the following year, to terminate the drilling program we would have to spend an additional $50 million, for a total of somewhere around $381 million of taxpayers' money.

Now, I am just as concerned as anyone is about trying to do something about the energy problems of this country. I think the best way to do it is to let the private sector take over this project as soon as it can. I am told by the Department of the Interior that they are going to come to the Congress asking that we approve private exploration in the national petroleum reserve of Alaska, and they are going to forward legislation to that effect.

In my judgment, that is the way to proceed. We can do that; let the private sector invest the money necessary for exploration. It will not just be the kind of exploration we are doing here, which is very minimal. It will be complete commercial exploration which I think makes a lot more sense, and can save us over this next 3 years the amount I have mentioned, some $381 million.

I would also like to mention that the drilling we are doing is not likely to determine whether this is really a commercial quantity of oil available. This is merely just to do exploratory drilling in various areas of the Reserve. The resource assessment based on the 19 wells to be drilled through 1979, plus the 11,000 miles of geophysical data which has already been gathered, I think is adequate to do the job. I do not think we need to invest this additional amount of public money.

In summary, Mr. Chairman, I would just like to say that I have been deeply concerned about several programs in this budget that have not been funded sufficiently. One is the land and water conservation fund, and the other is the Youth Conservation Corps. I just ask this question to all the members of the committee: Are our priorities correct? Should we not at this time be giving full funding to the Youth Conservation Corps instead of funding it at less than half its authorized rate; and should we not be doing more for the land and water conservation fund, which is $159 million short of its authorized level? These are programs that affect all Americans in this country, and provide jobs for our young people, and make it possible for people to go out into the parks. Instead of that, we are going to be spending $141 million. Five million dollars of the taxpayers' money to drill five wells, five wells that are not even of a commercial quality.

□ 1730

So I say it is time to stop this program. It is time to let the private sector develop these oil wells, and it is time to take that additional money and use it for the Youth Conservation Corps and the land and water conservation fund.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Missouri.

Mr. VOLKMER. I thank the gentleman for yielding.

How long have we been in this program of trying to develop oil in Alaska and drilling wells? Does the gentleman know?

Mr. DICKS. I have got the figures here in the back of my work. As I recall, we have been drilling up there for the last 4 to 5 years, since 1974.

Mr. VOLKMER. It has been several years?

Mr. DICKS. Yes. We will have 19 wells by the end of this fiscal year that will have been drilled, which will give us a sizable amount of information.

Mr. VOLKMER. Are these for oil or gas, or neither?

Mr. DICKS. They are taking samples on both accounts. We have had five core samples that I am told have very good commercial prospects. This is not a commercial-type well; it is really core drilling.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. VOLKMER, and by unanimous consent, Mr. DICKS was allowed to proceed for 2 additional minutes.)

Mr. DICKS. As I was saying, they are doing core samples, and, as I understand it, five of these core samples are very, very promising. The Department of the Interior says that they have got all the information they need. We do not need to spend another $141.5 million of the taxpayers' money to drill five more unnecessary wells.

Mr. VOLKMER. Because they have already done enough drilling to determine the necessary information.

Mr. DICKS. That is right. And next year we will do another four at approximately $160 million to $190 million, plus $50 million in termination costs. That is $381 million of the taxpayers' money that I think can be better spent on parks and on the Youth Conservation Corps and other priority needs in this bill. That is why I, frankly, feel we are making a very serious mistake in continuing this program. The Department of the Interior is operating the program, and they do not even want the money. So I do not see why we should continue it.

Mr. Chairman, I yield back the remainder of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Washington's amendment, although it sounds admirable to the taxpayer, is definitely out of tune and time with the situation we are faced with in these great United States today, and that is the shortage of oil.

Less than 3 months ago the gentleman voted on this floor to lock up approximately 65 percent of the known oil resources in Alaska under the guise of protecting the environment, and not let it be available to the people of the Lower 48 as we are going to need it. Now we have the gentleman from Washington (Mr. DICKS) trying to delete the money in this budget supposedly to save the taxpayers' dollars. But let us look at the facts. The gentleman is talking about saving possibly $350 million, supposedly saving that much money if it is cut from the budget. But in reality, with the attitude of the Secretary of the Interior, they have been fighting this all the way along the line, trying to stop further exploratory work in these 23.5 million acres of land.

The fact is the good chairman had to come down with the resolution requiring them to spend the money in this year's budget, and they have stood before our committee and said—the Committee on the Interior—"we are going to come down with a plan." That plan is overdue today, supposedly for private development, and which I support. I support it wholeheartedly, but in fact they are not going to come down with that plan. If they do, it is going to be 5 or 6 years from now, and I say the committee, my good chairman, came down with a sound investment of American dollars to make sure after this plan is brought into fruition that we continue to gain the knowledge that we need when they do open it up for competitive bidding, and I say that the taxpayers will be reimbursed tenfold over what they will have if they have to bid in the dark.

A case in point is the field in Alaska, Prudhoe Bay, raised $1 billion because there had been some exploratory work done in the Prudhoe Bay area. This, Mr. Chairman, is why that went so high. I have information on the wells that have been drilled. Contrary to what the Department of the Interior is saying, the core samples are very promising. The company doing the drilling, Husky Oil, has told me privately off the record that if they had an opportunity right now, they would bid.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I will gladly yield for a short period of time.

Mr. DICKS. I thank the gentleman for yielding, and I will get him additional time if he needs it.

If the gentleman is correct, then why should we continue to invest taxpayer money in drilling another five wells? If the samples are good, let us go ahead. The Department of the Interior in a letter to me states that they can have a program underway by the end of 1981. They want to get moving. They say right here:

> How soon private exploration could begin would depend largely on how soon Congress acts on our recommendation. It is our intention to move ahead rapidly with a private program as soon as the necessary authorizing legislation is enacted.

Mr. YOUNG of Alaska. Let me reclaim my time to answer the gentleman's question. I can tell the gentleman for every five wells that are drilled, we will return our money tenfold. I do not trust this administration and their endeavors to produce oil for this great Nation. They, in fact, came to our committee, and they said they would have the report that was due to us, and they have not done so. We are dealing with an area, I think, if I am not mistaken, larger than 17 of our States. They say they have drilled 19 wells. The Department of Energy says there is no oil and gas there.

Let us go ahead with this program, use the company in place now, and gain that information. It is strange to me that we are going to try to save taxpayers' dollars for this, when we are sending abroad $60 billion for foreign oil. And we have

this competitive bidding. I wonder if the Department of the Interior will ever get off its duff. They have done nothing in 2½ years to produce oil, and this is another example of the mentality of the Secretary of the Interior, Cecil Andrus, and those around him who say that we do not have to have any oil from the Arctic Slope region. He said that before our committee, that the Arctic Slope is the last place we will ever drill. The same mentality is saying, really, this is another wilderness area we ought to lock up.

In fact, it is a reserve. It was set aside as a reserve, as the gentleman from Washington (Mr. DICKS) knows. The junior Senator, Mr. MELCHER, is the one who originally raised the money for this program. It is a program, I think, that has strong merit, and I urge the Members to defeat this amendment and get oil to the American people where it belongs.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. DICKS, and by unanimous consent, Mr. YOUNG of Alaska was allowed to proceed for 2 additional minutes.)

Mr. DICKS. If the gentleman will yield, I would like to point out that we have already spent $600 million of the taxpayers' money, and the gentleman, I think, knowing he is a strong believer in the private enterprise system, would like to see private development on the National Petroleum Reserve in Alaska. If the gentleman is correct and the core samples are good, then why do we not go ahead and spend this money? I am told that as long as the Federal Government is drilling there that we will not get a private sector program underway. The sooner we terminate the public sector activity, the faster we will get private exploration development which will do some good.

Mr. YOUNG of Alaska. Mr. Chairman, this administration wants no development of oil on those 23.5 million acres of land. The only way we are going to have it is if exploratory work goes forward, if the pressures become great enough upon this Congress, and we act, because this administration is not going to act.

Mr. DICKS. If the gentleman will yield further, why, then, does the Assistant Secretary state this?

Mr. YOUNG of Alaska. Who signed the letter?

Mr. DICKS. Assistant Secretary for Policy, Budget and Administration, Larry E. Meierotto. He says they want to go ahead with a private program.

Mr. YOUNG of Alaska. Nothing precludes them from doing that. Where is the program they had in advance to bring it before us? We have not got it here. Or are they going to wait until we freeze?

Mr. DICKS. I say let the private sector develop it and save the taxpayers' money.

Mr. YOUNG of Alaska. I agree with the gentleman, but let us go forward with the program at this time.

Mr. BURGENER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the testimony before the committee was to the effect that if we terminate this exploration program, No. 1, there will be very large termination costs, upward of $100 million. No. 2, there would be a delay of 5 to 6 years to start it up again. No. 3, the field is not proven and is not ready for private lease.

I cannot understand this administration. I respect the fact that the gentleman is attempting to carry out the administration's position, but just by way of reference on another matter, we have the most massive invasion of illegal aliens the Nation has ever seen, and they want to cut the border patrol. We have a crisis in petroleum, a potential crisis should there be a cutoff of imports, and they want to terminate exploratory drilling or delay it for 5 to 6 years at a very large termination cost.

Before they proved Prudhoe Bay, I am told that there were many dry holes drilled and that the advance exploration and proving of the field is absolutely essential before we can go forward with private leasing. I think it would be a serious mistake, and I certainly oppose the amendment.

□ 1740

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. BURGENER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I would like to say first off that the gentleman from California has been an outstanding member of our committee. I just want to make this point. Under the Naval Petroleum Reserve Production Act of 1976, Public Law 94–258, the Department of the Interior is directed to continue the ongoing Navy exploration program and then to submit a plan to the Congress about what it is going to do. They have stated here they are going to submit a plan that calls for private development.

Now, I know my friend from California is a strong supporter of the free enterprise system. I would be surprised if he thinks the Government can actually do this job better than the private sector. I think if we want to solve the energy problem of this country let us get busy, let the private sector come in and not let this thing drag on for 2 or 3 more years at a cost of $381 million to the taxpayers.

Mr. BURGENER. Mr. Chairman, if I could reclaim my time, it is being done privately. It is under private contract right now. The Federal Government is not drilling for oil; it is under contract to private enterprise.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BURGENER. I yield to the gentleman from Illinois.

Mr. YATES. Is not the important thing to find out whether there is oil there? We have a private enterprise company doing the drilling and it is going forward. The important thing is for the American people to know whether there is oil there because if there is, and we may find that there is, we are well ahead of the game in trying to cut down our dependence on foreign imports.

Mr. BURGENER. Mr. Chairman, I thank the gentleman for his contribution and I yield back the balance of my time.

Mr. McDADE. Mr. Chairman, I move to strike the requisite number of words.

I think my colleagues have pretty well covered the situation. If I have ever seen the wrong amendment at the wrong time in the Nation's history this is it. Here we sit in the middle of the greatest energy problem we have ever faced, an energy problem that cuts across every single phase of our human life whether it is inflation, the production of food, transportation, the cost of housing, or foreign policy, not matter what it is, this energy crisis we face today cuts across it.

Yet, my very able friend sees fit to come and offer an amendment. Surely, he is being loyal to the administration but the administration is wrong and this House with only 30 against disapproved by affirmative action the efforts by the administration to stop drilling on this, the most promising petroleum province left in the United States. That is not my testimony, by the way; that is the testimony of this administration's head of the U.S. Geological Survey which is in charge of the geological development of this property. Their testimony is that under the worst case we know exactly what kind of a province we have when we finally can get to private leasing and private bidding and get the private contractor demobilized.

The best case is, you could have a strike of Prudhoe Bay magnitude in our own country. The estimated reserves—again the testimony is here from the U.S. Geological Survey—10 billion barrels of petroleum owned by the people of the United States on our shores, and the gentleman seeks to stop that program. It is absolutely the wrong amendment at the wrong time.

My friend from Illinois (Mr. YATES) said it eloquently. Think of this. If you take this contractor out you are going to be 6 years down the road before you are able to get somebody back in there to resume drilling on this province.

Mr. McKAY. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from Utah.

Mr. McKAY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we ought to remind ourselves that it was not long ago we took the military reserves in Elk Hills and began to pump them for a public purpose, for the general public. We set aside this piece of territory up there as a potential for our military reserve, the naval reserve. Now we need to get into it. The purpose was military. Our military have been cutting back as much as 20 percent.

We need to cut back; we need more conservation in buildings and housing but we are also cutting back on training of our troops. We are going into simulators. We cannot be ready to go to war in simulators. We have got to be ready with the real thing. We have to have those reserves and we have to have them proven and the Government has to prove them up.

Now, let me give you a few figures. There is 37,000 square miles up there we

are dealing with. That is roughly the size of the State of Indiana. It took 307 dry holes to discover the overthrust belt out in the Western part of these United States and we have only drilled eight or nine? The gentleman himself admits that it will be 2 years before they will drill another hole if they stop it today. We cannot stand 2 years' wait in this country. We have to move now. We are being pressed by countries who are providing oil for us, threatening us with our foreign policy and here we stand saying we are going to cut it off and not drill those holes? It is ridiculous.

Mr. JEFFORDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to make an inquiry. I am somewhat confused. I know we have just decontrolled oil. My understanding was, that was to make capital available to private companies to do drilling. Now, as I understand the gentleman's amendment, it is to ask that the private companies do what we are supposed to have them do with respect to decontrol and yet I see opposition to it based upon the fact we ought to spend our own tax money in order to do it.

I wonder if the gentleman from Washington would explain to me whether there should be substantial capital available to private companies in order to do this drilling.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Washington.

Mr. DICKS. The gentleman is absolutely correct. The administration, the Carter administration, has said, "We have already spent $600 million drilling 19 wells."

Now, the committee has recommended an appropriation for five more wells next year at $141.5 million.

I can understand why Husky Oil wants to do the drilling. Would you not, at that kind of a rate per well? It is outrageous. Deregulation is giving the oil companies billions; let them do their own exploration.

Mr. McDADE. Mr. Chairman, will my friend yield?

Mr. DICKS. I am not going to yield to the gentleman at this time.

The gentleman from Alaska already said that Husky Oil has said that they have made very significant finds already, quality finds, so let us stop having the Federal Government pay taxpayer money to do this. Let us turn it over to the private sector. The administration has testified and given us a letter that says within a 1½-year timeframe, they can have private exploration underway.

Now, what we are talking about here are wells that are not even commercial quality wells. These are just wells to try and find the likelihood of discoveries.

The gentleman is absolutely correct. The oil companies have the money to do this. The administration is correct. We have spent all the money we need. Let us turn it over to the private sector; let us get this area developed. That is the recommendation they are going to make under the law.

Mr. JEFFORDS. Mr. Chairman, am I not also correct in understanding there are sufficient wells already operating to keep the Alaska pipeline full for a substantial length of time?

Mr. YOUNG of Alaska. Mr. Chairman, would the gentleman yield?

Mr. JEFFORDS. It is my understanding we cannot even get full production out of Prudhoe Bay because we do not have a way to move the oil across the country.

Mr. YOUNG of Alaska. You are asking someone who knows nothing about the oil line, and you know it. If you wanted to get information get it from somebody who knows what it is about.

Mr. DICKS. Mr. Chairman, I thought the gentleman had yielded to me.

Mr. JEFFORDS. Mr. Chairman, I had yielded to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I was of the opinion the gentleman had yielded to me.

Mr. Chairman, the really central question here is, do we want to spend $381 million of Federal taxpayer money to develop nine more wells? Now, figure out what that is. That is well over $40 million per well. I just think that is too expensive. It is better to have the private sector do it. Husky has already said they have had some significant finds. The bidding by the oil companies will be substantial to develop this resource.

It just seems to me that when we cannot fund the Youth Conservation Corps, when we cannot fund fully the land and water conservation fund, we have a question of priorities here and I do not see how we can give one oil company $141.5 million of the taxpayers' money. It just does not make any sense.

Mr. JEFFORDS. Is my understanding correct that if the gentleman's amendment passes then he might offer amendments to increase the funding for the Youth Conservation Corps and for the water conservation fund?

Mr. DICKS. Mr. Chairman, I know for a fact in the other body amendments to that effect are under consideration. If we could reduce the spending here we would be in a position—I am only speaking except for myself—in conference to maybe get some more of that money for those very important human and natural resource priority programs.

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I want to emphasize that I am for oil exploration and the administration states the fastest way to get it started is to turn it over now to the private sector and stop this endless Government drilling program at a massive cost to the taxpayers.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, to answer the gentleman's question on Alaska oil and the pipeline, my good friend remembers that the gentleman voted to lock up most of the State, the oil that is needed in the gentleman's State. You cannot live on wood forever.

To answer the gentleman's question specifically, in 1985 the oil line is going downhill. The 1,200,000 barrels that you are going to get and you are getting today is going downhill. By 1987, if we are lucky, it will be 700,000 barrels a day. It takes at least 6 or 7 years just to explore a field and develop it.

Now, we are talking about stopping it, so when the gentleman says is there enough in the pipeline, my God, I cannot believe this body when we say we will put it off until 10 years down the road. Where is the future of America? It is there today, not tomorrow.

Mr. SANTINI. Mr. Chairman, I move to strike the requisite number of words. I rise to speak in opposition to the amendment.

Mr. Chairman, I think it is appropriate at this juncture to at least set the legislative record straight with regard to prior considerations by this body and the United States Senate on this issue. The Senate Budget Committee report of April 12, 1979, supported our House committee.

The House Budget Committee report of April 13, 1979, supports our committee.

The Mines and Mines Subcommittee of the Committee on the Interior and Insular Affairs, an eminent committee of the House of Representatives, supports the position of the committee.

The Public Lands Subcommittee of the Committee on Interior and Insular Affairs supports the committee.

The Committee on Interior and Insular Affairs supports the position of the committee.

The Subcommittee on Interior and the House Committee on Appropriations supports the position of the committee, and the Senate Committee on Energy and Natural Resources supports this committee.

Now, this is just another in a series of forays to frustrate oil and gas exploration at a critical time in our Nation's history when some might feel that oil and gas exploration has relevancy.

I commend the committee chairman. I commend the committee. I commend all the enlightened bodies that have already endorsed this exploration and urge the Members to resist the amendment.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SANTINI. I would be happy to yield to the gentleman.

Mr. YATES. Mr. Chairman, this is the second time we have debated this issue. The first time was on June 19 when I brought to the floor of the House a deferral resolution. The administration wanted to defer the expenditure of $1.8 million for drilling on the national petroleum reserve in Alaska.

The gentleman from Vermont (Mr. JEFFORDS) voted in favor of postponing the deferral and my good friend, the gentleman from Washington, who is a distinguished and valuable member of our subcommittee, not only voted against the deferral, but participated in the discussions in our committee. He voted in favor of postponing the deferral in our committee, voted in favor of postponing the deferral when the bill came to the floor and is now taking an opposite position.

The fact is that it is a question of time. Sure, private enterprise will ultimately move into the program, but under the law there has to be a report filed by the first of the year in which the Department of the Interior can propose legislation to the Congress.

The testimony before our committee was to the effect that if the administration's request were agreed to and the Husky Oil Co. were required to close down its drilling, pack up its rigs, take up its equipment, and leave the premises, we would have to pay the Husky Oil Co. at least $60 million in termination costs and that it would be at least 5 or 6 years before a private contractor having bid on a Government program would be able to start drilling. Husky Oil Co. is in that position at the present time.

The question is one of time. How important is it to this country that we continue a drilling program that may result in our finding oil on the petroleum reserve?

Is it not of utmost importance that this program be continued? I say it is and I say this is an ill-timed amendment.

Mr. SANTINI. I think the chairman has said it and said it very well. I would urge the House to continue the position it expressed on June 19, 1979, wherein it voted 409 to 3 to reject the position presently proposed by the gentleman from Washington.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. SANTINI. I am happy to yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, I thank the gentleman for yielding.

I just want to clear up one statement that was made in the record that carried with it an innuendo that I found very offensive. To say we are really continuing this program for the sole benefit of the Husky Oil Co., which is the private contractor drilling on the reserve is wrong. The record should reflect at this point that that contract was entered into in a competitive bid in which the major oil companies were excluded from bidding.

What we looked at was the interest of the Nation and the way for Husky Oil to collect $64 million is to do what this administration wants to do, close them down and have them leave town and leave us as a nation continuing to hold the energy bag.

I think the gentleman owes the members of the subcommittee an apology for the gentleman's remarks.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SANTINI. I yield to the gentleman from Washington.

Mr. DICKS. Well, I certainly did not intend to impugn the integrity of any member of the committee, all of whom have acted very honorably on this issue. If that was the gentleman's impression, if the gentleman accepted that as my remark, I apologize; but I want to tell the gentleman this, that I do think when we can justify $141 million for five wells, that is awfully expensive at a time of budget austerity.

I want to say one thing about my chairman, who is correct in everything the gentleman has stated to a certain degree. I admit error. I did not look at this program carefully enough at first, but when I saw what was going on, I changed my view.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. DICKS).

The amendment was rejected.

AMENDMENT OFFERED BY MR. RUDD

Mr. RUDD. Mr. Chairman, I offer an amendment.

(The portion of the bill to which the amendment relates is as follows:)

TRIBAL TRUST FUNDS

In addition to the tribal funds authorized to be expended by existing law, there is hereby appropriated not to exceed $3,000,000 from tribal funds not otherwise available for expenditure for the benefit of Indians and Indian tribes, including pay and travel expenses of employees; care, tuition, and other assistance to Indian children attending public and private schools (which may be paid in advance or from date of admission); purchase of land and improvements on land, title to which shall be taken in the name of the United States in trust for the tribe for which purchased; lease of lands and water rights; compensation and expenses of attorneys and other persons employed by Indian tribes under approved contracts; pay, travel, and other expenses of tribal officers, councils, and committees thereof, or other tribal organizations, including mileage for use of privately owned automobiles and per diem in lieu of subsistence at rates established administratively but not to exceed those applicable to civilian employees of the Government; relief of Indians, without regard to section 7 of the Act of May 27, 1930 (46 Stat. 391) including cash grants: *Provided*, That in addition to the amount appropriated herein, tribal funds may be advanced to Indian tribes during the current fiscal year for such purposes as may be designated by the governing body of the particular tribe involved and approved by the Secretary.

The Clerk read as follows:

Amendment offered by Mr. RUDD: On page 21, line 22, after the period, insert:

"SALT RIVER PIMA-MARICOPA SETTLEMENT

"For settlement of the Salt River Pima-Maricopa Indian Reservation boundary dispute, pursuant to Public Law 95-399, $1,965,000 to be paid to the Salt River Pima-Maricopa Indian Community and $1,952,000 to be paid in accordance with the second sentence of section 5(b)(2): *Provided*, That notwithstanding any other provision of law, the payments provided herein shall constitute a complete release and satisfaction of any claim which any person may have against the United States, the Salt River Pima-Maricopa Indian Community, or holder of any interest with respect to any right, title, or interest in any portion of the parcels of land described in paragraphs 1 through 9 of section 3(b) and/or subparagraphs (A), (B), or (C) of section 3(a)(2) of Public Law 95-399 which are located north of the boundary line referred in section 3(a)(2) of Public Law 95-399.".

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. RUDD. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the gentleman and our illustrious colleague, the distinguished minority leader from Arizona (Mr. RHODES), have talked to the committee about this amendment. We considered it in committee very carefully and we did not put the funds into the bill at the time we marked up the bill because there was some question in the committee's mind as to whether the settlement of this boundary dispute was a final settlement.

The language in this amendment is intended to assure that the amounts received by the Salt River Pima-Maricopa Indian community and by all members of the Salt River Pima-Maricopa Indian Reservation boundary dispute accept the funds that are a part of this amendment in full settlement of any and all claims. That is the gentleman's understanding as well, is it not?

Mr. RUDD. That is my understanding.

Mr. YATES. Mr. Chairman, with that understanding, the committee accepts the amendment.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. RUDD. I would be happy to yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr Chairman, I want to commend my friend, the gentleman from Arizona. The gentleman has worked long and hard on this amendment.

I agree, as the chairman has said, we believe we have come to a final resolution of a very difficult problem. It is because the gentleman and his colleagues have worked so hard, we are delighted to accept the amendment on this side of the aisle.

Mr. RUDD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RUDD. Mr. Chairman, this amendment provides for an appropriation of $3.9 million to implement Public Law 95-399, the redesignation of the southern boundary of the Salt River Pima-Maricopa Indian Reservation in Maricopa County, Ariz., which was unanimously approved last year by the Congress, and signed by the President.

This amendment has been discussed with the distinguished chairman of the subcommittee (Mr. YATES), and the distinguished ranking minority member (Mr. McDADE), and has been accepted by both sides.

I would like to yield now to the distinguished chairman for any comment that he might like to make, and urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. RUDD).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLORIO

Mr. FLORIO. Mr. Chairman, I offer an amendment.

(The portion of the bill to which the amendment relates is as follows:)

LAND AND WATER CONSERVATION FUND

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4–11), including $7,693,000 for administrative expenses of the Heritage Conservation and Recreation Service during the current fiscal year, and acquisition of land or waters, or interest therein, in accordance with the statutory authority applicable to the State or Federal agency concerned, to be derived from the Land and Water Conservation Fund, established by section 2 of said Act as amended, to remain available until expended, not to exceed $447,059,000, of which (1) not to exceed $200,000,000 shall be available for payments to the States in accordance with section 6(c) of said Act; (2) not to exceed $3,690,000 shall be available to the Bureau of Land Management; (3) not to exceed $41,573,000 shall be available to the Forest Service; (4) not to exceed $20,600,000 shall be available to the United States Fish and Wildlife Service; and (5) not to exceed $173,503,000 shall be available to the National Park Service: *Provided*, That not to exceed $12,000,000 of the amount provided for State assistance may be available as a contingency reserve to be administered by the Secretary to meet unforseen needs of the States: *Provided further*, That the $12,500,000 available to the Forest Service in fiscal year 1979 for acquisition of the Kahle and Jennings properties may be used to acquire other properties in the Tahoe Basin of California and Nevada with no matching requirement.

The Clerk read as follows:

Amendment offered by Mr. FLORIO: Page 8, after line 15, insert the following:

PINELANDS NATIONAL RESERVE

For expenses necessary to acquire lands and waters or interests therein pursuant to the authority of section 502(h) of the National Parks and Recreation Act of 1978 (Public Law 95–625) $12,000,000, to remain available until expended.

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FLORIO. Mr. Chairman, last year when section 502 of the National Parks and Recreation Act of 1978 was enacted, the Congress made a commitment to protect, preserve, and enhance the significant values of the land and water resources of the Pinelands area of southern New Jersey.

The Pinelands contain approximately 1 million acres of pine-oak forest, extensive surface and ground water resources of high quality, and a wide diversity of rare plant and animal species, which provides important ecological, natural, cultural, recreational, educational, agricultural, and public health benefits. A 27,000-acre dwarf forest in the midst of the Pinelands is biologically unique, an example of an ecosystem shaped by forest fires.

Incredible as it may seem, 50 million people live within a day's drive of this vast, sprawling tangle of pitch pine and oak, pure streams and rivers, rare plants and animals. The U.S. Department of the Interior has called the Pinelands "the most extensive wildcat tract in the Middle Atlantic seaboard region."

For more than 100 years New Jersey has valued the Pinelands' great underground freshwater reservoir. The State has established a number of public forests and parks in the region that have helped to preserve the water as well as the plants and animals. Unfortunately, however, the forest soil is so porous that pollutants could easily reach the underlying water deposits. Haphazard development on private lands in the Pinelands would certainly cause this polluting.

Rising taxes, increased costs of farming, and a general disinterest in farming among younger people have caused many farmers who work the fertile lands surrounding the Pinelands to sell their homesteads. It is estimated that 90 percent of these farms go to land speculators.

If the Pinelands are left in the hands of speculators, their future will be written in asphalt.

Section 502 of the National Parks and Recreation Act of 1978 recognized that there is a demonstrated need to combine the capabilities and resources of the local, State, and Federal Governments and the private sector to provide an alternative to large-scale direct Federal acquisition and management in cases where such acquisition and management is inappropriate.

Section 502 also recognized the need to provide assistance to the State of New Jersey and its units of local government in the development of a comprehensive management plan for the Pinelands area in order to assure orderly public and private development in the area.

Most significantly, was recognition of the need to provide, during the development of a comprehensive plan, Federal financial assistance for the acquisition of lands in the area that have a critical ecological value in immediate danger of being adversely affected or destroyed.

Mr. Chairman, while matters of form and style are being resolved to deal with the development of the comprehensive plan, the purchase of lands of critical ecological value must be undertaken as rapidly as possible.

The purpose of my amendment is to provide the funds to purchase these critical ecological areas. The amendment calls for $12 million only of the $23 million authorized to be appropriated under section 502 of Public Law 95–625, the National Parks and Recreation Act of 1978.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I am happy to yield to the distinguished gentleman.

Mr. YATES. Mr. Chairman, this is an amendment that has been approved by the Office of Management and Budget.

The reason that the committee did not approve this amendment originally was because of a dispute within the New Jersey delegation itself. The committee thought that the members of the New Jersey delegation should work out their differences before approval was given to the amendment. It is our understanding that the members of the New Jersey delegation are in unanimous agreement on this amendment, in view of the fact that it proposes a program that is innovative and imaginative and should be undertaken. With the understanding that it has the agreement of the New Jersey delegation, we have no objection to the amendment.

Mr. FLORIO. Mr. Chairman, I thank the gentleman for accepting the amendment.

I would like to put on the record that the amendment is being offered by myself, my colleagues, the gentleman from New Jersey (Mr. HUGHES) and the gentleman from New Jersey (Mr. FORSYTHE) as well.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I would be happy to yield to my colleague, the gentleman from New Jersey.

Mr. HUGHES. Mr. Chairman, I rise in strong support of the amendment offered by myself and my distinguished colleagues from New Jersey, Congressmen JIM FLORIO and ED FORSYTHE.

This amendment appropriates $12 million to acquire land in the critical core of New Jersey's Pinelands. In so doing, it carries out one of the most important elements of the Pinelands Protection Act which Congress enacted into law last year.

For those of my colleagues who are not personally familiar with the Pinelands, I would like to take a minute to describe this region. This magnificent range of forests and bogs, located in southern New Jersey, constitutes one of the largest stretches of undeveloped land along the entire eastern seaboard. Within this forest of pine and oak trees, cedars and shrubs, live a rare collection of plants and animals which scientists tell us exist nowhere else in the world today.

At the center of the Pinelands, or Pine Barrens, is a forest of dwarf pines and oaks which have adapted to being burned about once every 8 years—a natural phenomenon which enables new seedlings to burst forth from the parent trees. In the surrounding lowland bogs and marshes, farmers cultivate some of the Nation's most bountiful harvests of both blueberries and cranberries.

Unfortunately, this unique wilderness area is under siege by developers. Located in the heart of the highly urbanized Northeast, the Pinelands represent one of the last remaining frontiers to be conquered by our ever growing population. In fact, developmental pressures are so intense that it is a wonder the Pinelands have even survived this long.

In an effort to relieve this developmental pressure, Congress last year enacted into law one of the most innovative and imaginative conservation programs that has ever been conceived. This program rejected the outdated method of protecting valuable wilderness areas through massive Federal acquisition of land.

Instead, it outlined for the first time ever a unique partnership among the local, State, and Federal Governments to carry out a conservation program in the Pinelands. To the largest extent possible, this program enhances the concept of

home rule and encourages continued private ownership of land. It is an approach to wilderness protection which I hope will someday be applied to open space areas all across our country.

This Pinelands legislation focuses on the establishment of a 15-member planning commission, whose members represent all levels of government as well as farmers, environmentalists, and other residents of the area. This commission is charged with the responsibility of developing a conservation plan which looks beyond municipal boundaries, and takes into account the overall ecological importance of the region.

As part of this conservation program, we determined that it was necessary to bring into the public domain approximately 30,000 to 50,000 acres which are located in the central core of the Pinelands. Some of this land is already owned by the State. The rest of the land is so crucial to the environment, and to the huge acquifer which underlies the Pinelands, that it must be acquired as well. That is what this $12 million will be used for.

It has always been my firm belief that the Government has an obligation to pay for land which it considers to be in the public interest. At one time, proposals were being considered which would have protected this core region through the imposition of massive regulations. In a sense, private property would have been confiscated by law without just compensation. That is not an acceptable approach in the Pinelands or anywhere else, in my opinion. I am pleased that this amendment enables us to carry out our responsibilities fairly, by paying for land which is taken out of private ownership.

I might add that land will only be acquired in the critical core of the Pinelands, and that this land will have to meet the test of being "environmentally sensitive and in immediate danger of being destroyed."

In sponsoring this amendment, I want to make it clear to my colleagues and to the people of New Jersey that I am not entirely satisfied with the Pinelands legislation which recently passed the State legislature. I believe the State bill goes far beyond what is necessary to protect the Pinelands, and that certain elements of it are not consistent with the Federal Pinelands Act. Most troubling to me was the State's decision to impose a blanket moratorium on all development within a 1 million acre area of New Jersey—an area which includes thousands of private homes and entire towns and cities. This moratorium was rejected during the drafting of the Federal Pinelands legislation, and I regret that it has since been imposed by the State. In the months ahead, I hope to continue my discussions with State legislators to revise this and other provisions of the State law which I feel undermine our efforts to develop a conservation program in the Pinelands that is both fair and reasonable.

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Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, I want to commend my colleague, the gentleman from New Jersey (Mr. FLORIO), and all the New Jersey delegation. This is indeed a unique piece of land left in the most urban State in the Nation.

We have discussed this, and we are delighted that the delegation has come to an accord. We are happy to accept the amendment on this side.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, as a member of the New Jersey delegation I, too, would like to compliment my colleague, the gentleman from New Jersey (Mr. FLORIO), on this amendment. Not everybody may agree, but I do. I think this is one of the most valuable things that could be done for our State.

Mr. FLORIO. Mr. Chairman, I thank the gentlewoman very much, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. FLORIO).

The amendment was agreed to.

The CHAIRMAN. If there are no further amendments to title I, the Clerk will read.

The Clerk proceeded to read title II.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there any points of order against title II?

Hearing none, the Chair will inquire, are there any amendments to title II?

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

(The portion of the bill to which the amendment relates is as follows:)

DEPARTMENT OF ENERGY

SYNTHETIC FUELS PRODUCTION

For expenses necessary to carry out the provisions of the Defense Production Act of 1950, as amended (50 U.S.C. 2061 et seq.), $1,500,000,000, to remain available until expended, for the purchase or production of synthetic fuels and synthetic chemical feedstocks, to be derived from an energy trust fund as established by H.R. 3919 or equivalent legislation: *Provided*, That if no such fund has been established upon enactment of this bill, funds for such program shall be derived from general funds of the Treasury not otherwise appropriated, to be reimbursed from the funds at such time as the fund is established: *Provided*, That this appropriation shall not be used for the construction of facilities: *Provided further*, That the President is authorized to contract for purchases of or commitments to purchase, or to resell synthetic fuels and synthetic chemical feedstocks to the extent of appropriations provided herein.

The Clerk read as follows:

Amendment offered by Mr. YATES: Page 34, line 11, after "feedstocks" strike out all through the word "established" on page 34, line 17 and insert: ", to be derived from the Energy Trust Fund established by H.R. 3919 or a fund or segregated account or equivalent mechanism established by equivalent legislation: *Provided*, That if no such fund, account or mechanism has been established upon enactment of this bill, funds for such program shall be derived from general funds of the Treasury not otherwise appropriated, to be reimbursed from such fund, account or mechanism at such time as it is established".

Mr. YATES. Mr. Chairman, the purpose of this amendment is to permit the funding of the synthetic fuels program through the energy trust fund if and when that fund is established. The language has been worked out with the Office of Management and Budget and provides that the funds come from an equivalent mechanism in the event the trust fund itself is not established pursuant to the windfall profits tax bill that was passed by the House a short time ago.

For that reason, Mr. Chairman, we are satisfied that the language is desirable, and I ask for a vote on the amendment.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, the gentleman from Illinois (Mr. YATES) has worked hard to get this amendment in shape and negotiated with the Office of Management and Budget. We think it is a good amendment, and we support its adoption.

Mr. YATES. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. YATES).

The amendment was agreed to.

Mr. ADDABBO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it was my intention to offer an amendment on the Pennsylvania Avenue Development Corporation. It has been brought to my attention by some personal friends of mine and by relatives that the Pennsylvania Avenue Development Corporation was not actually fulfilling the directives of the Congress.

I have had a meeting with them and have spoken to the chairman of the subcommittee, the gentleman from Illinois (Mr. YATES), and he has assured me that his committee will carefully monitor the Pennsylvania Avenue Development Corporation and see to it that they fulfill all the obligations of the original directive given to them by the Congress.

Therefore, Mr. Chairman, I will not be offering my amendment at this time.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

(The portion of the bill to which the amendment relates is as follows:)

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $545,552,000, to remain available until expended: *Provided*, That of the total amount of this appropriation, not to exceed $1,450,000 shall be available for a reserve to cover any defaults from loan guarantees issued for electric or hybrid vehicle research, development, and production as authorized by section 10 of the Electric and Hybrid Vehicle Research,

Development and Demonstration Act of 1976 (15 U.S.C. 2509): *Provided further*, That the indebtedness guaranteed or committed to be guaranteed under said law shall not exceed the aggregate of $16,000,000: *Provided further*, That $180,000,000 appropriated in Public Law 95-240 for conservation grants for schools and health care facilities and $17,500,000 appropriated in Public Law 95-240 for conservation grants for local government buildings shall remain available until expended.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 35, line 21, delete "$545,552,000" and insert in lieu thereof "$566,052,000".

And on page 36, line 10 after "expended" insert the following: ": *Provided further*, That of the total amount of this appropriation, not to exceed $5,000,000 shall be available for a reserve to cover any defaults from loan guarantees issued for financing the construction of facilities to convert municipal wastes into synthetic fuels as authorized by Section 19 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended (42 U.S.C. 5901, et seq.): *Provided further*, That the indebtedness guaranteed or committed to be guaranteed under said law shall not exceed the aggregate of $50,000,000".

Mr. YATES. Mr. Chairman, the purpose of this amendment is to add funds to various energy conservation programs that we have worked out together with members of the authorizing committee, the Committee on Science and Technology.

Additional funding has been made available for various programs in transportation energy research, industrial efficiency, and cogeneration and conversion of waste to energy. We believe the additional funding will permit the Department of Energy to make advances in each of those funded areas, and inasmuch as conservation in all of its forms is the best source of protecting and preserving our energy resources today, we think this is a desirable amendment.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this is the amendment to which I referred earlier. As I said, it adds $6.5 million for industrial cogeneration, $5 million for urban waste loan guarantees, as described by the gentleman in the amendment itself, and $9 million for transportation. I do appreciate the gentleman's working with us on this matter, and I am satisfied with the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. YATES).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WEAVER

Mr. WEAVER. Mr. Chairman, I offer an amendment.

(For the portion of the bill to which the amendment relates, see prior proceedings of the RECORD today.)

The Clerk read as follows:

Amendment offered by Mr. WEAVER: On page 34, strike lines 6 through 22, inclusive.

Mr. WEAVER. Mr. Chairman, I again want to thank this committee and the Subcommittee on Interior of the Committee of Appropriations for the fine job they have done on the Forest Service in raising the amounts from the President's budget, and I thank the subcommittee chairman and the ranking minority member.

However, I do feel compelled to offer this amendment which strikes the $1 billion 500 million in the budget in this bill for synfuels. I recognize that I was in the very small minority when the House voted on the Moorhead amendment, but I still feel that we are going in the wrong direction by funding now the synfuels with this much money because it is going to break the budget and put us over our budget limits.

□ 1810

Mr. Chairman, in the matter of Germany's use of synfuels in the Second World War, they did fuel the Wehrmacht with synfuels, but we forget what those planes were like and the amount of synfuels that Germany produced at that time were 50,000 barrels a day. It took an all-out national effort for them to do that, but it was 50,000 barrels a day, and that is not what we are aiming at now. It is a much larger figure, with much more disastrous consequences for our economy.

I would like to say that it is essentially the wrong direction to go in.

Today the primary cause of the Consumer Price Index rise is our excessive use of extremely high-priced energy. That is what has made the Consumer Price Index go up 10 percent and 12 percent and 14 percent a year.

Now the Government has come along and printed the money, through deficit spending and other means, to cover the cost of this increased energy. In other words, instead of letting our people buy higher cost energy and doing without some place else, they said, "No, we are going to have both our cake and eat it too, and we are going to print the money."

This has been extremely inflationary. In other words, we have the printing presses out loaning the people money instead of buying high-priced energy, so we go on and live as if we are still buying oil at $2 a barrel instead of $20 a barrel that imported oil now costs and instead of $40 that synfuels will cost, the most inflationary thing we could possibly do.

If we cut down on our use of high-cost energy, we would lick inflation, we would break OPEC, we would force Detroit to build a cost-fuel efficient car. We are going in the wrong direction.

So I move to strike that $1.5 billion for synfuels, which, again, fuels the fire of inflation and breaks the budget.

I would like to ask the distinguished chairman of the subcommittee, first of all—if the gentleman will deign to answer my question—what this $1.5 billion is going to be used for in this fiscal year.

Mr. YATES. If the gentleman will yield, I am informed by the Department of Energy that, in all probability, the money will not be expended during this fiscal year. It was placed in the bill because representatives of the Department of Energy testified that private business, which is going to be asked to participate in the synfuels program by furnishing synthetic fuel by 1985 at the rate of 500,000 barrels a day and 2 million barrels a day by 1990, needs evidence of purpose on the part of Government in its determination to go forward with a synthetic fuels program.

There is a possibility, I will say to the gentleman, that $1 billion of the $1.5 billion could be committed to a program referred to as the ANR coal gasification plant. It may be eligible for funding during the year.

The CHAIRMAN. The time of the gentleman from Oregon (Mr. WEAVER) has expired.

(On request of Mr. YATES and by unanimous consent, Mr. WEAVER was allowed to proceed for 2 additional minutes.)

Mr. YATES. The additional one-half billion dollars is for the purpose of seeking invitations to bid by private industry for the kind of synfuel programs authorized by the so-called Moorhead bill and the total amount of $1.5 billion could be used for it if not committed to the ANR project.

Mr. WEAVER. Mr. Chairman, I want to thank the always distinguished chairman for his very frank answer. I really appreciate his candor.

In other words, do not know what the money is going to be spent for; we do not know whether it is needed. It is a pledge, in effect, off in some distant vague future, and I urge the committee to vote for this amendment to strike the $1.5 billion, the budget-breaking item.

Mr. McKAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think those who have been working with synthetic fuels will recognize that unless there is some incentive there for somebody to get a contract to get started, they are not going to get into these synthetic fuels. We were through this cycle in 1973, and then we went to sleep again. So we are behind. We need to keep sufficient funds in to get this on line.

This committee has been dealing with synthetic fuels for about 15 years, hearing testimony referring to pilot plants and research and development for years, and we have not gotten a barrel of oil.

We have to be serious about it. The Members might be interested to know that, in fact, at the instigation of the chairman, we proceeded to put in a section in this bill to provide for $25 billion so that people knew we were serious about getting contracts and, instead of pushing the chain through grants, to offer a contract to purchase, to decide which process is available, and to get the thing started and to get it on the road. Every year and every month we wait, every year we postpone the funding of it, we cost ourselves more money. We are putting out $60 billion a year in a balance-of-payments deficit overseas. We have the resources here. Why do we keep abusing ourselves with inflationary costs? We can pay out that kind of money today and still make money. Those overseas barrels of oil are costing us, in related costs, as much as $99 a

barrel. We need to get it here. We can afford to put at least this pittance in to get something started.

Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. WEAVER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. WEAVER

Mr. WEAVER. Mr. Chairman, I offer an amendment.

(For the portion of the bill to which the amendment relates, see prior proceedings of the RECORD today).

The Clerk read as follows:

Amendment offered by Mr. WEAVER: On page 34, line 9, strike "$1,500,000,000" and insert in lieu thereof "$1,481,540,000".

On page 30, line 1, strike "$847,151,000" and insert in lieu thereof "$865,611,000"; and, also in line 1, strike "$188,218,000" and insert in lieu thereof "$197,748,000".

Mr. WEAVER. Mr. Chairman, I would like to tell the committee that I am very serious about this amendment and would hope that the committee would seriously consider accepting it.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, may I read to the gentleman a letter I received from the head of the Forest Service, dated July 26, 1979. I am sure the gentleman knows of the determination by this committee to do everything that it can to assure that reforestation shall proceed as promptly as possible.

Mr. WEAVER. I compliment the gentleman for his great efforts. I have always said that the Forest Service owes a great deal to Chicago.

Mr. YATES. This is what the gentleman said, and this is from R. Max Peterson, Chief of the Forest Service:

DEAR CONGRESSMAN YATES: This is in response to your inquiry concerning possible increases in reforestation for 1980.

We wanted to know whether he could use more money for reforestation, after the gentleman from Oregon told me about it.

He says this:

Our reassessment of anticipated planted stock indicates that the 221,000 acres targeted for reforestation and associated funding, as contained in the House actions, are the maximum we can reasonably handle in fiscal year 1980.

I will tell the gentleman that if the chief had told us that he could use more money for reforestation, if he had told us that he had talked to the gentleman from Oregon (Mr. WEAVER) and that the gentleman was insisting that he put more money in, and if he would have said, "I agree with Mr. WEAVER, we should have more money," had he told us that, we would have put more money in. But the gentleman knows that we have a program for reforestation, we adhere to it even though the Office of Management and Budget refuses to put funds in it. We put it in because we think it is vitally important to the people of this country.

Mr. WEAVER. Mr. Chairman, the gentleman speaks the truth. I thank the gentleman for the hard and great work he has done in reforesting the national forests of this country. We owe a debt to the gentleman.

I will not say, in deference to the esteem in which I hold the chairman, that this is simply a pledge, a pledge to somebody to plant trees. I could say that, because that was the gentleman's response to how the money was going to be spent for synfuels. The gentleman did not know how the $1.5 billion was going to be spent for synfuels. But the $9.53 million that is in my amendment for reforestation actually will go for timber stand improvement, which the Forest Service says, is the amount they could effectively spend this year for timber stand improvement. As, of course the committee knows, the line item on reforestation is also timber stand improvement.

□ 1820

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. I yield to the gentleman from Illinois.

Mr. YATES. I would hope the gentleman would withdraw his amendment. He has the committee assurances respecting reforestation.

I will even go further than my subcommittee. I do not know whether they would agree with me. I share the gentleman's concerns to some extent about the synfuels programs. I know about the so-called greenhouse effect that Prof. Roger Ravel and others have talked about. I do recognize that as a possible threat.

I do want the gentleman to know that I appreciate, too, the need for the growth of more and more trees to withstand that possibility. I would want the gentleman to know he has my assurance, and I am sure the assurances of the members of our committee that we are determined that the trees shall continue to stand and that for every tree cut, I would like to see a tree planted and more trees planted.

Mr. WEAVER. I again appreciate very much the remarks of the gentleman. There is no question, I agree with him completely. He is saying the truth.

I do want, however, to say that if you want energy today, we are burning slash in our forests today, burning it and polluting our air.

In the forests in my district right now, the air you can hardly see through it because of the smoke from some forest fires but also the slash that is being burned.

Mr. YATES. Is this taking place in the great State of Oregon?

Mr. WEAVER. It is taking place in the great State of Oregon.

Mr. YATES. That is not the way the great State of Oregon was explained by the gentleman in our committee, the gentleman from Oregon (Mr. DUNCAN).

Mr. WEAVER. Right now we are burning slash, burning this wood waste.

My amendment not only gets additional trees out of the forest, from thinning operations, but right now what do we do? You have $9 million or $10 million in the bill to burn the slash.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

(By unanimous consent, Mr. WEAVER was allowed to proceed for 2 additional minutes.)

Mr. WEAVER. You have $9 million or $10 million in the bill to burn the slash in the forests. The additional $9 million in my amendment will not burn the slash in the forests. It will take it out.

Now, I have gotten my local utility, the Eugene Water and Electric Board, a contract with the Forest Service to set up a generating plant to use this slash.

We are going to start producing electricity with it, and we can produce gasohol with it also. People can just simply burn it in their homes, but it has got to be brought out of the forest.

So if you want energy now, this moment, and if you want more produce from our forests, then vote for my amendment, because it will get the energy immediately.

I am just asking for $18 million of this $105 million in here for synfuels. Frankly, it will produce more energy, the $18 million, than the other $1,482,000,000.

The chairman made my final point, which was to simply say that when we burn synfuels, we put carbon dioxide in the air, jeopardizing the world's climate. Trees take carbon dioxide out of the air, and so if you are determined to build synfuel plants, please at the same time plant lots of trees.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. I yield to the gentleman from Ohio.

Mr. REGULA. Is it not a fact that slash is used in many different ways depending on the proximity to manufacturing facilities, and otherwise it might be used in paper board? It might be used in the production of various other wood byproducts, so that in reality it is the economics in many instances that dictates the use of slash? It might well be that some of the slash is totally inaccessible to transportation and therefore not economical in terms of removal?

Mr. WEAVER. We can take this out of the forest, but the policy right now, and the money in here, is simply to burn it.

My amendment would take it all out of forests and make it available for energy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. WEAVER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. GOLDWATER

Mr. GOLDWATER. Mr. Chairman, I offer an amendment.

(The portion of the bill to which the amendment relates is as follows:)

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), $699,377,000, to remain available until expended: *Provided*, That no part of the sum herein appropriated shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

The clerk read as follows:

Amendment offered by Mr. GOLDWATER: On page 35, line 2, strike "$699,377,000" and insert in lieu thereof "$703,377,000."

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from Illinois.

Mr. YATES. The gentleman was kind enough to discuss this amendment with the committee before we came to the floor, and I want to tell the gentleman the committee is most sympathetic to the purposes of the amendment.

We do have a letter from the Department of Energy in which they discuss the molten salt gasifier program. This is in a letter addressed to me by Mr. John Deutch, dated July 25. It says:

As you know the Department requested and received $1 million in fiscal year 1979 to place the molten salt gasifier PDU in standby status. It appears that this technology may have some promise and we are currently evaluating what role the molten salt gasifier could play in the overall third generation R&D program. Sufficient funds to continue this evaluation are available within the fiscal year 1980 budget. We do not believe that the $4 million additional proposed is necessary since no decision has been made to modify the PDU facility and expand this project beyond its current scope.

May I say to the gentleman there are approximately 61 gasifiers that are commercially available, under commercial development, or that the Department of Energy has among its programs today. Nevertheless, I know of the interest in this molten salt gasifier. I would like to say to the gentleman that in the event the Senate decides to put this program into effect, the committee would be glad to seriously consider it.

Mr. GOLDWATER. I appreciate the chairman's sympathetic feelings on this. I know he understands the importance of it. I appreciate his understanding about it.

Mr. YATES. Might I request the gentleman might want to withdraw his amendment at this time.

Mr. GOLDWATER. The gentleman will take that under consideration.

Mr. YATES. I thank the gentleman.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from New York.

Mr. OTTINGER. I would like to say that our subcommittee did include the amount for the molten salt gasifier, with virtually unanimous consent of the subcommittee. Our own staff feels this is one of the more promising technologies. I do understand the concern of the gentleman from Illinois (Mr. YATES) with respect to the number of gasification projects being funded by the Department of Energy, but I would urge upon him that everything we have seen indicates this is a very promising technology.

I hope he would urge upon the Department of Energy to fund it, and if it does come up in the Senate, he would, as he said he would—and I certainly believe it—very seriously consider adding the funds in conference.

I thank the gentleman. I think he has an excellent amendment.

Mr. GOLDWATER. Mr. Chairman, let me just point out what I am trying to do. This amendment would raise the fossil energy research and development authorization by $4,000,000 to allow funding for molten salt gasification research for fiscal year 1980.

The molten salt furnace is a highly efficient means of burning coal with very little pollution to the environment. The Energy Technology Engineering Center of the Department of Energy is currently operating a process demonstration unit utilizing this technology with very promising results. In this facility, salt under pressure is heated to 1,800 degrees. Coal is partially combusted in the salt which releases a low-Btu fuel gas while capturing the sulfur and the ash. The salt is then regenerated and the sulfur is captured as elemental sulfur.

The molten salt process has a number of advantages over most of the other gasification technologies. It can use a wide variety of coals. The product gas is also extremely low in sulfur, tar, heavy hydrocarbons, ammonia, and NO_x. The efficiency of the system is also much higher than the current generation of Lurgi gasifiers.

If we do not act to fund this project, a facility which was completed in mid-1978 and which has run well will be abandoned prematurely. It is true that we have learned quite a lot about the merits of the motion salt technology as a source of low-Btu gas but this is not where the need or the market is. The 1980 authorization which I am calling for will permit examination of the technology's applicability to medium Btu gasification which is a much more versatile fuel.

Medium-Btu molten salt gasification has been demonstrated at laboratory scale, but there is currently no PDU-size facility in the free world where it can be tested. Yet, for $50,000 to $60,000 the DOE facility can be modified, after completion of the currently scheduled low-Btu tests, to perform this work. The balance of the $4,000,000 would be spent on operating the facility during fiscal year 1980.

I ask your support and that of the rest of our colleagues on this amendment so this important, but relatively low-cost research can be performed.

□ 1830

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GOLDWATER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. WOLPE

Mr. WOLPE. Mr. Chairman, I offer an amendment.

(For the portion of the bill to which the amendment relates see prior proceeding of the RECORD today.)

The Clerk read as follows:

Amendment offered by Mr. WOLPE: On page 35, line 21, increase the dollar amount shown by $6,000,000.

Mr. WOLPE. Mr. Chairman, I want to commend the chairman of the committee and the membership of that committee for an excellent piece of work. I want to indicate in advance that the amendment I offer at this point should not be taken in any way as a comment on the overall work product of that committee. But there is one area of the committee's work that I feel does demand attention by this body at this point, and that is the appropriate technology program.

What this amendment before us would do would be to increase the dollar amount for the appropriate technology grant program by $6 million, which would raise the appropriate technology program to the existing authorization of $18 million. I should indicate that the Science and Technology Committee had originally recommended a $23 million figure for the authorization, and the $18 million authorization amount was a product of a compromise that was negotiated between the Committee on Interstate and Foreign Commerce and the Committee on Science and Technology. I mention this because the $23 million recommendation of the Committee on Science and Technology was an indication of the enthusiastic support of the committee for this particular effort within the Department of Energy.

What is involved in that program is the offering of grants to communities, to small businesses, to individuals to support innovative conservation and energy production ideas. It is really the only program within the Department of Energy that is specifically tailored to support the efforts of individuals and that is not tailored to support the activities and the work of the largest corporate interests.

There is a limit of $50,000 for any grant that is awarded under this program over a 2-year period. An indication of the tremendous support that this program has received nationally is the number of requests that have come in under this authorization. In fiscal year 1979 there were over 12,000 requests received by the Department of Energy totaling a requested allocation of $343 million. Yet, the current funding level that is being proposed presently under the appropriations bill of $12 million would allow only 2.3 percent of those requests to be funded.

Recently the Department of Energy in region 9 of this country undertook an evaluation to assess the worth and the value of the projects that were initiated under this grant program and came to the conclusion that 20 percent of the proposals were, in fact, worth funding, that they were meritorious. The evaluation of that region 9 program indicated that the average funded project created an energy saving far in excess of the cost of that initiative.

This is the most innovative energy program that we have within the Department of Energy. More importantly, I would submit, what is at issue here is whether or not we are going to successfully tie the efforts by individuals in local communities all across this country to the national mobilization effort to which all of us within this body are committed. The simple fact is that many people do not recognize how much can be accomplished at the individual level. We have not yet truly tapped the creative resources of the individuals within our local communities. To the extent we

can begin to get people individually generating ideas, putting to work those ideas within local communities, we can begin to get a truly personal identification, I submit, with our need nationally to move in a much more effective way toward conservation and toward the development of solar technology.

I would like to give just one example briefly from my own district where an individual came forward with a proposal for his own particular business establishment, a very small business, which was located physically adjacent to a local powerplant. He proposed to take the waste heat from this local powerplant and to link it into his establishment and use that waste heat; this is one example of cogeneration. It made sense from every standpoint. The dollars simply were not available.

If the dollars had been available to support this kind of an initiative, this individual small business was only one of a number of prospective small business establishments that were being developed in what is a larger industrial park within this region, and if we could get that one demonstration accomplished, we could have a massive impact on the entire pattern of industrial growth within this particular part of my congressional district.

That is just one example. Fortunately there are other examples that have been funded involving the use of solar technology to accelerate the growth of fish, to the development of alternative transportation programs involving community-based bus service.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(At the request of Mr. OTTINGER, and by unanimous consent, Mr. WOLPE was allowed to proceed for 3 additional minutes.)

Mr. WOLPE. Other examples of programs that have been funded under the appropriate technology program include projects that have helped to make much more efficient use of solar hot water and solar space heating by demonstrating how the two, if joined together, can yield a cost effective way of using solar energy in home construction.

In short, we have an opportunity through this program to make real and personal and local the effort at mobilizing energy resources in this country. I think we have much to gain by extending the appropriation that has been requested to that which has been authorized.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from New York.

Mr. OTTINGER. I congratulate the gentleman for his amendment. This was a program that was expanded at the initiative of the gentleman from California (Mr. BROWN) to $23.5 million in the Energy Development and Applications Subcommittee by an overwhelming vote. This is the one program in the entire Government that funds the little guy with the good ideas.

Most of the inventions that have come into this country have not come from the large corporations but have come from individual inventors. Individual inventors most times do not have money to exploit their ideas. This program takes proven ideas, for instance, ideas that have gone through the small inventors' program and have been shown to be promising and allows $50,000 to be put behind them in order to be able to move that idea and get the small inventor started.

Every one of us in our districts have had people come to us with ideas that really sound good, and they sometimes can get them proven and get the endorsements for them by reputable scientists. This puts a little money behind them and gives us an opportunity to help that kind of constituent.

I strongly urge support for this amendment. I know the gentleman from Illinois has been very generous to us, he has added $3 million from what the committee originally provided for this program, but with $343 million in applications sitting out there, and some of the ideas already funded being so successful that they would pay for the entire program, I would hope that he would reconsider and he would support the program.

Mr. WOLPE. I thank the gentleman from New York for his very helpful observations. I yield back the balance of my time.

□ 1840

Mr. LONG of Maryland. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

There is no shortage of energy resources in America. We are simply bursting with energy all around us—the Sun, coal, the tides, oil, oil shale, peat, and on and on. In oil alone we have only been able to get out 15 percent of all the oil that is known or believed to exist on this planet, certainly in the United States.

Why then do we have a shortage? We have a shortage because we do not have the capital to capture this energy and put it to work. The New York Stock Exchange estimates that we have a $600 billion capital shortage right now, over the next couple of years. I put together a list not long ago of roughly $2 trillion worth of capital shortages for all the needs we have—for housing, for roads, for mass transit, for synfuels, for flood control, and on and on.

Now, one of the reasons why we have a capital shortage, of course, is because we are spending vast sums on military; we are spending a lot on foreign aid, and then we find ourselves short of the capital we need to do the job. But, it is also because we have been putting vast quantities of capital into projects in which we are overcapitalized; we are wasting capital.

In my district we are building a subway 10 miles long at a cost of $1 billion. If we wanted to save capital and get the job done, we have five rail lines where we could have put rail lines out in five different directions for a few hundred million dollars. But no, we had to do it the expensive way. Where does that come in?

The point I want to make is that what we need to do is reach for our brains instead of our pocketbooks. We are spending too much money, overcapitalizing, and what we need to do is to go back to the simple ideas of the ordinary people, the Eli Whitneys, that kind of person capable of doing the same thing for us. I have people come to me once a week, once a month, with an idea that sounds good, but they do not have the money. I will admit that a lot of those ideas are cockeyed ideas. We all know this, but let me tell the Members this: I spent my life in research, and the great majority of research is not worth a darn. But, one project that is worth a darn pays over and over again for all the rest. That is why I think this small grants project is important.

Let us let the ordinary guy who is close to a problem, who sees a solution, let us let him have a little money to develop it. We already know that we have many, many times more applications for grants than we have money to hand out. This program was authorized for $18 million—I believe that was the full authorization. In the committee I was able to get this raised up to $3 million above what the committee wanted, which I believe was $12 million. But, we still lack another $6 million, and I think this would pay for itself over and over again.

Let us give the ordinary person a chance to see what he can do, to come up with his ideas and his solutions, instead of giving it to the big corporations or instead of giving it to the Government where a lot of it is going to be spent on bureaucratic overcapitalization. So, I support this amendment and I say, let us reach for our brains instead of our pocketbooks.

Mr. BEDELL. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, I will not take the 5 minutes, but I am reminded, as we have this debate, of what someone said to me as we were talking recently about efforts to procure gasohol. He said, "Here in the Congress we swallow camels and gag on gnats."

I think that is the problem we have right here. We are talking about $6 million in a program in which we are at this time spending some $45 billion per year for the oil we import. Now, the question is, when most of our inventiveness has come from small operations such as this and from small business, are we going to invest $6 million in small grants of less than $50,000 per grant in order to help to get that great help that we have available from those small inventors to help solve this problem, or are we going to say, "No, we cannot afford $6 million to help to solve a $45 billion problem."

I would hope that we would vote to add that $6 million to get up to the full amount of the authorization so that we can show the people of America that we do have an energy problem and that we are willing to invest in the area where most of the creativity has been shown in our society.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Chairman, I just want to rise also in support of this very valuable amendment. I commend the gentleman from Michigan for offering it. I want to say that in my study of the Northwest energy situation, in which I have been involved for many years, it shows untold possibilities of wood waste, biomass, of wave action in the water, that can give us much more energy than we are getting now from so-called conventional sources.

This can produce more energy, perhaps, than the one and a half billion dollars in there for synfuels if we discover an Edison with an idea that is really going to work.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to commend the gentleman also. I supported the efforts in the committee for the added $3 million. When we see the money we are spending on other approaches, I think this is a very modest amendment, and I would hope that the committee would accept it.

Mr. YATES. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, the committee would have liked to provide funds for every one of the energy programs. We had to draw the line somewhere. We are almost $2 billion over the budget in this bill.

The gentleman from New York says that there are $343 million worth of requests in the so-called appropriate technology program. How many of these requests are good? How many of them are bad? Should we fund the entire $343 million in requests? Should we go over the budget further by an additional $343 million? What is the answer?

We do not know, if we were to put the additional $6 million that the gentleman proposes into the budget, that the right programs would be funded. We do not know which of the applications are going to be excluded. The committee is very sympathetic to the program. We have gone over the budget by almost 50 percent for this program. We have gone over last year's level by 50 percent in this bill.

Just as we did not fund the land and water conservation fund to the extent that we might have done, we pointed out in the debate on that program that the budgetary constraints really governed our actions in that case. We have gone over the budget in other programs that we thought, in our list of priorities, we should have funded. There are, somewhere in this country, inventors who have answers with respect to the energy program. What has happened in the past is that when the inventions have had some prospect of tangible benefits, they have been able to find people with capital to fund those programs.

□ 1850

I have looked through the program book for these various programs. I have seen what they have funded, and I must say that I do not find the selections that the Department of Energy has made under this program as being the kind that I would want to put extra funds into.

Mr. McDADE. Mr. Chairman, will the distinguished chairman yield?

Mr. YATES. I yield to the gentleman from Pennsylvania.

Mr. McDADE. I thank the gentleman for yielding. The gentleman has made the point, and I hope everybody has heard it, that the committee is almost 50 percent above what the budget request is. We have exceeded the budget request. It raises a very important point. What happens when you throw money at an agency, when you force it at an agency? Let us look at some of these.

Here is a fellow who got a grant for $15,700, and he is going to test a system in his warehouse to bring in, and I quote from his grant, "ideal air." He is going to fill his warehouse with ideal air, and then he is never going to have to worry about heating it or cooling it.

I do not know how many Members in the House like to play handball, but here is a fellow who got $13,700 to test a lighting system on a handball court to decide whether or not he could make it sensitive to the fact that a human being might walk in and the lights might go on. I do not know what happened to switches.

Here is another one. Here is a fellow who is going to develop a fan system to take cold air into the attic of a house and move hot air out. I thought that had been done 100 years ago.

I know we promised the Speaker we would try to be done by 7 o'clock. We have given the bill good discussion. We have gone over the budget. We have been very generous with this program, and we can go the other way, too.

Let us support that person out there who is working. Let us vote for this amendment and get on with this bill.

Mr. WEAVER. Mr. Chairman, I move to strike the last word. I will only take one minute. In response to somebody using "ideal air" for $13,700, it is straight crazy. I agree. There are going to be a lot of crazy ideas, including the one of Armand Hammer's for synfuel for $200 million. That is just as crazy, with the idea of burning oil shale inside, down under the ground. They have found out it burns not evenly, but through fissures. So they spent $200 million and threw it out the window. We are about to spend $1.5 billion, which is really breaking this budget, on some crazy ideas, and I say let us give these people a chance.

Mr. McDADE. If the gentleman will yield, how would the gentleman like a program in here to melt beeswax with solar energy?

Mr. YATES. If the gentleman will yield, the $200 million Mr. Hammer spent was not Government money; it belonged to the corporation.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. I yield to the gentleman from Iowa.

Mr. BEDELL. I thank the gentlemen for yielding. I hope we keep things in perspective. You can find any Government program where there have been some mistakes. I do not think that is the argument in this case. I think the argument is, are we going to have the funds so that the small inventors, if they do have ideas that might solve our energy problems, will not be denied the opportunity to help us solve those problems? I think every one of us here would do everything we could to see that those funds are then spent wisely, but for us not to make them available I think would be a serious mistake.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

The committee agrees with that thought. That is why we went over the budget for the appropriate technology program by almost 50 percent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. WOLPE).

The question was taken; and on a division (demanded by Mr. WOLPE), there were—ayes 15, noes 27.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. LAGOMARSINO

Mr. LAGOMARSINO. Mr. Chairman, I offer an amendment.

(For the portion of the bill to which the amendment relates, see prior proceedings of the RECORD today.)

The Clerk read as follows:

Amendment offered by Mr. LAGOMARSINO: Page 35, line 2, strike "$699,377,000, and insert in lieu thereof "$701,377,000".

Mr. LAGOMARSINO. Mr. Chairman, I am today offering an amendment to H.R. 4930, appropriating funds for the purpose of heavy oil conversion technology. I offer this amendment on behalf of myself and my colleagues, Congressmen LEWIS, THOMAS, LUNGREN, COELHO, MINETA, CLAUSEN, and ROUSSELOT. This amendment is identical to an amendment I offered, and which was accepted and adopted, to the DOE authorization bill, H.R. 4839.

Estimates indicate that there are 100 billion barrels of heavy crude oil in place in the United States and 1 trillion barrels of heavy crude oil reserves in Canada. Although this resource is vast, most of it is presently unrecoverable because current refining methods are inadequate, costly, and environmentally hazardous. Presently refining techniques produce unacceptable levels of difficult to dispose of waste, including threatening sulfur emissions. New and innovative refining techniques could permit us to utilize this wealth of crude oil at our disposal, to meet present and future energy demands.

As you know, the President, in his energy message July 15, proposed to immediately decontrol heavy oil, exempting it from the windfall profits tax. This action will, of course, result in long-term incentives for heavy crude refining investment, as well as production. However, it has come to my attention that there is already a cost-effective technology to facilitate the development of heavy crude oil refining methods. One such project,

proposed by a small refiner in my district in California, provides an encouraging approach to manufacturing gasoline feedstock and other high-value products from the thick high sulfur crude oils, abundant in our Nation, without producing hard to dispose of wastes and significant environmentally threatening emissions. This demonstration refinery plant in California has the capacity to convert 5,100 barrels of heavy crude oils and residual oils a day into valuable natural gas and gasoline, while removing sulfur. All residual oil is eliminated and, as already mentioned, the process is nonpolluting.

Unfortunately, the project was presented late in the DOE budget process. Although DOE has expressed strong interest in this concept it simply does not now have the funding authorization with which to proceed. My amendment would allow DOE to assist in developing this technology. At a time when we cannot afford to overlook any technologies which might assist in enhancing vital domestic energy supplies, it is crucial that we expedite those projects which are economically and environmentally appropriate. This process, in fact, would be possible on a quicker time scale and at a lower cost than massive coal conversion programs.

Mr. Chairman, unless the fiscal year 1980 Interior appropriation bill is amended to enable DOE to fund such projects, or it is made plain that they may use available funds for such purposes, at least one crucial year will be wasted in developing technology paramount to tapping our vast domestic heavy crude oil reserves. However, this vitally important project came to our attention only within the last several days. Although I had originally intended to offer an amendment authorizing $30 million for the purpose of developing heavy oil conversion technology, I realize that the Subcommittee on Energy Development and Applications and the full Science and Technology Committee, responsible for this portion of the bill, has not had an ample opportunity to explore and review this project.

I have asked DOE to set the specific gravity to define heavy oil at 20 degrees. The entitlements program has already utilized 25 degrees for definition of heavy oil.

Mr. Chairman, I would strongly urge that my colleagues support this amendment.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Pennsylvania.

Mr. McDADE. I thank the gentleman for yielding. I want to say to my friend, the gentleman from California, that he has discussed the amendment with me, and I know he has discussed it with my very able friend, the gentleman from Illinois, the chairman of the committee. We are willing to make legislative history that the Department of Energy shall earmark not less than the amount of the amendment for experimentation on heavy oils. The gentleman has found a very important area that they are not working on, and we believe his amendment has absolute merit. So I know my friend, the gentleman from Illinois (Mr. YATES), wants to comment in support of earmarking this amount.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the distinguished chairman of the subcommittee.

Mr. YATES. I thank the gentleman for yielding. Yes, I want to say to the gentleman that there is about $700 million available for funding various programs, and I would think that in an area of the importance that the gentleman's amendment is addressed to that there would be enough money to take funds out of that for the gentleman's program. I would urge the Department to undertake that program from existing funds.

Mr. LAGOMARSINO. So the legislative history would show that it is the intent of the subcommittee that this money be used for that purpose?

Mr. YATES. That is correct.

Mr. LAGOMARSINO. I thank the gentleman.

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from California.

Mr. THOMAS. I thank the gentleman for yielding. Could I ask the distinguished chairman, when we are talking about "heavy oil," and I have heard this mentioned—the President's speech contained the term "heavy oil"—do we have some idea of what we mean by "heavy oil"?

I represent an area in California that is currently producing about 50 percent of the oil in California, and I have heard varying descriptions of what heavy oil is. I would very much like to know what heavy oil is. I will ask the distinguished subcommittee chairman.

Mr. YATES. If the gentleman will yield, the gentleman has the amendment. As I understand it, there is no exact definition of heavy oil agreed upon, but there are various formulas used for this definition. I am sure that in connection with the amendment offered by the gentleman from California (Mr. LAGOMARSINO), the Department of Energy will know what is meant.

Mr. THOMAS. If the gentleman will yield further, let me indicate to the gentleman that as soon as the President mentioned heavy oil in his Sunday night speech, the following Monday morning I called the Department of Energy, and they indicated that they were talking about heavy oil at about 10 on the specific gravity scale. I indicated that that is oil you almost have to mine. It is almost impossible to get down in a secondary or tertiary process. The entitlements program has defined heavy oil as 25. We have 10 specific gravity oil, and 25 which will not flow through a pipeline without being heated.

Mr. YATES. It is my understanding the Moorhead bill defines it as a specific gravity of 15.

Mr. THOMAS. If we are going to define it at 15, I want it understood that deals with one-third of the oil that was produced in California in 1977.

Most of the oil in my district has to be moved through heated pipelines. My point is that we understand the potential contained in the heavy oil concept. We have literally trillions of barrels of oil underground now. If we are talking about decontrolling and removing from windfall profits "heavy oil," we have an interim area here between synthetic fuels and current oil that can meet our needs for some time to come. The critical question is just what is heavy oil?

Mr. LAGOMARSINO. If I may take back some of my time, I might say I have asked the Department of Energy to set the specific gravity for heavy oil at 20. There are various things. The amendment does not speak to that definition, but we think that 20 would be the minimum.

Mr. THOMAS. If the gentleman will yield further, if heavy oil is defined as 20, I think we will find a drilling boom in California that will produce by 1982 the 500,000 barrels a day that the President discussed as a potential by 1990. If we can define an 18 to 20 definition for heavy oil, we can have that half million barrels of oil a day within 2 years.

Mr. LEWIS. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from California.

Mr. LEWIS. I thank the gentleman for yielding.

I thank the gentleman from Pennsylvania (Mr. McDADE) and the gentleman from Illinois (Mr. YATES) for their cooperation in this matter. As a practical matter, I think it is important for the House to be aware of the fact that most of OPEC's oil is in a specific gravity category of the 30's, in places like Indonesia in the high 30's and 40's. That is very, very pure oil. Within our own country we have a tremendous potential of what is known as heavy oil.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. LEWIS, and by unanimous consent, Mr. LAGOMARSINO was allowed to proceed for 2 additional minutes.)

Mr. LEWIS. I will not take much more of the gentleman's time, if he will yield further.

Mr. LAGOMARSINO. I yield to the gentleman.

Mr. LEWIS. I thank the gentleman for yielding. As a practical matter, there are processes that are reasonably well proven, with some further experimentation that not only can refine some of these heavy oils in the 25 category, but that can do so in processes that are really essentially pure in terms of questions relating to air pollution and emissions that do not concern people like myself from southern California.

□ 1900

This money for experimentation purposes could be a tremendous asset and boon in our effort to solve this problem.

I thank the gentleman.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman for his contribution. I also want to thank the chairman and the ranking member. I think their understanding of what we are doing here and their acceptance of what we are trying to do will be of great help.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California (Mr. LAGOMARSINO)?

There was no objection.

AMENDMENT OFFERED BY MR. COURTER

Mr. COURTER. Mr. Chairman, I offer an amendment.

(The portion of the bill to which the amendment relates is as follows:)

ECONOMIC REGULATORY ADMINISTRATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, $125,697,000: *Provided*, That none of the funds herein appropriated shall be available to pay the expenses of parties intervening in regulatory proceedings before the Economic Regulatory Administration.

The Clerk read as follows:

Amendment offered by Mr. COURTER: Page 36, line 17, insert ": *Provided Further*, that none of the funds herein appropriated may be used to promulgate, administer or enforce any regulation or to issue or enforce any order which would continue any mandatory allocation or price control of motor gasoline" after "Economic Regulatory Administration".

Mr. COURTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey (Mr. COURTER)?

Mr. YATES. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk concluded the reading of the amendment.

POINT OF ORDER

Mr. YATES. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. YATES. Mr. Chairman, I make a point of order against the amendment on the grounds it is legislation on an appropriations bill and it deprives the department officers of authorities that are conferred upon them by law.

The CHAIRMAN. Does the gentleman from New Jersey care to be heard on the point of order?

Mr. COURTER. Yes, Mr. Chairman.

Mr. Chairman, that particular amendment obviously has to do with allocation and the price control of gasoline. Very specifically, it has to do with limiting of the funding to the Department of Energy with regard to that.

As drafted the amendment as proposed addresses itself to a limitation of funding. The bill itself has to do with funding and as such is germane.

I direct the Chair's attention to Deschler's Procedures, chapter 28, section 27, restrictions on use of funds, there is precedent for such limitation. Chapter 28, section 27.16, to be specific, and I quote:

To a program authorizing Federal financial assistance, an amendment limiting the uses to which those funds may be put is germane. 120 Cong. Rec. 28423, 28438, 28439, 93rd Congress, 2nd Session, August 15, 1974.

That particular ruling by the Chair had to do with H.R. 12859, the Federal Mass Transportation Act of 1974.

The CHAIRMAN. Does the gentleman from Illinois (Mr. YATES) wish to be heard further?

Mr. YATES. Mr. Chairman, I have nothing to add.

The CHAIRMAN. The Chair is ready to rule.

The language that is offered by the gentleman from New Jersey does not restrict the authority of the President but does restrict the use of the funds in the language of the bill. The point of order is not well taken and is overruled.

The gentleman from New Jersey is recognized for 5 minutes in support of his amendment.

Mr. COURTER. Thank you very much, Mr. Chairman.

Mr. Chairman, obviously this particular amendment has to do with a problem with which we are all familiar. This particular amendment has to do with the allocation system and the price control system that has been placed into effect by the Department of Energy.

Basically, as far as I am concerned, the price control system and the allocation system has aggravated a problem and created a problem that would otherwise not have existed.

I want to point out that this particular amendment has nothing to do with gas rationing. It has nothing to do with perhaps a matter we have already discussed. It has nothing to do with the gas-rationing matter that we will be discussing perhaps tomorrow or some other day this week or when we return from our summer recess. Basically it has to do with allocation and price control.

The particular formula as adopted by DOE wreaked havoc on the Northeastern section of the United States. There were areas in the United States where there were no lines and areas where there were lines 4 and 5 hours long. Mr. Schlesinger, as the head of the Department of Energy, indicated that, unfortunately—and this is paraphrasing him when I spoke to him at one particular time, that the allocation formula broke down. It was putting gasoline where cars were not. The urban areas, I think, are burdened with misappropriation. There was particularly under this system, substantial bias against urban areas. The price of gasoline was likewise controlled at the pump. You had a situation whereby one particular dealer could charge x amount of dollars and another one down the street 4, 5, 6, 7 or even 10 or 12 or 14 cents more and that formula was based on a formula derived by DOE and the particular gasoline dealer was locked into a system back in 1973 or 1974.

It also, Mr. Chairman, created a situation and a tremendous amount of pressure on small, independent gasoline dealers such that it was forcing him out of the system altogether, so that the large oil companies were buying up the small independents. A number of them in New Jersey and throughout the United States actually were forced to close.

The price system, Mr. Chairman, has retarded capital investment and particularly when it has to do with refineries, improving systems in refineries.

Mr. Chairman, obviously, this particular amendment has to do with the allocations formula and price control formula. An allocation formula that really took a 5- or 6-percent shortfall and increased that shortfall because of the 5-percent State set-aside, because of a growth formula, a formula that did not take into consideration the fact that some gasoline stations would be closing which in prior history served the particular area, a situation such that there was a growth formula that had a tilt to a different part of the country. It created a shortfall that was approximately 5 or 6 percent in gasoline in this country and increased that shortfall to 22 and 25 percent, thus creating gas lines 4 or 5 hours.

Mr. Chairman, I hope everyone gets behind this amendment, an amendment that really has to do with getting the sticky fingers and the long arm of Government away from a situation where it does not need to be.

Obviously, Mr. Chairman, if there is going to be a dramatic shortfall in gasoline or crude oil, if there is going to be as we often say a catastrophic shortfall, there has to be some sort of an allocation process.

This amendment deals with the situation we had this past month. It deals with the situation when the shortfall is 5, 6 and 7 percent and I urge upon my colleagues the adoption of this amendment.

I yield back the balance of my time.

Mr. YATES. Mr. Chairman, I move to strike the last word and will speak in opposition to the amendment.

May I say first there are no funds in this bill which can be used for the regulation of price controls of gasoline. Therefore, the amendment will really not apply to any funding in this bill.

It is kind of a back door through which the gentleman has moved in order to eliminate price controls on gasoline. This is not the subject for an appropriations bill. We had no hearings on this subject. We do not know what the effect is likely to be. We do not know what the impact of removing such controls is likely to be. It is a complicated, detailed subject that ought to be before a legislative committee and should have thorough hearings before the House is called upon to take any action.

I think we would be acting precipitously. I respect the power of the gentleman's argument and yet I submit this is not the forum for this kind of an argument. It ought to be a legislative committee that passes upon this kind of an amendment after having had the benefit of experts in the field, after having had the opportunity to hear witnesses to see what the effect of this is likely to be.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Minnesota.

Mr. VENTO. I would like to concur with the gentleman from Illinois (Mr. YATES).

We are in a situation where we do not control absolutely the supply end of the

energy equation and we do not control the demand end of it and we have, of course, some allocation control systems in between which, incidentally, bear the brunt for a lot of the problems and perhaps rightly so for some of them. They deserve a part of it and I think President Carter's move to change energy secretaries, in my judgment, is a prudent one and we probably ought to do a better job of administration. But I think the American people do expect this Congress to maintain a voice in this, not just leave it up to the multi-national oil companies and OPEC and the demand which, of course, I do not think anyone intends to control or at least is addressing themselves to that and, of course, this bill modestly tries to deal with the synfuels and the supplies side of the equation.

We really have a responsibility here, I think, to maintain a voice and I would hope we would reject that amendment for that reason.

Mr. YATES. Mr. Chairman, I thank the gentleman for his contribution.

I again repeat, this is a subject for an authorizing committee and should not be part of this debate.

I request a no vote on this amendment.

□ 1910

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. COURTER).

The question was taken; and on a division (demanded by Mr. COURTER) there were—ayes 15, noes 29.

So the amendment was rejected.

The CHAIRMAN. If there are no further amendments, the Clerk will read title III.

The Clerk proceeded to read title III.

Mr. YATES. Mr. Chairman, I ask unanimous consent that title III be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there any points of order against title III?

The Chair hears none.

Mr. WEAVER. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, I would like to enter into a colloquy with my distinguished colleague from Oregon, Mr. DUNCAN, on language dealing with a prohibition on exporting logs harvested from Federal forests.

Mr. DUNCAN of Oregon. I believe the language was inserted originally by the then chairman Mrs. Hanson, with support of our former colleague, Mr. Wyatt of Oregon—but I have supported the continued prohibition in subsequent appropriation bills and do in this one.

Mr. WEAVER. Does the language in this bill cover substitution of Federal timber for logs from private lands which are exported?

Mr. DUNCAN of Oregon. It does.

Mr. WEAVER. Could this language in the bill be construed to prohibit not just direct substitution but also prohibit third party substitution?

Mr. DUNCAN of Oregon. I believe it could be so construed, although it has not been.

Mr. WEAVER. So therefore, the U.S. Forest Service could, based on the present language in this bill, promulgate regulations prohibiting third party substitution.

Mr. DUNCAN of Oregon. Well, I believe, even the present rules could be so read, but they have not been, and administrative interpretation and practice over the years does have some legal weight in interpreting published ambiguous language. I further understand that the Forest Service has published notice of intent to promulgate regulations on third party substitution.

Mr. WEAVER. Is it your expectation that these regulations will clarify congressional intent to prohibit third party substitution?

Mr. DUNCAN of Oregon. There will be hearings on 15, 16 and 17. I cannot predict the results.

Mr. WEAVER. I thank the gentleman.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to commend the chairman of the Appropriations Interior Subcommittee and the other members of that subcommittee for their efforts. The careful deliberation that they extended in the careful consideration of the wide variety of issues, areas, and priorities contained in this bill is reflected in the quality of H.R. 4930. I want to commend the subcommittee particularly for their actions in relation to the Boundary Waters Wilderness Area and the funds appropriated to implement Public Law 95-495.

This act, designed to provide the essential protection for the popular wilderness area in Minnesota, has affected the traditional means of livelihood for some residents in the area. When Congress passed this important legislation, it realized that adjustments would be necessary and made the commitment through the establishment of programs to assist the local communities to make the needed transition. I am glad to see that the subcommittee and the full Appropriations Committee, at the urging of Congressmen SABO, OBERSTAR, myself, and all members of the Minnesota delegation as well as the Friends of the Boundary Waters Wilderness, have recognized that commitment and have provided the funding necessary to meet the needs of the local communities.

The programs authorized and funded by Congress will be important for both the resource and the residents in that area. Assistance will now be available to resort owners to make the transition to activities which are compatible with wilderness. New programs will be developed which will expand the opportunities to utilize the resource to new users, as the handicapped.

In addition, this appropriation will provide funding to strengthen and increase the role of logging in the local economy. Under the wise management of the Superior National Forest and State lands, and the better utilization of hardwoods, the contribution of the woods products industry to the local economy of northeastern Minnesota will increase.

This appropriation is an important step for the Boundary Waters Canoe Area, for the local residents and for all Americans.

Mr. YATES. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. DANIELSON) having assumed the chair, Mr. MINETA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4930) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1980, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BADHAM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 344, nays 42, not voting 48, as follows:

[Roll No. 402]

YEAS—344

Abdnor	Baldus	Bonior
Addabbo	Barnard	Bouquard
Akaka	Barnes	Bowen
Albosta	Beard, R.I.	Brademas
Ambro	Beard, Tenn.	Breaux
Anderson, Calif.	Bedell	Brinkley
Andrews, N.C.	Beilenson	Brodhead
Andrews, N. Dak.	Benjamin	Brooks
Annunzio	Bennett	Broomfield
Anthony	Bereuter	Brown, Calif.
Applegate	Bethune	Brown, Ohio
Aspin	Bevill	Broyhill
Atkinson	Biaggi	Buchanan
Bafalis	Bingham	Burgener
Bailey	Blanchard	Burlison
	Boland	Burton, John
	Boner	Burton, Phillip

Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Conte
Corcoran
Cotter
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Dellums
Dickinson
Dicks
Dingell
Dixon
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fisher
Flippo
Florio
Foley
Ford, Tenn.
Fountain
Fowler
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammer-schmidt
Hanley
Hansen
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Hollenbeck
Holtzman
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Lundine
McClory
McCormack
McDade
McEwen
McKay
McKinney
Madigan
Maguire
Markey
Marks
Marriott
Mathis
Matsui
Mavroules
Mazzoli
Mica
Michel
Mikulski
Mikva
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Pa.
Natcher
Neal
Nedzi
Nelson
Nolan
Nowak
O'Brien
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Pease
Perkins
Peyser
Pickle
Preyer
Price
Pritchard
Pursell
Quillen
Rahall
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Robinson
Roe
Rose
Rosenthal
Rousselot
Roybal
Royer
Rudd
Runnels
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Seiberling
Shannon
Sharp
Shelby
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stenholm
Stewart
Stokes
Stratton
Studds
Swift
Symms
Taylor
Thomas
Thompson
Trible
Van Deerlin
Vander Jagt
Vanik
Vento
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Wilson, C. H.
Winn
Wirth
Wolff
Wolpe
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—42

Archer
Ashley
Badham
Bauman
Collins, Tex.
Conable
Courter
Crane, Daniel
Crane, Philip
Dannemeyer
Derwinski
Devine
Edwards, Okla.
Evans, Ind.
Frenzel
Giaimo
Gramm
Hance
Holt
Jeffries
Jones, Okla.
Kelly
Kemp
Latta
Lee
Lungren
McDonald
Martin
Mattox
Moore
Mottl
Myers, Ind.
Paul
Petri
Roth
Sensenbrenner
Shumway
Solomon
Stump
Synar
Tauke
Volkmer

NOT VOTING—48

Alexander
Anderson, Ill.
Ashbrook
AuCoin
Boggs
Bolling
Bonker
Chisholm
Collins, Ill.
Conyers
Corman
Derrick
Diggs
Fish
Fithian
Flood
Ford, Mich.
Forsythe
Garcia
Holland
Jeffords
Luken
McCloskey
McHugh
Marlenee
Mitchell, Md.
Moffett
Mollohan
Nichols
Oakar
Pepper
Quayle
Railsback
Rangel
Rodino
Rostenkowski
Sebelius
Slack
Stockman
Traxler
Treen
Udall
Ullman
Walgren
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Wright

□ 1930

The Clerk announced the following pairs:

Mr. Wright with Mr. Anderson of Illinois.
Mr. AuCoin with Mr. Quayle.
Mr. Corman with Mr. Williams of Ohio.
Mr. Mollohan with Mr. Ashbrook.
Mr. Slack with Mr. McCloskey.
Mr. Rostenkowski with Mr. Bob Wilson.
Mr. Rodino with Mr. Railsback.
Mr. Nichols with Mr. Sebelius.
Mr. Moffett with Mr. Forsythe.
Mr. Mitchell of Maryland with Mr. Jeffords.
Mrs. Boggs with Mr. Fish.
Mrs. Chisholm with Mr. Marlenee.
Mr. Luken with Mr. Udall.
Mrs. Collins of Illinois with Mr. Walgren.
Mr. Charles Wilson of Texas with Mr. Ullman.
Mr. Holland with Mr. McHugh.
Mr. Pepper with Ms. Oakar.
Mr. Rangel with Mr. Traxler.
Mr. Bonker with Mr. Alexander.
Mr. Derrick with Mr. Ford of Michigan.
Mr. Fithian with Mr. Garcia.
Mr. Conyers with Mr. Flood.

Mr. HARSHA changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, and that I may be permitted to include tables, charts, and other material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PLOWBACK—THE ANSWER

(Mr. COLLINS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Texas. Mr. Speaker, the gentleman from Georgia (Mr. LEVITAS) raised a good point about our adjourning. I want to tell the Members one good reason why we should adjourn is to go home and find out what is going on in this country. For 25 years the Democrats have run Congress. They created the energy problem, and they do not know the solution. The best solution of all would be the plowback tax credit.

Mr. Speaker, energy is Congress big problem, but the House failed to provide the "plowback" which is the best answer. The Senate, in its wisdom, can rectify this situation.

The Republicans strongly urged the plowback credit but missed by a few votes. The energy crisis in American has not been faced by this Democrat dominated Congress. Congress makes the laws and for these past 25 years the Democrats have controlled this Congress. Today the Democrats dominate by 276 to 159.

Why does the majority party not face up to the need for more oil and gas to be produced in the United States? Just 6 years ago the United States was importing $3 billion a year in oil, but this year the United States will import $60 billion of oil in this 1 year.

Oil is short, but the country keeps importing and ruining our financial stability.

Congress placed price controls of $5.50 a barrel on U.S. oil. But OPEC oil from abroad went right on up and today OPEC oil landed at a U.S. port at $22.40 a barrel.

Now there are several price tiers on U.S. oil.

But as U.S. oil is allowed to move up to the world price, the House passed a 60-percent tax on U.S. oil, but a 0-percent tax on OPEC oil. How can American oil companies get the capital they need when their own Government taxes Americans 60 percent on rising prices and taxes OPEC 0 percent on rising prices.

This Carter administration plan called windfall profits solves nothing. This is a tax on U.S. companies for rising prices caused by the OPEC oil producing countries. The tax is not on profits but on prices. If producing costs go up 45 percent and a 60 percent tax is added, the company could lose 5 percent despite a higher price.

America needs oil.

Remember that we only recovered 30 percent of the oil when the well was drilled with primary production. But now with $22.40 a barrel that we are paying OPEC, we could pay American oil companies $22 and they can recover 30 percent more out of all of America's oil wells by secondary and tertiary recovery.

But the capital funds must be available. There is capital if oil is deregulated and the price increases are "plowback" capital for the U.S. oil companies. The plowback credit requires all money from this credit to go back into U.S. oil exploration and development.

The oil companies have a great record

of reinvestment in seeking more oil. Let us review actual records that we have:

1. 1978 Sun Oil Company:
$365 million, net income.
$453 million, capital expenditures.
2. 1977 Top U.S. Oil Companies—Reinvestment:
$7.87 billion, net income.
$15.57 billion, capital investment and exploration costs.
3. 1976 v. 1975 Sample of 44 Representative Oil Companies:
$28.6 billion, cash flow from profits plus depreciation.
$28.8 billion, capital expenditures; 7.1 percent increase in capital expenditures.
To finance the cash flow shortfall, long term debt for the 44 company group was expended 10.9 percent by outside borrowing.
4. 1975 v. 1974 43 Oil Company Group:
Capital and exploration expenditures increased 4.6 percent despite decreased earnings. $26.9 billion reinvestment versus $11.6 billion in earnings.
5. 1973 v. 1972 43 Oil Company Group:
$11.8 billion, net income.
$16.3 billion, capital and exploration expenses; 14.0 percent increase in capital expenditures.
6. 1969 1. 1968 36 Oil Company Group:
$6.8 billion, net income.
$12.87 billion, capital and exploratory expenditures.

OBJECTION TO THE AUGUST RECESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. COURTER) is recognized for 5 minutes.

● Mr. COURTER. Mr. Speaker, I object. This House, this Congress cannot recess in the face of this energy crisis. There are too many important energy bills requiring our attention to justify our time away from Washington. To turn our backs on this legislation—no matter for how short a period—is to turn our backs on the American people. The people are crying out for a short-term solution to the gas lines. They want assurances that they will have the fuel oil to keep their homes warm this winter. They are demanding that we do everything in our power to insure the energy independence of America.

Mr. Speaker, if our predecessors in the Continental Congress had shown this eagerness to escape the heat and the problems in Philadelphia in 1776, we would still be a part of the British Empire.

Breaking our ties with OPEC today, is as important as the severing of the apron strings with England in 1776—our freedom to act as we choose, our self determination as a nation, the independence of America depends on it.

Our citizens have always held dear the unique American qualities of will and determination. Yet this Congress lacks the will and the determination to face and resolve our Nation's energy crisis. We have a sworn commitment to the people of the United States to provide them with the leadership and the guidance they need in these trying times. Consider what needs to be done. I urge you to stay here and act on the substantive and effective energy legislation that this country needs.●

THE MURDER OF FEDERAL DISTRICT JUDGE JOHN W. WOOD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise for the purpose of giving an interim report on the progress or lack of progress in the solution of the unprecedented murder of Federal District Judge John W. Wood, nor is there a proximation of solution to the attempted murder of the Assistant Federal District Attorney, James W. Kerr last November.

I will remind the House that Judge Wood was assassinated in the waning hours of the month of May and, regretfully, I must report that no more progress has been made indicating any kind of a lead of any substance or any kind of a lead leading to a solution of this very dastardly crime. It is an unprecedented crime. No Federal district judge has been assassinated in this century, and there has been one case, perhaps, in the entire history of the judiciary before it.

The involvement I have described on prior occasions. The case gets a little bit more complex. But what I am firmly resolved and pledged to do is not to let this case go into the penumbra of forgetfulness, into the dust of history, as in the case of the Hoffa mystery where we have the disappearance of a most prominent American, with no trace, and the law enforcement agencies with no ability to solve that case over the course of years.

Mr. Speaker, I am determined and I will persist until the case involving the murder of John W. Wood and the attempted assassination of James W. Kerr are resolved fully and completely. In the meanwhile, the manifestations of the presence of the most sophisticated and organized elements of crime are quite apparent, even to the most naive of laymen. The case seems to be tied in by law enforcement agents with one pending in the jurisdiction of El Paso, some 600 miles away from the scene of the murder, but one in which Judge Wood was to be the presiding judge. The defendant in this case has very tight connections with organized crime based in Las Vegas, and I think it is very instructive to say that his lawyer happens to be the personal lawyer for the No. 1 chieftan of organized crime or the syndicate, Meyer Lansky, which shows the relative range of importance involved in all of these transactions.

Mr. Speaker, I must, though, in truthfulness, report to the House that no progress up to date has really been made leading to the solution of these two crimes.

THE 1979 CAPTIVE NATIONS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

● Mr. FLOOD. Mr. Speaker, the 1979 Captive Nations Week—the 20th anniversary of this Nation's tradition—was successfully proclaimed and observed in all parts of our country and abroad. This reminder of America's natural alliance with over 1 billion captive people in Central Europe, within the U.S.S.R., in Asia, and Cuba is in the fullest spirit of human rights and represents an Achilles Heel to all the illegitimate Communist regimes, particularly the imperialist Moscow one. Going into the 1980's, we must continue with this tradition more than ever before.

As reports continue to flow in on the 1979 week, I shall select examples for my colleagues to indicate the scope of the observance. I commend to their attention the following: First, proclamations by Governors Hugh L. Carey of New York and Ed Herschler of Wyoming; second, those by Mayor Stanley A. Cmich of Canton, Ohio, Thomas J. Early of Worcester, Mass., and Gerald W. Graves of Lansing, Mich.; third, a salute to Boston by NCNC Chairman, Dr. Lev E. Dobriansky and items from the Boston Captive Nations Committee; fourth, an editorial and report in the Catholic Standard, July 5 and 12; fifth, an article on "Understanding Russian Fears"; and sixth an article by Spotlight on "Patriots Plan Observances of Captive Nations Week.

The material follows:

PROCLAMATION—STATE OF NEW YORK

The greatness of the United States is in large part attributable to its ability, through the democratic process, to achieve a harmonious national unity among its citizenry, which has sprung from infinitely diverse backgrounds.

The harmonious unification of our society has led the free people of our Nation to champion understanding and sympathy for the aspirations of peoples in other nations throughout the world.

The commemoration of Captive Nations Week is dedicated to the spirit and hope of enslaved peoples in their continuing quest for freedom and self-determination in their beloved native lands.

The freedom-loving people in captive lands look to the United States as a citadel of freedom and to the American people as a source of guidance and inspiration.

The Captive Nations Committee of New York will hold appropriate activities throughout the week to commemorate this annual observance and to address the issue of human rights and justice on behalf of the oppressed peoples in captive nations.

Now, therefore, I, Hugh L. Carey, Governor of the State of New York, do hereby proclaim the week of July 15–21, 1979, as "Captive Nations Week" in New York State.

PROCLAMATION

Whereas, the imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czecho-Slovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet Cossackia, Turkestan, North Vietnam, Cuba, and others; and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and.

Whereas, the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in

bringing about their freedom and independence; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86-90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples;

Now, Therefore, I, Ed Herschler, Governor of the State of Wyoming, do hereby proclaim that the week commencing July 15, 1979 be observed as "Captive Nations Week" in Wyoming, and call upon the citizens of Wyoming to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Wyoming to be affixed this twelfth day of July, 1979.

"CAPTIVE NATIONS WEEK" JULY 15-21, 1979

Whereas; the imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and others, and

Whereas; the desire for liberty and independence by the overwhelming majority of the peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas; the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence; and

Whereas; the Congress of the United States by unanimous vote passed Public Law 86-90 establishing the third week in July each year as the citadel of human freedom and to the people of the United States to observe such week with appropriate prayers, ceremonies and activities;

Now, Therefore, I, Stanley A. Cmich, Mayor of the City of Canton; do hereby proclaim the week of July 15-21, 1979 as "Captive Nations Week" and urge that all citizens support this annual recognition of the intent and purpose of the Communist dominated and oppressed peoples of the world to regain their freedom.

PROCLAMATION

Whereas: The imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, Byelorussia, Rumania, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, Cambodia, South Vietnam, Laos and others; and

Whereas: The desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders and initiate a major war; and

Whereas: The freedom loving peoples in the captive nations look to the United States as the citadel of human freedom and to the people of the United States as the leaders in bringing about their freedom and independence; and

Whereas: The Congress of the United States, by unanimous vote passed Public Law 86-90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayer, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples;

Now, therefore, I, Thomas J. Early, Mayor of the City of Worcester, do hereby proclaim the week of July 15-21, 1979, to be "Captive Nations Week" in the City of Worcester, and call upon the citizens to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of the captive nations.

PROCLAMATION

Whereas: The imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czech-Slovakia, Lativa, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and others; and

Whereas: The desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas: The freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence; and

Whereas: The Congress of the United States by unanimous vote passed Public Law 86-90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples.

Now, therefore, I, Gerald W. Graves, Mayor of the city of Lansing, by the power vested in me, do hereby proclaim the week of July 15, 1979, to July 21, 1979, as "Captive Nations Week" in Lansing, and call upon all citizens to join with me in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

ALEXANDRIA, VA., *July 15, 1979.*

Dear friends of the captive nations, as National Captive Nations Committee chairman, I most warmly congratulate your Captive Nations Committee for its contributions and achievements in implementing Public Law 86-90 for the past two decades. For the northeast region of our country your efforts, led particularly by Orest Szczudluk, have been outstanding, and thus vitally contributory to the overall national effort to show that the captive nations in toto, especially those in the USSR, are the Achilles heal of Moscow and the hope of the west. We'll persevere for the good and just.

Sincerely,

LEV E. DOBRIANSKY.

PRESS RELEASE

The week of July 15-21, 1979, will be observed as "Captive Nations Week" in the nation and in Massachusetts, according to proclamations issued by President Jimmy Carter and Governor Edward J. King. The purpose of the Captive Nations Week is to salute captive nations under Russian communist domination and reaffirm our support for their freedom and national independence.

On Wednesday, July 18, 1979, starting at 11:30 a.m. a special commemorative program will be held in Doric Hall—Massachusetts State House, Beacon Hill, Boston, in observance of the "Captive Nation Week" in Boston. The program will include prayers, reading of proclamations, a talk about captive nations and their aspirations for national independence and some cultural entertainment.

During the program, a plaque of appreciation will be presented to the Honorable John W. McCormack, retired Congressman from Boston and Speaker of the U.S. House of Representatives for his contributions to the enactment of the Captive Nations Week Resolution in July 1959.

The public is cordially invited to attend the observance at the State House.

This year marks the 20th anniversary of the enactment of the Captive Nations Week Resolution, known as Public Law 86-90. The resolution listed 22 original captive nations: Ukraine, Lithuania, Latvia, Estonia, Armenia, Azerbaijan, Beylorussia, Idel-Ural, Cossackia, Turkestan, Poland, Hungary, Czechoslovakia, Rumania, Bulgaria, Albania, Georgia, East Germany, Mainland China, North Vietnam, North Korea, Tibet. Added to the list were: Serbia, Groatia, Slovenia, Cuba, Cambodia, South Vietnam and Laos.

In his 1979 "Captive Nations Week" proclamation, President Jimmy Carter stated: "Americans now, as at all times in our history, remain steadfast in our belief that liberty and national independence are among the universal birthrights of mankind."

Governor King's proclamation noted: "The establishment of national and independent States by all captive nations and the the decolonization of the Soviet Union Empire would contribute significantly to a just and lasting peace in the world and to the freedom of all nations."

This year's observance of the "Captive Nations Week" in Boston is sponsored by the 1979 Captive Nations Week Committee and active participation of Lithuanian American Council of Boston, American National Latvian League in Boston and Ukrainian Congress Committee of America—Boston Chapter. "This year's observance of the 'Captive Nations Week' provides yet another opportunity to use to manifest our concern for freedom and national independence of all captive nations under Russian communist domination," stated Orest Szczudluk, a spokesman for the Captive Nations Week Committee and vice president of the Ukrainian Congress Committee of America in Boston.

BOSTON, MASS., *July 6, 1979.*

20TH ANNIVERSARY OF CAPTIVE NATIONS WEEK

This year's observance is sponsored by: Lithuanian American Council of Boston, American National Latvian League in Boston, Inc., and Ukrainian Congress Committee of America—Boston Chapter.

President Jimmy Carter and Governor Edward J. King designated the Week of July 15-21 as "Captive Nations Week" in the nation and in Massachusetts respectively.

In his proclamation of June 22, President Carter stated: "Americans now, as at all times in history, remain steadfast in our belief that liberty and national independence are among the universal birthrights of mankind. Remembering our democratic heritage and our commitment to human rights, let us take this occasion to reaffirm our admiration for all men and women around the world who are committed to the cause of freedom. And mindfall of our own rich and diverse heritage, let us express our compassion and respect for persons around the world still seeking the realization of these ideals in their own lands."

Governor King's proclamation stated: "The captive nations of Central and Eastern Europe—Armenia, Byelorussia, Estonia, Latvia, Lithuania, Ukraine, Georgia and others—have not accepted the Soviet Russian enslavement and continue to struggle for their national and independent states. The establishment of national and independent States by all captive nations and the decolonization of the Soviet Union Empire would contribute significantly to a just and lasting peace in the world and to the freedom of all nations."

The "Captive Nations Week Resolution" of July 17, 1959, enumerated 22 original captive nations in the following order (year of communist domination is in the brackets): Poland (1947), Hungary (1949), Lithuania (1940), Ukraine (1920), Czechoslovakia (1948), Latvia (1940), Estonia (1940), Byelorussia (1920), Rumania (1947), East Germany (1949), Bulgaria (1946), Mainland China (1949), Armenia (1920), Azerbaijan (1920), Georgia (1920), North Korea (1948), Albania (1946), Idel-Ural (1920), Tibet (1951), Cossackia (1920), Turkestan (1922), North Vietnam (1954). Added since were: Cuba (1960), Cambodia (1975), South Vietnam (1975), Laos (1975).

[From the Catholic Standard, July 5, 1979]

BRAVE LITHUANIANS

It is easy to be a Catholic in the United States but there are many places in the world where being a Catholic requires courage.

It may take the most courage of all in Lithuania where a nation is totally in the control of the Soviet Union and just being a faithful Catholic may bring you imprisonment or death.

So consider the tremendous courage of 522 Catholic priests in Lithuania. They have taken a public stand against a Decree on Religious Associations where Soviet government officials are given virtual control over churches and their organizations.

The protest statement was signed by 522 of Lithuania's 708 priests—there may have been good reasons the others did not sign. What these brave priests told Soviet authorities was that they cannot obey laws which contradict the Church. Their first loyalty is to the Church, its laws and its bishops, the priests said in their statement, and they asked for a repeal of anti-religious laws and an end to state interference in the appointment of priests.

They are joined by Lithuanian Catholics, who are under the same oppressive rule that threatens their lives and freedom if they are openly Catholic.

It is a time for us to remember the people in captive nations, pray for them, support them in every way we can—and, most of all, to reflect on how we in our religious freedom fail so often to appreciate how fortunate we are and fail to unite ourselves in loyalty to the Church, its laws and its bishops. Where the Church is under persecution, Catholics recognize how basic this loyalty is to our unity.—D.F.

[From the Catholic Standard, July 12, 1979]

CAPTIVE NATIONS WEEK

We were a week early with our cartoon on Captive Nations Week—it is observed July 15–21. But the situation that is observed in this week is one that should be close to our hearts.

When 20 years ago President Eisenhower proclaimed the first Captive Nations Week, it was to unite us with the longing for freedom of those once free and independent nations in Central and Eastern Europe, including the non-Russian nations absorbed under Communist domination into the USSR.

President Eisenhower said that our nation should keep in mind this injustice "until such time as freedom and independence shall have been achieved for all the captive nations of the world."

In those 20 years since the first proclamation none of the captive nations have regained freedom or independence. But our dedication to the cause of their freedom should be stronger than ever.

Among the human rights to which we are dedicated is the right of nations to be free. Captive Nations Week is a reminder to us that nations are not free, that still many are under Russian domination, and with the reminder we must commit ourselves to support oppressed peoples in their captivity.—D. F.

[From the King Features Syndicate, May 25, 1979]

UNDERSTANDING RUSSIAN FEARS

(By Ronald Reagan)

Most Americans probably think of the Soviet Union as "Russia," a country populated by "Russians." The Russians wish it were so, but today they make up less than 50 percent of the population of the vast U.S.S.R. and the birthrate doesn't favor them.

There are 50 nationality groups in the U.S.S.R. with populations of 100,000 or more 22 of them have more than a million each. Andrei Amalrik, who left the Soviet Union to take up a new life at Harvard's Russian Research center, wrote recently, "This variety of nationalities, part of which were independent states or belonged to other states during the past century, contradicts the unitarian Soviet system. The conflict is somewhat mitigated by the existence of national republics, but their autonomy exists largely on paper; the central authorities always try—sometimes cruelly sometimes subtly—to replace the national languages and traditions with common Soviet traditions and the Russian language."

When those two Russian diplomats who had been caught spying in the U.S. were exchanged recently for five men freed from the Gulag, one of those men, a Ukrainian, brought home to the free world just how crushing this "Russification" program can be to a proud nationality.

Valentyn Moroz had spent 14 of his 43 years in Soviet jails. A scholar and historian, Moroz had defied "Russification" of his native Ukraine by presenting the facts about how the Russians were trying to smother its nationality.

Amalrik says, ". . . 'Russification' is due less to the strength of the Russian central authorities than to their weakness. Their weakness is caused first by a fear of the decreasing percentage of Russians in the national demographic balance and second by a crisis of ideology."

Valentyn Moroz—one brave voice—clearly rubbed the Russian authorities the wrong way, for he demanded cultural freedom for the Ukraine. Indirectly he was speaking for such other distinct nationalities within the Soviet empire as the Georgians, Byelorussians, Estonians, Latvians, Lithuanians and Armenians—not to mention the satellite communist states of central and eastern Europe.

Soviet policies designed to wipe out national consciousness from among their subjects range from mass deportations from ancestral homelands all the way to murder, according to Moroz.

And nothing is sacred, he says. A few years ago holy Ukranian icons were "borrowed" for use by the Soviet government. Even though their return had been guaranteed in writing, the people of the Ukraine have not seen them since 1963. In another case a Soviet official in charge of "cultural affairs" ordered the burning of highly-prized, centuries-old graphics in the Lvov museum.

Valentyn Moroz, as he stepped into the light of freedom, set an example for the rest of us, it seems to me. He has learned important truths from terrible experiences. Undaunted, he kept on writing and speaking out for the freedom of his people's heritage and culture, despite the dangers to him personally. He has proved that the longing for freedom can be stronger than the weapons of tyranny. It is often ignored in international relations, but it is a power in the human spirit to be reckoned with.

PATRIOTS PLAN OBSERVANCES OF CAPTIVE NATIONS WEEK

WASHINGTON.—The 20th anniversary of Captive Nations Week will be observed throughout the free world July 15–21, affording patriots their foremost opportunity this year to rally in support of the victims of Soviet imperialism.

In at least a dozen American cities, and in many foreign countries, mammoth demonstrations on behalf of the captive peoples of Europe, Asia and Latin America are planned.

The House of Representatives will also consider the plight of the Captive Nations and their oppressed peoples. Each year, a "special order" sets aside in advance time during the week for members to speak out in aid of the 30 Captive Nations. (This is the conservative, official congressional count, and does not include some nations under strong Soviet influence, such as Panama.)

Rep. Edward J. Derwinski's (R-Ill.) office told The Spotlight on June 26 that the special order will be on July 18. Derwinski is a leader of the Captive Nations Week movement.

CAPTIVE 59 YEARS

The Captive Nations are defined as those which have come under communist domination primarily as a result of Soviet imperialism.

The first bloc of these have been prisoners for 59 years; in 1920, the Bolshevik government of Soviet Russia began conquering independent nations adjacent to Russia proper.

These nations—including part of Armenia, Ukraine, Byelorussia and Georgia—were organized as captives in the USSR.

Throughout the following years, in successive waves, Soviet Russia added additional nations to its empire; its single largest acquisition took place in the late 1940s, when Presidents Franklin Roosevelt and Harry Truman signed Eastern Europe over to the Red Army.

The Spotlight (June 27, 1977) has examined in detail the creation of Soviet Russia's empire of Captive Nations. The Spotlight's "Christian Holocaust" series (Sept. 18, Oct. 9 and 23, 1978; Jan. 1 and 8, Feb. 19, March 5, April 23 and May 14) has also documented the Soviets' calculated murder of scores of millions of Christians.

INCENSES COMMISSARS

Captive Nations Week was established by a Joint Resolution of Congress in 1959. The law declaring the third week of July as Captive Nations Week was passed after years of spontaneous demonstrations on their behalf by anticommunists in the U.S. and abroad.

(Communist reaction to any display of support for the captive peoples has always been particularly hysterical; in 1959, the Hungarian revolt of 1956 (Spotlight, Oct. 17, 1977 and Oct. 23, 1978) and the East German and Polish rebellions of 1953 were still fresh in the minds of the Kremlin's kagans.)

Soviet dictator Nikita Khrushchev was outraged by the establishment of Captive Nations Week and vilified it both personally and through the Soviet propaganda machine.

The Captive Nations Week resolution, in addition to defining Congress views on the Soviet empire, directed the president to annually issue a Captive Nations Week proclamation; President Eisenhower did so, forcefully, in 1959 and 1960.

Ike issued his first proclamation the very day the Joint Resolution passed Congress. Eisenhower affirmed U.S. support for "the many nations throughout the world (that) have been made captive by the imperialist

and aggressive policies of Soviet communism."

PROCLAMATION GUTTED

Ike issued the same proclamation—complete with denunciations by name of Soviet Russia—in 1960.

President John Kennedy, however, gutted the Captive Nations Week proclamation; the mush which Kennedy produced left out any reference to communism, Russia, Soviet policy, Soviet imperialism, "Soviet-dominated nations," the plight of the Captive Nations and everything else which made Ike's proclamations so forceful and which so enraged the Kremlin. The Spotlight (June 27, 1977 and May 29, 1978) has examined the decline of the proclamations.

The Kremlin continued to denounce the annual observances after 1960 (despite the fact that Kennedy's proclamations were bland and weak); because Congress still independently championed the Captive Nations, and patriotic Americans demonstrated in support of them.

After Kennedy gutted the spirit of the Captive Nations proclamation, subsequent presidents could not have strengthened the language without being attacked for "escalating" the "cold war" and increasing "international tension."

ABANDON CAPTIVE PEOPLES

President Jimmy Carter, however, sought to go Kennedy one better. Carter tried in 1977 to forgo issuing any proclamation at all (Spotlight, Aug. 8, 1977).

This, remember, was during the time when Carter's pious "human rights" rhetoric was a daily feature of the liberal Establishment media.

Patricia Derian, the State Department's designated "human rights expert," said then she was "not overly concerned" that Carter was not issuing a Captive Nations proclamation. "It's not as if we were sending money to Chile," she said (Chile has a strongly anti-communist government).

Miss Derian was identified as a Marxist a few months ago by Nicaraguan President Anastasio Somoza, who is battling to prevent his country from becoming another Captive Nation.

Carter's 1977 attempt to ignore the Captive Nations miscarried after patriotic citizens and members of Congress brought pressure to bear; Carter grudingly issued the proclamation a few hours before the members of the House were scheduled to roast him.

RALLIES PLANNED, CONGRESS ACTIVE

Captive Nations Week observances are planned this year in (at least) New York City; Chicago; Phoenix; San Diego; Buffalo; Pittsburgh; Boston; Cleveland; Syracuse, N.Y.; Philadelphia and New Orleans. In addition, South Korea, the Philippines and the Republic of (Free) China on Taiwan will hold observances.

Meanwhile, representatives are already actively preparing for Captive Nations Week; in addition to Derwinski's plan, Rep. Daniel J. Flood (D-Pa.) has placed two speeches and two lengthy articles on the Captive Nations in the "Congressional Record."●

THE PROTECTION OF PRIVACY ACT OF 1979

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 10 minutes.

● Mr. BINGHAM. Mr. Speaker, I am today introducing a bill which would require a court order before law enforcement officials could break and enter into private premises to install eavesdropping equipment. My bill, the Protection of Privacy Act of 1979, shares the same goal as H.R. 4854, introduced last week by my friend, the able gentleman from New York, Mr. WEISS. I am a cosponsor of the Weiss bill and I am happy to have the gentleman as a cosponsor of mine.

I am including in the RECORD, at this point, an editorial from the Philadelphia Inquirer which summarizes the recent Supreme Court decision in Dalia against United States and argues persuasively for enactment of the type of legislation which I am introducing to protect "a basic right of privacy."

My bill differs from the Weiss bill in a number of important details. In general the Protection of Privacy Act would give the courts greater control over the activities of law enforcement officials while they are on private premises without the consent of the occupant. It also sets tighter standards for the issuance of a break-in order.

Unlike the Weiss bill, the Protection of Privacy Act expressly provides criminal penalties for an unauthorized break-in. It would require all applications for a break-in order to originate with the Attorney General of the United States or an assistant which he designates or the chief prosecuting attorney of a State or political subdivision.

In addition to the requirements which the applicant must meet under the Weiss bill, the Protection of Privacy Act would require the applicant to explain why means less intrusive than a break-in would not be successful.

The applicant would not only have to describe the premises to be entered, but would have to name those areas within the premises which he believes must be entered.

An estimate of the amount of time which the break-in should last would also have to be supplied. Finally, the applicant would have to advise the court of any previous actions known to him concerning a break-in involving the same persons or premises.

All of these factors should be known to a judge so that he may better determine the need for a break-in.

My bill would require a break-in order to be in writing. It would have to specify the areas within the premises which may be entered and the date and time (allowing for one alternate time and date) when the break-in may be carried out so that the intrusion would be minimized to the greatest possible degree. It would prohibit law enforcement officials from opening any locked enclosures, such as a locked desk drawer or closet, located within an area approved for entry.

My bill would give a judge the authority to require an applicant for a break-in order to report back to him after the break-in to insure that the authority had not been exceeded. The bill would provide for exclusion of evidence obtained as a result of an unauthorized break-in, or if the order was insufficient on its face.

Perhaps the two most important protections offered by my bill would be the provisions giving a judge the discretion to deny permission for a break-in and prohibiting the use of a break-in order in conjunction or in concert with a warrant or order other than an eavesdrop order.

Protecting the private premises of an individual is extremely important to our American way of life. It is possible that an applicant could meet all the requirements of this bill but, in the opinion of the judge, the facts of the case still might not justify allowing an intrusion of the magnitude of a break-in.

My bill gives a judge the discretion to turn down an application in such an instance.

The need for individuals to have some private place to escape from the problems of the modern world, where they can reflect, relax, study, or just be themselves is greater now than ever.

The authors of our Constitution were wise enough to recognize this when they included the fourth amendment as a part of the Bill of Rights.

I hope Congress will reaffirm its belief in this constitutional principle respecting individual privacy and promoting individuality by passing legislation along the lines of the Protection of Privacy Act and/or H.R. 4854.

SUPREME COURT ERODES A BASIC RIGHT OF PRIVACY

The United States Supreme Court, in a technically complex case involving the restraints under which police authorites must proceed in implementing court-authorized electronic eavesdropping, has established a doctrine which erodes the privacy rights of all Americans. It leaves to the Congress the responsibility to reestablish explicitly the protections which the court, in a split decision, has taken away.

The decision came in *Dalia v. U.S.*, involving the conviction of a New Jersey man for receiving stolen property. In seeking evidence against Lawrence Dalia, agents of the Federal Bureau of Investigation obtained a court order, under the provisions of the 1968 Omnibus Crime Control Act, which allowed them to use electronic eavesdropping devices.

Fine, that is what the law allows, and it is a valuable weapon, especially in cases of organized crime and political corruption. But taking the principle a step beyond the specifics of either the statute or the judge's order, the FBI agents pried open a window in Dalia's office and planted a "bugging" device in the ceiling. The conversations thus recorded eventually contributed to his conviction.

In their appeal, Dalia's lawyers contended his rights were violated at three levels: (1) That the Fourth Amendment's prohibition of unreasonable search and seizure made all covert entry into private property unacceptable; (2) That since the 1968 law is specifically silent on the question of covert entry in order to install eavesdropping equipment, it does not give police agents or the warrant-issuing courts the power to authorize covert entry; and (3) That even if the power to authorize breaking and entering falls implicitly to the judge, he then is required to issue a separate, explicit order permitting it.

Properly, the Supreme Court unanimously rejected the first argument. To have done otherwise would have been to deny the Congress and the states the right to pass laws allowing, under reasonable protections, searches and seizures which are fundamentally important to responsible law-enforcement. The court also rejected the second contention, on a vote of 6-to-3, and the third, 5-to-4.

In their dissent on the second point, Associate Justices John Paul Stevens, William J. Brennan Jr. and Thurgood Marshall contended that since the statute does not explicitly allow covert entry, the majority's opinion "converts silence into thunder." Justice Potter Stewart joined the dissent on the third point.

The dissenting justices went back into the history of the Congress's evolution of the 1968 act and found, in the language of Jus-

tice Stevens, that "the legislators never even considered the possibility that they were passing a statute that would authorize federal agents to break into private premises without any finding of necessity by a neutral and detached magistrate . . . I fear that the court's holding may reflect an unarticulated presumption that national police officers have the power to carry out a surveillance order by whatever means may be necessary unless explicitly prohibited by the states or by the Constitution. But surely the presumption should run the other way."

Surely, it should. In ruling to the contrary, a majority of the Supreme Court has, once again, taken away an important protection of individual liberty and privacy which at the very least should be determined, with the greatest caution, by the Congress.

The majority has thus laid on the steps of the Capitol a challenge—and a responsibility—to enact legislation which will, at the very least, require that specific and explicit cases be made by police authorities who seek to break into private premises, and that judges empowered to issue warrants for electronic eavesdropping be required to consider as a separate and even more demanding question whether breaking and entering can be permissible in order to do so.●

ENERGY ARTICLE NO. 1: GASOHOL IS COMING ON STRONG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 10 minutes.

● Mr. ALEXANDER. Mr. Speaker, in order to secure the U.S. energy future, the national energy strategy must be based on a multiple-energy source policy. Among those energy sources which we can now start bringing on the line—aside from expanded drilling and enhanced recovery of domestic oil, full utilization of nuclear power, and continued encouragement of conservation in the home, business, industry and transportation—are alcohol fuels, particularly ethanol, derived from agricultural biomass.

The new National Alcohol Fuels Commission, on which I serve as one of the congressional members, will be assessing the full potential of alcohol fuels. However, within certain agricultural regions, including my State of Arkansas, the movement is already well underway to produce alcohol fuel, primarily for blending with gasoline to produce "gasohol."

There appears to be little question that gasohol is becoming a popular fuel with the motoring public. I believe this demonstrates that the public is ready to accept the alternatives necessary to kick the foreign oil habit.

Attesting to the popularity of gasohol, I would like to share with my colleagues an article which appears in the current issue of the magazine Changing Times.

The article follows:

FILL'ER UP WITH GASOHOL

(NOTE.—In the states where it is available, motorists are snapping up this gasoline-alcohol blend for their cars. Can it help ease the oil shortage? Could your car run on it?)

On a balmy evening early last April, President Carter proclaimed on national television his first widely recorded official endorsement of an oil-conserving fuel that has been powering automobiles successfully for more than 60 years. "From the products of our forests and croplands," he declared in his address announcing the decontrol of domestic oil prices, "we can produce more gasohol—already being used to replace gasoline in several midwestern states."

As it turns out, the President wasn't strictly accurate. Gasohol doesn't really "replace" gasoline. In fact, 90 percent of it is unleaded gasoline. The remaining 10 percent is alcohol—200-proof ethyl alcohol, or ethanol, to be precise. And in that portion of the blend lies the basis for some appealing claims for this hybrid fuel.

Gasohol, say its advocates, burns cleaner than either leaded or unleaded gasoline and cuts carbon monoxide emissions by as much as 30 percent.

It makes many cars run more smoothly, reducing engine knock and eliminating "dieseling," the tendency of some engines to keep running after the ignition has been turned off.

In some tests gasohol has delivered more miles per gallon than straight gasoline.

Since the alcohol component of gasohol can be brewed from practically anything that grows—corn, sugar cane, potatoes—it is a renewable energy source that can help us reduce our dependence on imported oil.

Fermenting the alcohol from farm crops would create a new market for farmers, thus easing the problem of persistent farm surpluses and saving the money the government now pays farmers not to grow certain crops, such as corn and wheat.

If there is truth to such claims—and there is—then why haven't we embarked on a full-scale gasohol production program so that everyone's car can use it? The answer comprises something of a mixture itself: part technology, part economics and part politics.

Not everyone agrees that gasohol is as promising a fuel as its advocates say, but no one disagrees with the claim that it works. If your car runs well on gasoline with an octane rating of about 90, it will run well on gasohol with no alteration of your engine. Some retailers do advise motorists to keep an eye on the fuel line filter when they first make the switch because in a dirty engine the alcohol loosens sludge and sediment, which can clog the filter.

At one time gasohol opponents warned that the alcohol would have a tendency to separate from the gasoline in the car's tank, causing hard starting in winter and vapor lock in summer. But millions of miles of driving in the seasonal extremes of the Midwest haven't supported that argument, and such warnings aren't heard much anymore.

The fact that gasohol works so well makes it difficult for an oil-hungry nation to resist. Gasohol seems to offer us a way to stretch gasoline supplies by 10% without having to discover a single additional drop of oil. Its advocates insist that that is exactly what it would do. Its opponents—who have been found mostly in the large oil companies and, until recently, in the federal government—argue that too many roadblocks stand between the relatively small scale production of today and a program large enough to make a significant contribution to our energy needs.

HOW MUCH MORE CAN WE MAKE?

Right now most of the alcohol going into gasohol comes from a single plant in Decatur, Ill., operated by the Archer Daniels Midland Co. A couple of smaller plants elsewhere in the country add a little bit more. Altogether these distilleries are making enough ethanol to mix up about a million gallons of gasohol a day—less than ½ of 1% of the country's daily gasoline consumption. Before those numbers can grow significantly, gasoholics will have to convince potential investors in new plants that they can resolve a number of disputes in their favor.

Raw materials. Opponents of a large-scale gasohol program say that producing enough ethyl alcohol to replace a significant amount of gasoline would require such huge crops that too much of the country's farm acreage would have to be diverted from food production. Gasohol defenders insist that the millions of acres the government keeps out of production deliberately each year are sufficient to grow the crops needed for an alcohol fermentation program that could replace 10% of all the gasoline we burn. Furthermore, they say, the land wouldn't be lost for food production entirely. Fermentation of such starchy crops as corn yields a high-protein by-product that could be sold on world markets, thus helping to reduce the troublesome deficit in our balance of payments.

Cost. It costs about three times as much to make a gallon of ethanol in today's plants as it does to refine a gallon of gasoline. Thus, adding ethanol to gasoline raises the price at the pump. But most dealers have been selling gasohol as fast as they can get it, thanks in part to tax breaks that bring down the fuel's price. It is exempt from the 4-cents-a-gallon federal gasoline tax until September 1984, and in Iowa, where it sells best, gasohol was voted an exemption from the state levy on gasoline. The results of these and other tax breaks is that in most places gasohol sells at about the same price as unleaded premium gas. Gasohol backers say that technological advances in new plants will bring the price down even more. Nevertheless, conservation, not economy, will continue to be gasohol's strongest selling point.

Energy balance. Perhaps the most stinging charge gasohol's detractors make is that the production of ethanol consumes more energy than the fuel eventually delivers in your car. Gasoholics say this criticism misses the point. The alcohol from distillation plants burning coal, municipal refuse or some other plentiful commodity would extend our supply of gasoline, which is scarce. Besides, they say, studies showing a negative energy balance were made at old plants producing beverage-grade alcohol. Producers of fuel-grade alcohol needn't be as fussy about purity, and new plants would incorporate technological improvements that deliver the alcohol with a favorable energy balance. So far, though, such a plant has not been built.

GETTING FROM HERE TO THERE

For most Americans the debate over gasohol is purely academic, since the fuel is probably not sold at their local filling stations. Of the 600 to 700 gasohol stations in the country, most are in one state, Iowa. Nebraska, Illinois and Indiana sport a number of outlets, and a few stations are located in each of about a dozen other states. The reason for the fuel's popularity in the farming states is simple: The ethanol going into gasohol so far has been distilled almost exclusively from corn, and corn is a very big farm crop.

Farm crops aren't the only source of alcohol. Timber, coal, even solid municipal wastes can be made into a form of alcohol called methanol through a gasification process that bypasses fermentation. Methanol backers point out that it, too, can be used as a gasoline extender, and they have figures to show that it is cheaper to make than ethanol. The Mobil Oil Co. has even demonstrated a successful, though very expensive, way to convert methanol into high-octane gasoline.

The struggle over gasohol is now centered in Washington, since federal incentives for building alcohol plants of one sort or another may make the difference between a regional gasohol program and a national one. Gasoholics think the tide is running in their favor. "The President's endorsement gave us recognition and a sense of legitimacy in other people's eyes that we didn't have before," says Richard Merritt, an unpaid lobbyist for the National Gasohol Commission. "It is now socially acceptable in Washington to favor gasohol."●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachussetts (Mr. DRINAN) is recognized for 5 minutes.

● Mr. DRINAN. Mr. Speaker, due to a longstanding commitment to serve as a panelist in a "National Town Meeting" on privacy, which was held at Washington's Kennedy Center, I was unavoidably absent from the House for a brief period on July 26 during consideration of House Resolution 379, a rule providing for the consideration of H.R. 3000. Had I been present for rollcall No. 389, on approval of the resolution, I would have voted "yea." ●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. CORMAN (at the request of Mr. WRIGHT), for today, on account of official business.

Mr. MURPHY of Illinois (at the request of Mr. WRIGHT), for today, on account of official business.

Mr. RODINO (at the request of Mr. WRIGHT), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ERDAHL) to revise and extend their remarks and include extraneous material:)

Mr. DUNCAN of Tennessee, for 30 minutes, today.

Mr. COURTER, for 5 minutes, today.

(The following Members (at the request of Mr. GLICKMAN) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. WEAVER, for 5 minutes, today.

Mr. FLOOD, for 5 minutes, today.

Ms. HOLTZMAN, for 5 minutes, today.

Mr. ALEXANDER, for 10 minutes, today.

Mr. VAN DEERLIN, for 5 minutes, today.

Mr. ALEXANDER, for 10 minutes, today.

Mr. DRINAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GINN, to revise and extend his remarks immediately following the remarks of Mr. MCCORMACK today in the Committee of the Whole.

Mr. HUGHES, immediately following the remarks of Mr. FLORIO on his amendment to H.R. 4930 in the Committee of the Whole today.

(The following Members (at the request of Mr. ERDAHL) and to include extraneous matter:)

Mr. ROYER.

Mr. PHILIP M. CRANE in two instances.

Mr. MCCLOSKEY in two instances.

Mr. MICHEL in two instances.

Mr. WYDLER.

Mr. HILLIS.

Mr. PAUL in two instances.

Mr. TAUKE.

Mr. GRASSLEY.

Mr. ANDERSON of Illinois.

Mr. RINALDO.

Mr. GILMAN.

Mr. HAMMERSCHMIDT in two instances.

Mr. DAVIS of Michigan.

Mr. SOLOMON.

Mr. JEFFORDS.

Mr. HOPKINS.

Mr. BOB WILSON in two instances.

Mr. BEREUTER in two instances.

Mr. COLLINS of Texas.

(The following Members (at the request of Mr. GLICKMAN) and to include extraneous matter:)

Mr. ANDERSON of California in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Ms. HOLTZMAN in 10 instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. CONYERS in two instances.

Mr. BIAGGI in 15 instances.

Mr. MCCORMACK in three instances.

Mr. MAZZOLI.

Mr. MAVROULES.

Mr. PREYER.

Mr. VENTO in two instances.

Mr. GARCIA in two instances.

Mr. GEPHARDT in two instances.

Mr. GAYDOS.

Mr. SIMON.

Mr. MOTTL in two instances.

Mr. RICHMOND.

Mr. VAN DEERLIN.

Mr. MURPHY of New York.

Mr. LUKEN.

Mr. RUSSO.

Mr. HARRIS.

Mr. ROSENTHAL.

Mr. WAXMAN.

Mr. LOWRY.

Mr. PATTERSON.

Mr. WOLPE.

Mr. OTTINGER.

Mr. O'NEILL.

Mr. JENRETTE.

Mr. SKELTON.

Mr. DINGELL in three instances.

Mr. WEISS.

Mrs. SCHROEDER.

ENROLLED BILL SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1786. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 976. An act to authorize appropriations for the international affairs functions of the Department of the Treasury for fiscal year 1980.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On July 25, 1979:

H.J. Res. 373. Recognizing the anniversaries of the Warsaw uprising and the Polish resistance to the invasion of Poland during World War II.

On July 26, 1979:

H.R. 4537. To approve and implement the trade agreements negotiated under the Trade Act of 1974, and for other purposes;

H.R. 4591. To make technical corrections and miscellaneous amendments in certain education laws contained in the Education Amendments of 1978, and for other purposes; and

H.R. 4712. To delay conditionally the effective date of certain rules of procedure and evidence proposed by the U.S. Supreme Court, and for other purposes.

ADJOURNMENT

Mr. GLICKMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Tuesday, July 31, 1979, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2132. A letter from the Governor, Farm Credit Administration, transmitting the 45th annual report of the Farm Credit Administration and the Cooperative Farm Credit System, including the report of the Federal Farm Credit Board, pursuant to section 5.18(3) of Public Law 92–181, as amended; to the Committee on Agriculture.

2133. A letter from the Deputy Secretary of Defense, transmitting notice of approval of annual compensation rates, exceeding $45,000 for officials of various Federal Contract Research Centers, pursuant to section 407(b) of Public Law 91–121; to the Committee on Armed Services.

2134. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Air Force's proposed sale of defense equipment to Jordan (Transmittal No. 79–62) pursuant to Section 813 of Public Law 94–106; to the Committee on Armed Services.

2135. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Air Force's proposed sale of defense equipment to the United Kingdom (Transmittal No. 79–66) pursuant to section 813 of Public Law 94–106; to the Committee on Armed Services.

2136. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of defense equipment to Saudi Arabia (Transmittal No. 79–73), pursuant to section 813 of Public Law 94–106; to the Committee on Armed Services.

2137. A letter from the first vice president and vice chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee and insurance transactions supported by Eximbank during June 1979 to Communist countries; to the Committee on Banking, Finance and Urban Affairs.

2138. A letter from the Mayor of the District of Columbia, transmitting the annual report for fiscal year 1978 on the District of Columbia's alcoholism program, pursuant to section 13(a) of the act of August 4, 1947, as amended (82 Stat. 623); to the Committee on the District of Columbia.

2139. A letter from the Secretary of Health, Education, and Welfare, transmitting the family contribution schedules for the basic educational opportunity grant program for academic year 1980–81, pursuant to section 411(a)(3)(A)(ii) of the Higher Education Act of 1965, as amended; to the Committee on Education and Labor.

2140. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential Determination No. 79–11, finding that the sale of defense articles and defense services to the Government of Barbados will strengthen the security of the United States and promote world peace; to the Committee on Foreign Affairs.

2141. A letter from the Acting Assistant Secretary of State for Congressional Relations; transmitting a report on political contributions made by Ambassador-designate James W. Spain, and his family, pursuant to section 6 of Public Law 93–126; to the Committee on Foreign Affairs.

2142. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Ambassador-designate Thomas J. Watson, Jr., and his family, pursuant to section 6 of Public Law 93–126; to the Committee on Foreign Affairs.

2143. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting notice of the State Department's intention to consent to a request by the Government of Australia for permission to transfer certain U.S.-origin defense articles to the Government of Papua New Guinea, pursuant to section 3(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2144. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense equipment and services to Jordan (Transmittal No. 79–62), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2145. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense equipment and services to the United Kingdom (Transmittal No. 79–66) pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2146. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment and services to Saudi Arabia (Transmittal No. 79–73), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2147. A letter from the Comptroller General of the United States, transmitting a report reviewing the progress Government agencies have made in obtaining sufficient audit staff, (FGMSD–79–43, July 27, 1979); to the Committee on Government Operations.

2148. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during June 1979, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

2149. A letter from the Secretary of the Interior, transmitting a copy of an application by the Lewiston Orchards Irrigation District of Lewiston, Nez Perce County, Idaho, for a loan under the Small Reclamation Projects Act, pursuant to section 4(c) of the act; to the Committee on Interior and Insular Affairs.

2150. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the Nisqually Tribe judgment funds in docket No. 197 before the Indian Claims Commission, pursuant to sections 2 (a) and 4 of Public Law 93–134; to the Committee on Interior and Insular Affairs.

2151. A letter from the General Counsel of the Department of Energy, transmitting notice of meetings realted ot the International Energy Program to be held August 7 and 8, 1979, in Paris, France; to the Committee on Interstate and Foreign Commerce.

2152. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens under the authority contained in section 13 (b) of the act of September 11, 1957, pursuant to section 13(c) of the act; to the Committee on the Judiciary.

2153. A letter from the General Counsel of the Navy, transmitting a report on the investigation of allegations of mismanagement at the Naval Weapons Center, China Lake, Calif., persuant to 5 U.S.C 1206(b)(5)(A); to the Committee on Post Office and Civil Service.

2154. A letter from the Acting Administrator, U.S. Environmental Protection Agency, transmitting revised notice of the proposed reprograming of funds between various categories of Agency appropriations for fiscal year 1979, pursuant to section 2(c) of Public Law 95–477; to the Committee on Science and Technology.

2155. A communication from the President of the United States, transmitting the energy tax initiatives of his oil import reduction program (H. Doc. No. 96–171); to the Committee on Ways and Means and ordered to be printed.

2156. A letter from the Comptroller General of the United States, transmitting a report on the need for the Department of Agriculture to establish an enforcement and monitoring system to insure that farm cooperatives do not use monopolistic or other unfair trade practices (CED–79–106, July 26, 1979); jointly, to the Committees on Government Operations, Agriculture, and the Judiciary.

2157. A letter from the Comptroller General of the United States, transmitting a report on needed improvements in the Selected Reserve training program of the Department of Defense (FPCD–79–59, July 30, 1979); jointly, to the Committees on Government Operations and Armed Services.

2158. A letter from the Comptroller General of the United States, transmitting a report on needed improvements to the collection of unemployment statistics (GGD–79–79, July 27, 1979); jointly, to the Committees on Goverment Operations and Education and Labor.

2159. A letter from the Comptroller General of the United States, transmitting a report on passive restraints for automobiles (CED 79–93, July 27, 1979); jointly, to the Committees on Government Operations and Interstate and Foreign Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABDNOR:

H.R. 5006. A bill to provide assistance to rural water systems in achieving compliance with title XIV of the Public Health Service Act, and for other purposes; jointly, to the Committees on Agriculture and Interstate and Foreign Commerce.

By Mr. BINGHAM (for himself and Mr. WEISS):

H.R. 5007. A bill to amend title 18 of the United States Code to require court orders for trespass incident to legal interception of wire and oral communications; to the Committee on the Judiciary.

By Mr. DRINAN:

H.R. 5008. A bill to provide for judicial review of administrative determinations made by the Administrator of the Veterans' Administration; to apply the provisions of chapter 5 of title 5, United States Code, to the rules, regulations, and orders of the Veterans' Administration; to provide for the use of a reasonable fee for attorneys in rendering legal assistance to veterans with claims before the Veterans' Administration; and for other purposes; jointly, to the Committees on Veterans' Affairs and the Judiciary.

By Mr. LOWRY:

H.R. 5009. A bill to provide that attorneys fees and other reasonable costs shall be reimbursed to taxpayers who substantially prevail in any proceeding, litigation, or court action which is brought by or against the United States for the determination, collection, or refund of any tax, interest, penalty, or other matter arising under the Internal Revenue Code; jointly, to the Committees on Ways and Means and the Judiciary.

By Mr. THOMPSON (for himself, Mr. BRADEMAS, Mr. HAWKINS, Mr. ANNUNZIO, Mr. GAYDOS, Mr. JONES of Tennessee, Mr. MOLLOHAN, Mr. VAN DEERLIN, Mr. MINISH, Mr. DAVIS of South Carolina, Mr. ROSE, Mr. JOHN L. BURTON, Mr. PEYSER, Mr. RATCHFORD, Mr. FAZIO, Mr. DICKINSON, Mr. CLEVELAND, Mr. FRENZEL, Mr. STOCKMAN, Mr. BADHAM, Mr. GINGRICH, Mr. LEWIS, Mr. CAMPBELL, and Mr. LOEFFLER):

H.R. 5010. A bill to amend the Federal Election Campaign Act of 1971 to make certain changes in the reporting and disclosure requirements of such act, and for other purposes; to the Committee on House Administration.

By Mr. McCORMACK:

H.R. 5011. A bill to limit the size of the Conboy Lake National Wildlife Refuge in the State of Washington to certain lands acquired with the consent of the owners, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MOORE:

H.R. 5012. A bill to amend the Internal Revenue Code of 1954 to allow certain married individuals who file separate returns to be taxed as unmarried individuals; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 5013. A bill to provide for the entry of certain relatives of U.S. citizens and aliens lawfully admitted for permanent residence; to the Committee on the Judiciary.

H.R. 5014. A bill to amend title 18 of the United States Code to prohibit the transportation or use in interstate or foreign commerce of counterfeit, fictitious, altered, lost, or stolen airline tickets; to the Committee on the Judiciary.

By Mrs. SPELLMAN:

H.R. 5015. A bill to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PATTERSON:

H.J. Res. 384. Joint resolution proposing an amendment to the Constitution of the United States to prohibit compelling the attendance of a student in a public school outside the school district in which the student resides; to the Committee on the Judiciary.

By Mr. VENTO:

H.J. Res. 385. Joint resolution 500th Anniversary Celebration Commemorating Christopher Columbus' First Voyage to the Americas; to the Committee on Post Office and Civil Service.

By Mr. APPLEGATE (for himself, Mr. KOGOVSEK, Mr. MCDADE, Mr. CARTER, Mr. STAGGERS, Mr. FRENZEL, Mr. WHITTAKER, Mr. BUCHANAN, Mr. MILLER of Ohio, Mr. GOODLING, and Mr. CLEVELAND):

H. Res. 392. Resolution to express the sense of the House of Representatives that the United States of America should establish and actively and immediately pursue a national energy plan that emphasizes and demands the use of domestic coal as a means of displacing current foreign energy imports, and for other purposes; jointly to the Committees on Interior and Insular Affairs, and Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. JOHNSON of California:

H.R. 5016. A bill for the relief of David Roland Weaver; to the Committee on the Judiciary.

By Mr. SOLARZ:

H.R. 5017. A bill for the relief of Simon Stroh; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 473: Mr. EDWARDS of Alabama, and Mr. SHUMWAY.

H.R. 545: Mr. PATTERSON, Mr. BADHAM, Mr. LEVITAS, Mr. CARR, Mr. GINN, Mr. BUCHANAN, Mr. MOTTL, Mr. ROBERT W. DANIEL, JR., Mr. MITCHELL of New York, Mr. AMBRO, Mr. GREEN, Mr. PATTEN, Mr. STOKES, Mr. MIKVA, Mr. PRICE, Mr. BLANCHARD, Mr. GEPHARDT, Mr. EVANS of Georgia, Mr. YATRON, Mr. HAGEDORN, Mr. WYATT, Mr. DAN DANIEL, Mr. DORNAN, Mr. HALL of Texas, Mr. DERWINSKI, Mr. JACOBS, Mr. WALKER, Mr. ANDREWS of North Dakota, Mr. MURPHY of Pennsylvania, Mr. HAMILTON, Mr. DEVINE, Mr. WINN, Mr. RUNNELS, Mr. LAGOMARSINO, Mr. WHITEHURST, Mr. MCDONALD, Mr. RAHALL, Mr. ZEFERETTI, Mr. KRAMER, Mr. EDWARDS of Oklahoma, Mr. SPENCE, Mr. LOTT, Mr. ROSE, Mr. LEE, Mr. JEFFORDS, Mr. BURGENER, and Mr. APPLEGATE.

H.R. 809: Mr. SABO.

H.R. 811: Mr. CLAUSEN, Mr. CORCORAN, and Mr. LUJAN.

H.R. 1677: Mr. DOWNEY, Mr. FLORIO, Mr. LEE, Mr. PETRI, Mr. PRITCHARD, Mr. SABO, Mr. SOLOMON, and Mr. STANTON.

H.R. 2040: Mr. TREEN.

H.R. 2501: Mr. RICHMOND.

H.R. 2759: Mr. EVANS of the Virgin Islands and Mr. HUGHES.

H.R. 2812: Mr. COUGHLIN.

H.R. 3181: Mr. BAILEY and Mr. BETHUNE.

H.R. 3612: Mr. HEFTEL.

H.R. 3958: Mr. CLAUSEN.

H.R. 4055: Mr. TREEN and Mr. EDWARDS of Oklahoma.

H.R. 4265: Mr. MCCORMACK, Mr. YATRON, Mr. SIMON, Ms. MIKULSKI, Mr. PATTERSON, Mr. PATTEN, Mr. TREEN, Mr. BAILEY, Mr. KOSTMAYER, Mr. GILMAN, Mr. SANTINI, Mr. MARLENEE, and Mr. CLEVELAND.

H.R. 4279: Mr. GEPHARDT, Mr. EVANS of Delaware, Mr. MARRIOTT, Mr. CORRADA, Mr. MONTGOMERY, Mr. BEVILL, Mr. DANNEMEYER, Mr. BURGENER, Mrs. HOLT, Mr. WHITLEY, Mr. BEDELL, and Mr. DORNAN.

H.R. 4598: Mr. WEISS, Mr. WON PAT, Mr. BOLAND, Mr. VENTO, Mr. LEHMAN, Mr. FLOOD, Mr. YATRON, Mr. SABO, Mr. LAFALCE, Mr. DASCHLE, Mr. STOKES, Mr. DOWNEY, Mr. OTTINGER, Mr. STAGGERS, Mr. LOWRY, Mr. MCCORMACK, Mr. PRITCHARD, Mr. PATTERSON, Mr. CARTER, Ms. FERRARO, Mr. COUGHLIN, Mr. JENRETTE, and Mr. MAGUIRE.

H.R. 4986: Mr. CONYERS, Mr. AKAKA, Mr. TRAXLER, Mr. HEFTEL, Mr. WHITEHURST, Mr. KILDEE, Mr. WEAVER, Mr. DIXON, Mr. BROWN of Ohio, Mr. GAYDOS, Mr. NEAL, Mr. KOGOVSEK, Mr. TRIBLE, Mr. SNYDER, Mr. BURGENER, Mr. SHELBY, Mr. GRAY, Mr. YATRON, Mr. BALDUS, Mr. FAZIO, Mr. BONIOR of Michigan, Mr. BRODHEAD, Mr. WOLPE, Mrs. SCHROEDER, Mr. DAVIS of Michigan, Mr. THOMPSON, Mr. PRITCHARD, Mr. WIRTH, Mr. SYMMS, Mr. DELLUMS, Mr. CLEVELAND, Mrs. HECKLER, and Mr. AMBRO.

H.J. Res. 53: Mr. WINN.

H.J. Res. 161: Mrs. SPELLMAN, Mr. PRITCHARD, and Mr. DICKS.

H.J. Res. 202: Mr. DORNAN, Mr. GRASSLEY, and Mr. MCDONALD.

H. Res. 36: Mr. TREEN.

PETITIONS, ETC.

Under clause 1 of rule XXII,

183. The SPEAKER presented a petition of the city council, Miami, Fla., relative to the proposed Condominium Act of 1979; which was referred to the Committee on Banking, Finance and Urban Affairs.

AMENDMENTS

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

H.R. 4034

By Mrs. FENWICK:

—Page 27, add the following after line 24 and redesignate the subsequent subsection accordingly:

"(k) COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.—The Secretary and the Secretary of State shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate before any license is approved for the export of goods or technology valued at more than $7,000,000 to any country concerning which the Secretary of State has made the following determinations:

"(1) Such country has repeatedly provided support for acts of international terrorism.

"(2) Such exports would make a significant contribution to the military potential of such country, including its military logistics capability, or would enhance the ability of such country to support acts of international terrorism."

H.R. 4040

By Mr. CHARLES H. WILSON of California:

—Page 2, line 14, strike out "$7,816,190,000" and insert in lieu thereof "$7,384,290,000".

Page 4, strike out lines 5 through 11 and insert in lieu thereof the following:

SEC. 103. The Secretary of Defense shall provide to the Congress at the earliest practicable date, and not later than the end of the 120-day period beginning on the date of the enactment of this Act, a report on—

—Strike section 810, title VIII of H.R. 4040.

H.R. 4930

By Mr. LAGOMARSINO:

—Page 35, line 2, strike "$699,377,000," and insert in lieu thereof "$701,377,000".

S. 1030

By Mr. MOORHEAD of California:

—Page 43, after line 11, insert the following new subsection:

"(f) CONGRESSIONAL REVIEW OF STANDBY PLAN.—(1) After promulgation of a standby Federal emergency conservation plan, the Secretary shall transmit such plan to the Congress, together with his findings in support of such plan, in accordance with section 551(b) of the Energy Policy and Conservation Act. Such plan may become effective only if either House of the Congress has not disapproved (or both Houses of Congress have approved) such plan in accordance with the procedures specified in section 551 of such Act."

EXTENSIONS OF REMARKS

WE STILL NEED TO RESOLVE THE CLINCH RIVER BREEDER REACTOR CONFLICT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. BROWN of California. Mr. Speaker, the vote last week against the Fuqua-Brown compromise on the Clinch River breeder reactor project will not be the last vote this body will have on this issue. While I do not intend to rehash the issues here, I would like to state that we will all be called upon to reconsider our positions if a resolution is ever to be reached.

The Los Angeles Times carried an editorial in today's edition which sums up the situation. I urge my colleagues in the House and the Senate to review this item and the issue itself.

The editorial follows:

[From the Los Angeles Times, July 30, 1979]

A BREEDING OF NUCLEAR FUEL—AND TROUBLE

If the House of Representatives had displayed the same vigor in dealing with truly needed energy legislation that it has shown in keeping alive the dangerous, costly and unnecessary Clinch River nuclear project in Tennessee, the country would be better off.

Last week, the House ignored Administration objections and voted to authorize the controversial project, which involves construction of an experimental breeder reactor that would be designed to produce more nuclear fuel than it consumes.

For three years President Carter has been trying to kill the $2.6 billion project, and for three years the House has refused to sign the death warrant. This is a case where the President is clearly right.

The attraction of breeder reactors is that they would use fuel processed from spent fuel rods taken from conventional nuclear power plants. In the process, they would breed still more fuel. Thus they hold the promise of stretching out world uranium supplies.

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

The Administration, however, looks on the project as a costly and dangerous boondoggle for the nuclear industry, and properly so. Even by optimistic estimates, power production from breeders won't be economically feasible until well into the 1990s, if then. And there is even less sure knowledge about the environmental safety of breeders than there is about that of conventionally designed reactors.

The Administration points out that the $2 billion that would be required to complete the project could be much better spent on other modes of energy production.

Most serious of all, however, the type of breeder planned for Clinch River would burn plutonium, which also is the principal material of nuclear weapons.

Any substantial reliance on plutonium-burning reactors to meet the energy needs of the United States and other countries means that terrorists would have only to intercept a fuel shipment to have the ready-made ingredient for a blackmail nuclear bomb. It would also be next to impossible to erect an international inspection system that would prevent governments from diverting plutonium from breeder reactors and uranium fuel reprocessing plants into nuclear weapons manufacture.

For this reason, Washington is seeking to persuade other nations to join the United States in forgoing the construction of plutonium-burning power plants and to develop, instead, new types of breeders that will use some other, less dangerous, fuel.

The House members who are determined to push through the Clinch River project anyway are playing a dangerous and irresponsible game. We urge the Senate, which will act next on the authorization bill, to support the President.●

ETHICS LAW AMENDMENTS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. ANDERSON of Illinois. Mr. Speaker, I applaud the decision to remove from the suspension calendar House Joint Resolution 381, amendments to the Ethics in Government Act. When I looked at this bill to exempt the recently fired Cabinet members from the provisions of the ethics law, I could not help but offer a paraphrase of the poem about the famous ax murderer, Lizzie Borden. The modern day version might read as follows:

Jimmy Carter took an ax
And gave his Cabinet forty whacks;
When he saw what he had done,
He gave them all an ethical exemption.

How inappropriate it would be, Mr. Speaker, that we should be considering this bill under a suspension of the rules, so that the President could suspend the rules of the new ethics law so his former Cabinet members could swing right into that lucrative revolving door of lobbying their former departments. Why not the best, indeed? Never let it be said that this President is not compassionate. Never let it be said that life is unfair to those at the top who topple. We fortunately will not have a chance here today to prove that we too are compassionate and fair by passing this "rolling head relief act." The authors of this misbegotten legislation feel that we should look into our hearts and ask ourselves what better way there is to comfort these poor, starving, homeless, and jobless former Cabinet members than to suspend the ethics law for their sake so they might find gainful employment. The sooner we get them off the breadlines and on to the lobbying lines the less chance there is that they will be spending their idle time bad mouthing Hamilton Jordan. For those of you who are not so compassionate and perhaps more politically cynical, look on this as a hushpuppy bone. Throw this bone to the purged puppies and maybe they will hush up.●

FINANCIAL DISCLOSURE STATEMENT OF REPRESENTATIVE ROMANO L. MAZZOLI

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. MAZZOLI. Mr. Speaker, it has been my custom to submit a statement of financial disclosure every year that I have served in the House of Representatives. While the law now dictates that Members of Congress submit financial statements in April of each year, I continue to file a more detailed report every summer. In this way, my constituents and other taxpayers are kept informed as this statement becomes a matter of public record.

The financial statement follows:

ROMANO L. AND HELEN D. MAZZOLI RECAPITULATION OF INCOME AND EXPENSES FOR CALENDAR YEAR 1979

INCOME	
Interest and dividends:	
Lincoln Federal Savings and Loan	$606.09
Liberty National Bank and Trust Co	127.06
American United Life Insurance Co	36.16
Government Services S&L Association	254.14
Northern Virginia S&L Association	254.34
Law practice:	
Income	----------
U.S. House of Representatives:	
Salary	57,500.00
Gross income	58,777.79
EXPENSES, DEDUCTIONS, EXEMPTIONS, AND FEDERAL TAXES	
Gross income [1]	59,354.00
Business expenses	2,738.00
Adjusted gross income	56,616.00
Itemized deductions	10,574.00
Taxable income	46,042.00
FEDERAL INCOME TAX	
Tax withheld	16,658.00
Tax due	11,823.00
Refund	4,835.00
Cash on deposit:	
Liberty Nat. Bank and Trust Co., No. 09013390	1,468.18
Lincoln Federal S&L Co. Acct. No. 37339-5	12,078.42
Northern Va. S&L Co., Acct. No. L-6084	1,642.40
Northern Va. S&L Co., Acct. No. L-50021	1,357.61
Northern Va. S&L Co., Acct. No. L-80507	1,350.00
Government Service S&L Assn., Acct. No. 01-112091-0	4,161.22
Securities, stocks, and bonds:	
U.S. Government Bonds, Series E	1,094.16
Real Property:	
Residential:	
939 Ardmore Drive, Louisville, Ky., assessed value	28,250.00
Less: Mortgage, Portland Federal S&L	10,139.55
Net value	18,110.45
1030 Anderson Street, Alexandria, Va., assessed value	68,600.00
Less: Mortgage, Cowger and Miller	50,512.33
Net Value	18,087.67
Household goods and miscellaneous personalty (est.)	6,500.00
Cash surrender value of life insurance policies: [2]	
American United Life Insurance Co., policy No. 1011729	4,080.14
Federal employees retirement system:	
Contribution to fund	29,235.77
Automobiles:	
1965 Rambler; fair market value	150.00
1973 Chevrolet; fair market value	2,425.00
Net assets	101,741.02

[1] Includes Kentucky State Income Tax Refund of $577.00 for Tax Year 1977 and is rounded.

[2] Includes $520.73 cash on deposit.●

DECONTROL OF CRUDE OIL PRICES

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. MAVROULES. Mr. Speaker, President Carter's recent speech has once again focused attention on our Nation's serious energy problems. While I agree with much of what the President has said, I am distressed by his continued emphasis on decontrol of crude oil prices.

There is, as yet, no convincing evidence that decontrol will increase our domestic petroleum supplies, or even keep them from dwindling further. What we do know, without a doubt, is that decontrol will greatly enrich the major oil companies, at the expense of the average American.

In view of this deplorable situation, I strongly support Congressman MOFFETT's resolution restoring controls on oil prices. We in the Congress must assert our authority. If we fail to act, we do ourselves and our constituents a great disservice, for I believe that President Carter's decision to lift controls is unwise and unnecessary.

I have long opposed decontrol, because of its potentially disastrous effect on low- and fixed-income consumers throughout the Nation. In my own home region of New England, which relies heavily on home heating oil, and where oil prices are already among the highest in the country, the impact would be particularly great. Decontrol would shift the burden of our energy crisis to those who can least afford to bear it. This situation would, in my mind, be unjust.

As we all know, the President has the power to lift these price controls. In fact,

the process has already begun. But before we allow it to continue without protest, there are several basic questions we must ask ourselves, questions that may well determine to a large extent the future of our Nation.

Can we trust the oil companies to decide what is best for all Americans? Can we trust them to act in the national interest? Should we allow them to determine the success or failure of our energy program, as they may well do under the present plan?

I strongly believe that we must not allow the petroleum industry to dictate the terms of our national energy plan. If we permit this, we will write one of the sorriest chapters in our proud history. I reject the notion that the only way to increase our domestic oil production is through further enrichment of the major oil companies, at the expense of the average citizen. This is a nation in which the ultimate power belongs to the people, and it is our duty to safeguard it, not throw it away. While I hardly agree with those who call for nationalization of the petroleum industry, I can understand the sense of frustration that moves them, fostered by the apparent inability of their Government to deal with these crucial problems.

In addition to the points I have already raised, there is another important reason for my opposition to decontrol. As all of us know, inflation is one of our most pressing concerns. And yet, decontrol will add greatly to inflation, placing even more of a strain on the finances of the average American family. For this reason as well, it is clearly unacceptable.

Of course, the major argument in favor of decontrol is that it will increase our domestic oil production, something all of us agree is badly needed. According to the Congressional Budget Office, however, decontrol will result in added production of only 250,000 barrels of oil per day, at a cost of $17 billion. Clearly, when we talk about massive increases in domestic production, we are misleading the public.

Our emphasis on a windfall profits tax is misleading as well, for the real issue remains decontrol. Only if decontrol is an irreversible fact should we resort to a windfall profits tax. I voted for the Ways and Means Committee's version of the windfall profits tax which, unfortunately, was replaced by a weaker substitute. Not only was the tax rate reduced from 70 percent to 60 percent, but the measure would expire in 1990, thus imposing only a minor, temporary, inconvenience on the major oil companies. Profits from decontrolled domestic oil would be unjustifiably high, and thus the bill would fail to achieve its stated purpose. If decontrol is inevitable, if we must have a windfall profits tax, let it be a fair one, but a strong one.

It is impossible to predict what kind of bill the Senate will produce, but we can act now to eliminate the need for any kind of windfall profits tax. I strongly believe that Congressman MOFFETT's resolution is in the best interest of the American people, and I urge my colleagues to move to prevent the unjust situation that decontrol will create.●

DISTILLATE MONITORING SERVICE IMPERATIVE

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. TAUKE. Mr. Speaker, during my investigation of this spring's middle distillate shortage, I discovered that the Department of Energy (DOE) has no reliable heating oil or diesel fuel monitoring system. The DOE surveys the distillate inventories only at the refineries. Once the fuel leaves the refinery, the DOE does not know where it goes nor where it is needed. Each State is forced to estimate possible distillate shortages. As a result, confusion often surrounds the existence of shortages and Federal efforts to relieve them are often too late.

The distillate shortage which threatened the planting season in the Midwest this spring may hit the Nation this fall and winter. Supplies of heating oil and diesel fuel are essential to the harvest of the Nation's farm crops this fall and to the heating of our Nation's homes this winter. Yet supplies at the refinery remain 12 percent below last year's levels and the summer fill programs are reportedly well behind last year. Spot shortages of distillate could occur this fall and winter. But the DOE will have no idea of the location of stalled machinery or cold homes until after the fact. We need to prevent any inordinate hardship. In order to do that we must identify the shortages so that action can be taken to move supplies to where they are needed.

I plan to offer an amendment to S. 1030 to establish a State-by-State distillate market survey service in the DOE. That way shortages can be quickly spotted and relieved during the critical harvesting and heating seasons when distillate users cannot afford to wait.

The July 29 Washington Star included an excellent article by Ross Evans which reaffirms my call for an immediate and continuing assessment of the middle distillate supply and demand situation throughout the country. I commend this article to the attention of my colleagues and invite support for my amendment to S. 1030. We must make certain that the DOE begins to keep track of middle distillate supplies.

The text of the article is as follows:

WHY ENERGY DEPARTMENT CAN'T KEEP TRACK OF HEATING OIL

(By ROSS EVANS)

Nearly six years after the first energy crisis and just three months before next winter's heating season, there is still a lot the government doesn't know about how much heating oil the Nation has or where it is stored.

The Energy Department has begun a crash effort to estimate the supplies, but until that estimate is obtained no one can be sure what the government's stockpile target really means.

The new estimate will come too late to affect the planning for this year's target, and government and industry officials say privately the goal could be adequate, too low, or even too high.

The much-publicized goal of a supply of 240 million barrels of distillate oil for heating and diesel fuel by the end of October is keyed to the only stocks the government measures—those held by refiners, pipelines and major terminals. This "primary storage" has a total capacity of at least 270 million barrels.

The government hasn't yet measured so-called "secondary storage"—stocks held by wholesalers, middlemen, retailers, home consumers and industry—which theoretically could be almost as large as the "primary" number.

Rough estimates of secondary capacity show that home tanks alone could hold 115 million barrels, and there is additional capacity of 50 million barrels or more in wholesale and retail tanks. There is no reliable estimate at all for industrial storage capacity.

Even if total secondary capacity were known, the government has no idea how much of it is filled, or how much should be filled at this time of year to keep pace with normal deliveries.

Whatever amount there is in secondary storage, government planners don't know how much of it is being hoarded by middlemen, large industrial customers, or even home consumers maneuvering to beat projected price increases and possible shortages.

Thus despite government assurances that the 240-million-barrel "primary" target for major refiners will be met on time, serious doubts remain about the overall supply picture.

"We could get to 240 million in October and everybody would go, 'hooray.' And then it could get sucked down by 40 million barrels in a few weeks," says John H. Zentay, a Washington lawyer who represents oil terminals and distributors.

Wholesale and retail heating oil dealers are particularly critical of the Energy Department's 240-million-barrel target.

"That figure is going to be made at the expense of secondary storage," said Ed Morgan, vice president for fuel oil at the National Oil Jobbers Council.

The trade association, representing most of the wholesalers and retailers in the country, has just begun its own survey of members' stocks. Several state dealers' associations in the oil-dependent Northeast have conducted preliminary studies of their own.

The early reports the dealers maintain, show their stocks below what they normally would be at mid-summer.

The New England Fuel Institute says a mid-June survey showed its members' stocks 32 percent below last year's level. A similar industry study in New Jersey showed a 48 percent reduction in inventories for early July.

In New York, the biggest fuel oil consuming state, the Empire State Petroleum Association's preliminary survey showed that upstate members were 45 percent below last year's levels and downstate members 30 percent.

The survey showed that heating oil "was not moving in the normal fashion through distribution channels," said Robert D. Lynch, executive vice president of the New York group.

The problem with such figures is that they only show the percentage—not volume—of dealers' shortages. Since dealers' stocks traditionally are low at the beginning of the summer, the shortfall in the actual amount of oil needed would not seem as large.

OIL TANK-TOPPING FEARED

Dealers complain, however, that if their supplies continue to be cut by current proportions, the shortfall will be great by the time the season starts.

Energy Department spokesmen say the department's projection for the 240-million-barrel target is based on the "conservative" assumption that secondary stocks will be 20 million barrels short at the beginning of the heating season.

Energy Secretary James R. Schlesinger acknowledged last week, however, that there is still "a very significant question" about how much of the target is being met at the expense of secondary supplies.

While government planners say they are watching the dealers' predicament closely, there is another concern:

Building up stocks down the distribution chain—from wholesalers through consumers—has the same drastic effect on primary supplies as tank-topping did during the recent gasoline shortage.

Current figures don't come close to providing information on that problem. The government knows how much fuel is drawn out of refiners' stocks, but it doesn't know where it's going.

To whatever extent large industrial customers have been stocking up on fuel oil, that amount will not be available for the consumer distribution network.

Similarly, to whatever extent home customers fill their tanks early in the year, such tank-topping could pull overall supplies toward or below their minimum levels.

DOE CALLED NEGLIGENT

The immediate problem, short of producing as much heating fuel as possible, is to find out where it goes. Industry spokesmen complain that the government has waited too long to get the answer.

"I think this is something that they've been negligent on in the Department of Energy," said Lynch of the New York dealers' group. "They always felt that as long as the major companies had the oil that the rest of the system would take care of itself."

The department's Energy Information Administration, acknowledging that it doesn't have the answers about the complex distribution system, has enlisted the aid of state governments and the U.S. Census Bureau to gather the new data.

The state price survey will start adding inventory information for businesses and customers in August. And a new census survey of retailers and wholesalers, using statistically sampled estimates rather than actual measurements, is expected to show in September what this June's actual inventories were.

But information on what the historical pattern has been—which must be known before the government can interpret this year's figures—won't be ready until "sometime later," an EIA official conceded.

By that time, this year's critical heating season will be starting. Experience then will show whether the department's assumptions were accurate.●

ROCCO SCOTTI

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. MOTTL. Mr. Speaker, I would like to take this occasion to pay tribute to one of Cleveland's finest assets—Rocco Scotti.

Mr. Scotti has been thrilling audiences for years with his singing of the national anthem at various events.

His stirring rendition fills Cleveland Stadium with patriotism before Cleveland Indians' games.

In addition to appearing at Cleveland Stadium Mr. Scotti has sung on the "Ed Sullivan Show," in Yankee Stadium, the "Mike Douglas Show," and the operatic stage.

This recording star has also won the Mario Lanza Award and was described by Walter Winchell as "sensational."

I urge you, Mr. Speaker, that if the occasion ever arises and you have an opportunity to hear Mr. Scotti sing, you take advantage of it. It will be a stirring experience.●

PRESIDENTIAL LEADERSHIP

HON. CHARLES E. GRASSLEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. GRASSLEY. Mr. Speaker, on Sunday, July 15, President Carter came down from the mountain to speak to America.

He adopted a new and more forceful style to persuade the people that he is committed to a higher and more vigorous form of leadership. Skeptics wondered if it was an act; a posture designed with the 1980 elections in mind. Across the land and across the aisle, however, we welcomed this purpose and prayed for a permanent manifestation of positive leadership.

At the same time, I found myself puzzled and distressed by the fact that he chose to assert his leadership in a message of such gloomy and accusatory content.

Leaders inspire. When the American spirit was troubled by the depression, President Roosevelt looked on it as a challenge to be met by strong leadership. In England's darkest hour, Winston Churchill spoke inspiringly of blood, sweat, and tears and the English were solidified in their determination to win out over adversity.

Mr. Carter dwelled despairingly on America's "crisis of spirit" and when we waited expectantly for some inspirational uplift to help us meet the "crisis," he spoke vaguely of "working together" and announced his latest energy program. In our longing for positive Presidential leadership, we applauded Mr. Carter's display of oratorical vigor. At the same time we and our allies were dismayed, and the Soviet Union was elated at the spectacle of our President denouncing the spirit and the morality of the American people with neither a remedy nor a redeeming word.

We are not a morally corrupt people. With the proper inspiration and leadership, the great spirtual and moral values that have always characterized America will remanifest themselves both at home and throughout the world. Unfortunately, however, Mr. Carter's speech has done great harm by lending credibility to the Marxist-Leninist perception of the capitalistic system in general and U.S. capitalism in particular. The degree to which the Soviet Union has seized on his July 15 speech to increase this damage is suggested in the following news item which appeared in the July 23 issue of the Washington Star newspaper. What can Mr. Carter's new leadership produce to put this egg back in its shell?

SOVIETS GIVE WIDE COVERAGE TO CARTER'S "CRISIS OF SPIRIT" REMARKS

Moscow.—President Carter's Cabinet reshuffle and his worry over a "crisis of the American spirit" are getting wide coverage in the Soviet Union's state-controlled news media.

The apparent reason: Carter—with the authority of the presidency behind him—is saying many of the things Soviet propagandists have been saying about America for years.

In his July 15 speech, Carter listed many of the specific ills of U.S. society that Soviet commentators regularly cite as signs of an American decline. These include low voter turnouts, disrespect for schools and government, a fall in labor productivity, the slide of the dollar and growing national pessimism.

The Carter "crisis of confidence" speech received lavish space in the Communist Party daily newspaper Pravda, which relied mainly on direct quotations without additional comment. The speech was also the subject of press and television commentaries all last week. Soviet television broadcast clips of Carter delivering his address.

The Soviet news media, reinforcing the impression of serious alarm in Washington, have stressed that the resignation of all Cabinet members was a startling, highly unusual development. Pravda spoke of a national "emergency" in the United States.

The Soviet government daily Izvestia wrote that the erosion of confidence in the future "and the crisis of spirit" in Washington—both phrases from Carter's speech—stem from overspending on the U.S. military and underspending on social needs.

The paper concluded that the "specter of collapse" hangs over not only America, but the entire capitalist world.

Soviet news accounts have generally ignored the optimistic passages in Carter's remarks, including his assertion that "working together (to solve problems), with our common faith, we cannot fail."●

REPORT ON THE INTERNATIONAL WHALING COMMISSION

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. McCLOSKEY. Mr. Speaker, having had the privilege of serving for the third consecutive year as the Congressional Delegate to the International Whaling Commission (IWC), I am pleased to report on the proceedings of the 31st meeting of the Commission, held in London July 9 through 13.

I might say at the outset that the passage of the House Concurrent Resolution 143, coauthorized by our colleagues DON BONKER, LES AUCOIN and others, calling for a worldwide moratorium on commercial whaling and enacted by the House and Senate just prior to the Commission meeting, played an important part in such success as was achieved.

It may seem strange that at a time of increasing technology and increasing commercial interdependence, at a time when two great nations, ourselves and the Soviet Union, hold enough nuclear warheads to destroy mankind, that at such a time the human race wants to see its governmental representatives preserve vanishing species—eagles, condors, caribou, mountain sheep, and, perhaps more than any other species, the whales and porpoises. This philosophy, reflected in House Concurrent Resolution 143, seemed to have gained increased support at this year's meeting of the IWC. I suspect that had the United

States been willing to give up our insistence on bowhead whaling over the past several years, we might have been able to achieve the full moratorium on commercial whaling, which both the President and Congress have firmly stated it is our purpose to achieve.

In any event, the IWC's progress this year was substantial.

The major accomplishments of this meeting were as follows:

First. An indefinite moratorium was imposed on use of factory ships to harvest whales, excluding the minke. This should effectively limit whaling to offshore coastal operations by the countries involved.

Second. A whale sanctuary was created in the Indian Ocean, with a 10-year moratorium imposed on taking of all whales therein.

Third. All stocks of whale species are now regulated by IWC.

Fourth. This year's total quota for commercial whaling was reduced to 15,656 from last year's total of 19,526, or by 20 percent. The total tonnage caught will be at least 50 percent less due to the relatively small size of the minke.

Fifth. There was a substantial decrease in the sperm whale quota, from 9,360 last year to 2,203 this year, a reduction of 77 percent. Last year, sperm whales made up about 50 percent of the total whale quota; this year they are only 14 percent of the total quota.

Sixth. The 31 percent increase in the minke whale quota, from 9,173 last year to 12,006 this year, causes minke whales to make up 77 percent of the total whale quota, as compared with last year's 50 percent. Minke whale stocks were considered to be in healthy condition by the Scientific Committee. Currently, their population seems to be increasing and its control may help in the recovery of the blue whale and other larger species approaching extinction since they eat the same food.

Seventh. The IWC budget was more than doubled, to 300,000 pounds sterling, about $625,000.

Eighth. The IWC supported a U.S. resolution that all member nations cease importing whale products from nonmember nations and cease export of vessels and equipment to nonmember nations. The chief offender and purchaser of whale meat, Japan, adopted a new law prohibiting such purchases effective July 5, 1979, obviously as a gesture to placate IWC disapproval.

Ninth. The International Observer Scheme was expanded to provide nonwhaling nations the opportunity to observe whaling operations, and to include more Japanese and Eskimo whaling operations.

Tenth. Recommendations for improvements in the technology to reduce cruelty of the whale hunt were adopted by the Commission without change.

I would particularly like to commend Commissioner Richard Frank, Deputy Commissioner Tom Garrett, Mr. Eldon Greenberg and Dr. Bill Aron from the Department of Commerce, and Mr. Morris Busby and Ms. Jan Barnes from the Department of State. The accomplishments listed above are proof of their hard work, long hours, and true dedication to the preservation of the great whales of the world. Were it not for the effort that these individuals made toward a complete commercial whaling moratorium, the successful proposals offered by Panama for a pelagic moratorium and the Seychelles for a moratorium on all commercial whaling in the Indian Ocean might not have appeared as the compromises they were.

I want to add a special compliment to Assistant Secretary Pickering of the State Department's Bureau of Environmental and Scientific Affairs. Earlier this year, Chairman JOHN BREAUX and ranking minority member EDWIN B. FORSYTHE of the Fish and Wildlife Conservation and the Environment Subcommittee and I requested more State Department expertise and assistance at the IWC. Commerce is historically the lead agency. The State Department's contribution, both prior to and during this year's meeting, appears to have been substantially greater than in years past, and it is my personal judgment that future success in finally ending commercial world whaling will depend, in large part, on their continuing involvement and commitment.

Despite the progress I have enumerated, much work remains to be done. First, because of the one-nation, one-vote procedure at the IWC, it is imperative that the United States do whatever it can to bring more nonwhaling nations into the Commission. I have attached a table—appendix I—of the member nations and how they voted on four major issues. Note that four of the six new member nations are whaling nations.

Although it is, of course, of great benefit to bring those whaling nations such as Chile, Peru, South Korea, and Spain—and I again wish to commend the State Department and the Commerce Department for their work in insuring these nations' admittance—we still must do whatever we can to counter these whaling nations' votes with that of new nations who would urge the protection of whales. For example, the State Department could begin with some of our friends in the South Pacific, such as Fiji, Papua New Guinea, and Tonga. A change in our attitudes and juridical position on highly migratory species at the Law of the Sea could aid in this regard.

Second, the United States should work toward an amendment to the IWC schedule, prohibiting all whaling activities by nations which fail to supply data on those activities. The United States has experienced a similar problem domestically in the last several years with regard to the tuna/porpoise problem. During congressional debate on this issue several years ago, the most important point made was that, without good data from the tuna industry on the porpoise mortality rate, no sound judgments could be made. Similarly, it is impossible to determine changes in populations of whales without the data required from whaling nations. I was greatly disappointed that the IWC did not accept the U.S. proposal to prohibit whaling by nations which fail to supply this data.

Third, in order to put additional teeth into the decisions of the IWC, an organization which is voluntary in nature, the United States could enact into law a provision denying fishing rights within our 200-mile zone to any nation which fails to abide by IWC quotas, or which engages in whaling without belonging to the IWC and conceding its jurisdiction.

Fourth, and perhaps most important, the United States, particularly Congress, must reexamine its position regarding bowhead whales and the Scientific Committee's recommendations that bowheads are truly an endangered species. As you know, the United States holds two positions: That the recommendations of the Scientific Committee be followed, and that subsistence whaling should be treated separately from commercial whaling.

In the instance of our native Alaskans subsistence taking of a few bowhead whales, the Scientific Committee has indicated that the bowhead whale is as near to extinction than any other whale population with the possible exception of the blue whale, and therefore that no bowheads should be taken at all. For 4 years, the United States has pushed for a total moratorium on commercial whaling, but at the same time remains adamant that our own natives be allowed to take one of the most endangered of the whale species. This puts the United States in the position of seeking to protect all whales, except our own, and in light of this year's experience where only seven were taken by the Alaskan Natives in the spring hunt, although 15 were struck—against a quota of 18 taken or 27 struck—it would seem we are giving up a great deal in order to obtain eight or nine bowheads.

In my judgment, our own Marine Mammal Protection Act and Endangered Species Act provide the administration with the power to end bowhead whaling under these circumstances. I have attached the pertinent sections on subsistence from those two laws—appendix II.

The IWC has for many years debated the number of whales to be taken; the time and events make these issues almost irrelevant. What the people of the world ask is that we show ourselves capable of refraining from cruelty, of granting kindness to helpless beings, creatures that are in our power to destroy, whether they be Blacks in Africa, Indians in America, Palestinian refugees, or refugees from the long holocaust in Southeast Asia.

While we may not be capable of helping all peoples, or even all refugees, we have it within our power to save the great whales and set an example of hope for saving other helpless beings. It seems to me we have a great opportunity to set this kind of an example for mankind at a time when the people of our world badly need reassurance that those in power care.

With all due respect to the native peoples of Alaska and their historic reliance on bowhead hunting, the primary whaling nation, Japan, has an equally long history of reliance on whale meat, and we are asking Japan to terminate such reliance. I strongly believe we should reexamine our bowhead policy in this light.

The material follows:

APPENDIX I

VOTES ON MAJOR ISSUES AT THE IWC [1]

Member nations	Commercial whaling moratorium (U.S. proposal)	3-yr sperm whale moratorium (Seychelles proposal)	Pelagic/ factory ship moratorium (Panama proposal)	Coastal moratorium (Panama proposal)
Whale conservationist nations:				
Australia	Yes	Yes	Yes	Yes.
France	Yes	Yes	Yes	Yes.
Netherlands	Yes	Yes	Yes	Yes.
New Zealand	Yes	Yes	Yes	Yes.
Panama	Yes	Yes	Yes	Yes.
Seychelles [2]	Yes	Yes	Yes	Yes.
Sweden [2]	Yes	Yes	Yes	Yes.
United Kingdom	Yes	Yes	Yes	Yes.
United States	Yes	Yes	Yes	Yes.
Other nonwhaling nations:				
Canada	Abstain	Abstain	Yes	Abstain.
Mexico	Yes	Yes	Yes	Yes.
Argentina	Yes	Yes	Yes	Yes.
South Africa	Abstain	Abstain	Yes	Abstain.
Whaling nations:				
Brazil	Abstain	Abstain	Abstain	Abstain.
Chile [2]	No	Absent	Yes	No.
Denmark	Abstain	No	Yes	Abstain.
Iceland	No	No	Yes	No.
Japan	No	No	No	No.
South Korea [2]	No	No	Abstain	No.
Norway	Abstain	Abstain	Yes	Abstain.
Peru [2]	No	No	Yes	No.
Spain [2]	Abstain	Abstain	Abstain	Abstain.
U.S.S.R.	No	No	No	Abstain.
Result	11–6–6	11–6–5	18–2–3	11–5–7.

[1] Inclusion of a proposal on the IWC schedule requires a ¾ majority vote.

[2] New members since the last IWC meeting.

APPENDIX II

EXEMPTIONS FOR ALASKA NATIVES

(b) The provisions of this chapter shall not apply with respect to the taking of any marine mammal by any Indian, Aleut, or Eskimo who dwells on the coast of the North Pacific Ocean or the Arctic Ocean if such taking—

(1) is for subsistence purposes by Alaskan natives who reside in Alaska, or

(2) is done for purposes of creating and selling authentic native articles of handicrafts and clothing: *Provided,* That only authentic native articles of handicrafts and clothing may be sold in interstate commerce: *And provided further,* That any edible portion of marine mammals may be sold in native villages and towns in Alaska or for native consumption. For the purposes of this subsection, the term "authentic native articles of handicrafts and clothing" means items composed wholly or in some significant respect of natural materials, and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or other mass copying devices. Traditional native handicrafts include, but are not limited to, weaving, carving, drawing, and painting; and

(3) in each case, is not accomplished in a wasteful manner.

Notwithstanding the preceding provisions of this subsection, when, under this chapter, the Secretary determines any species or stock of marine mammal subject to taking by Indians, Aleuts, or Eskimos to be depleted, he may prescribe regulations upon the taking of such marine mammals by any Indian, Aleut, or Eskimo described in this subsection. Such regulations may be established with reference to species or stocks, geographical description of the area included, the season for taking, or any other factors related to the reason for establishing such regulations and consistent with the purposes of this chapter. Such regulations shall be prescribed after notice and hearing required by section 1373 of this title and shall be removed as soon as the Secretary determines that the need for their imposition has disappeared.

ALASKAN NATIVES

(e) (1) Except as provided in paragraph (4) of this subsection the provisions of this chapter shall not apply with respect to the taking of any endangered species or threatened species, or the importation of any such species taken pursuant to this section, by—

(A) any Indian, Aleut, or Eskimo who is an Alaskan Native who resides in Alaska; or

(B) any non-native permanent resident of an Alaskan native village;

if such taking is primarily for subsistence purposes. Non-edible byproducts of species taken pursuant to this section may be sold in interstate commerce when made into authentic native articles of handicrafts and clothing; except that the provisions of this subsection shall not apply to any non-native resident of an Alaskan native village found by the Secretary to be not primarily dependent upon the taking of fish and wildlife for consumption or for the creation and sale of authentic native articles of handicrafts and clothing.

(2) Any taking under this subsection may not be accomplished in a wasteful manner.

(3) As used in this subsection—

(i) The term "subsistence" includes selling any edible portion of fish or wildlife in native villages and towns in Alaska for native consumption within native villages or towns; and

(ii) The term "authentic native articles of handicrafts and clothing" means items composed wholly or in some significant respect of natural materials, and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or other mass copying devices. Traditional handicrafts include, but are not limited to, weaving, carving, stitching, sewing, lacking, beading, drawing, and painting.

(4) Notwithstanding the provisions of paragraph (1) of this subsection, whenever the Secretary determines that any species of fish or wildlife which is subject to taking under the provisions of this subsection is an endangered species or threatened species, and that such taking materially and negatively affects the threatened or endangered species, he may prescribe regulations upon the taking of such species by any such Indian, Aleut, Eskimo, or non-Native Alaskan resident of an Alaskan native village. Such regulations may be established with reference to species, geographical description of the area included, the season for taking, or any other factors related to the reason for establishing such regulations and consistent with the policy of this chapter. Such regulations shall be prescribed after a notice and hearings in the affected judicial districts of Alaska and as otherwise required by section 1373 of this title, and shall be removed as soon as the Secretary determines that the need for their impositions has disappeared.

Pub. L. 93–205, § 10, Dec. 28, 1973, 87 Stat. 896.●

IS SAC SUFFERING FROM OLD AGE?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. MICHEL. Mr. Speaker, the Strategic Air Command (SAC) is flying "obsolescent bombers." One SAC officer says that the B–52's now flying are older than their crews.

These are among the findings of Drew Middleton, distinguished writer on military affairs for the New York Times. Middleton, having recently visited SAC bases, came away with the impression that while SAC personnel had high morale, the equipment they work with is terribly out of date.

At this time I wish to insert in the RECORD, "SAC Is Concerned Over Aging of Bombers," by Drew Middleton, the New York Times, July 27, 1979:

SAC IS CONCERNED OVER AGING OF BOMBERS

(By Drew Middleton)

OFFUTT AIR FORCE BASE, NEBR.—The Strategic Air Command, the United States' primary weapon to deter or to fight a nuclear war, appears to have reached a critical point at which its obsolescent bombers and increasingly vulnerable missile force are balanced only by the high morale of its personnel.

The Government has promised short-term improvements in the weaponry and long-term initiatives in the development of missiles and bombers. These promises, which would insure the nuclear balance of power into the 1990's if fulfilled, are probably the main reason the strategic arms limitation treaty with the Soviet Union has been cautiously endorsed by senior Air Force officers.

But it is evident from talks with officers that if the Carter Administration or its successor and the Congress do not deliver on the promised improvements, the United States' weakness in relation to the Soviet nuclear forces will grow and as an officer phrased it, "There'll be a bumper crop of resignations—and they won't be corporals either."

A note of anxiety permeates any discussion of what the relative American and Soviet military strengths, nuclear or conventional, will be in the next decade. Officers refer to "the window," the period in the early 1980's when they fear the United States will be inferior to the Soviet Union in the nuclear field and when they say they expect the Russians to use their superiority to launch conventional forces in pursuit of national objectives in the Middle East, the Persian Gulf and Africa.

TO VISITOR, SAC APPEARS POWERFUL

To the casual observer the Strategic Air Command may appear as powerful as ever. There are the B–52's and FB–111's nesting on their airfields. There are intercontinental ballistic missiles standing ready in their silos. There are thousands upon thousands of devoted, enthusiastic young men and women serving the weapons. There are experienced and zealous officers directing them.

Then an officer comments that some of the B-52's are older than their crews. The first B-52 was delivered to the Air Force in 1952 in the Presidency of Dwight D. Eisenhower, the last in 1961 when John F. Kennedy occupied the White House.

The B-52 was designed as a turboprop bomber. Generally its airframe has lasted remarkably well. But maintenance is expensive. Spare parts no longer in production have to be located or, if out of stock, manufactured. Short cuts have to be made in modernizing the electronic systems. New engines, radar and television systems add to the expense.

When President Carter halted the development of the B-1 bomber in 1977, the FB-111 took on new importance, which increased as the Russians deployed a new bomber known in the West as the Backfire. This plane, whatever the Soviet Union says, is regarded by the Air Force as having an intercontinental bombing capability. The FB-111 remains a medium-range bomber.

The American fleet of land-based missiles is threatened by the growing accuracy of Soviet missiles. Hardening silos and increasing the accuracy of the Minuteman III are necessary steps. But most officers believe that the American land-based missile force, as now constituted, would be at grave risk in war.

No military force is ever 100 percent effective and efficient, although officers in every service grumble that the public expects it to be. But even the casual visitor learns about mechanical failures in B-52's, about the ancient tankers that serve the heavy bombers, the inordinate amount of time and effort needed to keep the Minuteman and Titan missiles viable.

When a major effort, such as the recent exercise by the entire SAC network, is prepared and carried out, bomber squadrons report a high percentage of serviceable aircraft and missile officials say that all their "birds" are ready to go. But the conditions of long and meticulously prepared exercises should not be confused with those that would exist in a war situation.

NEED FOR MODERNIZATION STRESSED

Modernization is the obvious answer, but "we waited too long to modernize," according to Gen. Richard H. Ellis, the scholarly, soft-spoken head of the Strategic Air Command.

The two modernization programs likely to strengthen SAC in the short term are the development of the air-launched cruise missile and modification of the FB-111 to increase its range, double its payload and lengthen its fuselage and install the engine designed for the B-1.

General Ellis believes that by late in the 80's the B-52's armed with cruise missiles should be used in a stand-off role—that is the bombers would fire their missiles outside the reach of hostile defenses. These bombers will be B-52G's, which by that time would be unsuited to the role of penetration armed both with cruise missiles and short-range attack missiles. This mission might be left to the surviving B-52H's.

By early next year, it is hoped in SAC, the competition between General Dynamics and Boeing for the contract for air-launched cruise missiles will have been decided and progress will be made toward production.

The FB-111, once modified, would also be a cruise-missile carrier. This plane is faster than the B-52 and has a smaller profile on radar. SAC has 89 of them and expects others to be transferred from the Tactical Air Force.

Missile modernization is more complicated and expensive. It involves not simply the production and deployment of a new missile, the MX mobile ICBM, but the hardening of silos containing the present fleet of Minuteman and Titan weapons and their modernization.

The sincerity of the officers who insist that SAC needs these improvements if it is to keep pace with the Russians cannot be doubted. Neither can their anxiety over the possibility that political or economic changes may intervene to delay the modernization program.

"I consider the next few years to be pivotal" General Ellis has said. "Despite the positive aspects of SALT II, we must not allow the lenthening shadow of the treaty to soften or hide the very real threat posed by the massive military machine of the Soviet Union. History has shown that wars most often occur because of different perceptions of power." ●

OUTSTANDING NUTRITIONISTS

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. RINALDO. Mr. Speaker, two constituents of mine, Mrs. Ruth Moskowitz and Mrs. Donna D'Amato, were recently the subjects of an important news story in the Daily Journal, published in my district.

Both these women have earned outstanding reputations as nutritionists, and they have made tremendous contributions to Union County and to the Elizabeth educational system. Only recently, Mrs. Moskowitz was commended by representatives of the American School Food Service Association as "one of the finest school food service directors with whom we have had the opportunity to work, a leader in her profession." By the same token, Mrs. D'Amato is widely known and respected throughout Union County as an exceptional professional in her field.

Both these women justly deserve the praise and recognition they have received, and I would like to bring to my colleagues' attention the activities in which they have been so deeply and successfully involved.

The article follows:

SCHOOLS OFFER EARLY START ON TRAINING IN NUTRITION

School cafeterias in Elizabeth are more than just places to eat. They are nutrition centers, a recent and growing concept in nutrition education.

This statement comes from Mrs. Donna C. D'Amato, nutritionist with the Union County Chapter of the Heart Association, who cooperated with Mrs. Ruth Moskowitz, director of food service for the Elizabeth Board of Education in setting up menus suitable for the just-concluded observance of Heart Month.

The menus emphasize the primary goal of the school lunch program, which is the promotion of good nutrition throughout the school year.

The foods chosen meet the recommendations of the American Heart Association for the maintenance of low blood cholesterol levels, being low in total fat, saturated fat and cholesterol.

Along with eating properly, students are urged to exercise regularly to keep fit.

In their consultations, Mrs. D'Amato and Mrs. Moskowtiz sought to make choices that would be popular with students besides achieving the goal of fat control.

Originally the government legislation for the Type A lunch menu pattern required five groups of foods which included butter and whole milk. This pattern has been modified to eliminate the fat requirement and include a choice of low-fat, skim and buttermilk—changes which favor the American Heart Association dietary recommendations.

In addition, menus planned by Mrs. Moskowitz have deemphasized the use of meats and emphasized poultry, fish and beans. Fridays are meatless days which include fish burgers and pizza. Whole-grain products, fruits and vegetables in salads, soups, juices and fruit desserts round out the bills of fare and make an important contribution to nutritional requirements.

Another innovation in the school nutrition program is the availability of breakfast prior to classes in all secondary schools.

The school breakfast is composed of a choice of three items, including a fruit or juice, cereal or bread equivalent and milk types.

The breakfast program is growing in popularity and has improved attendance and punctuality. Studies have shown that eating breakfast improves performance, alertness, attention span and social behavior in the classroom.

The menus for March call attention to National Nutrition Week which begins Sunday and promote the slogan, "Eat to Learn and Learn to Eat," developed by the American School Food Service Association.●

AUTOMATIC CRASH PROTECTION

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. GEPHARDT. Mr. Speaker, the House of Representatives will soon consider appropriations for the Department of Transportation. One of the important issues to be discussed at that time will be automatic crash protection. To assist Members in their preparation on this subject I submit the article "Automobile Restraint Systems—What They Can Mean To You" Which appeared in the Sheet Metal Workers Journal this month.

AUTOMOBILE RESTRAINT SYSTEMS—WHAT THEY CAN MEAN TO YOU!

The Problem. In 1977 an average of 128 persons were killed every day in traffic accidents in the United States, totalling more than 46,800 during the year. The number of non-fatal injuries was many times more than these figures. Of these deaths, the majority, as would be expected, were drivers or front seat passengers in automobiles.

Studies show that more than 50 percent of all passenger car occupant fatalities involve a frontal impact by at least one vehicle. Consequently if occupants could be protected in a frontal crash, there would be a dramatic reduction in both deaths and serious injuries, eliminating much tragedy for too many American families.

What happens in these frontal collisions can be explained by Isaac Newton's laws of physics, familiar to those of us who were made aware of them in high school science courses. As applied to motor vehicle crashes, these laws hold that if you are riding in a vehicle that is moving at a given speed (say 40 miles per hour) and the vehicle is brought to an abrupt stop, then you and any other passengers in the vehicle will continue travelling at 40 mph until something stops you. That "something" is usually the steer-

ing column, the dashboard, the windshield, or a combination of them. The human injuries occur, thus, in what is known as "the second collision."

Auto safety engineers and designers have tried to deal with these physical laws by installing padded dashboards, energy absorbing, collapsible steering columns, and laminated safety windshields. While these devices have been extremely helpful in reducing some injuries and deaths, they do not deal with the basic problem of how to prevent occupants from striking the interior of the car.

Fortunately, the means of solving the problem of the "second collision"—or greatly easing it—are available to all of us.

The Solution. The safety engineers' answer to the problem of preventing automobile occupants from being flung forward into lethal objects have been promoted and made available for many years. Since 1964, most new cars have had to have lap belts, and since 1968 all new cars have had to have both lap and shoulder belts as standard equipment.

The major drawback to this solution is that these active restraint systems require the individual's action in fastening a buckle every time he or she gets in a car, before they can provide any protection. Studies have shown that only about 12 percent of front seat occupants and drivers wear both their lap and shoulder belts, and 7 percent wear lap belts alone. Despite all the publicity about the value of the belts, it is now known that 8 out of every 10 front seat occupants fail to fasten their safety belts.

Recognizing the unwillingness of auto users to take the necessary action to belt themselves into their vehicles, a second solution is now at hand with automatic devices called "passive restraint systems." These passive systems provide protection against injury or death without the car occupant having to take any action at all. They are simply there and available automatically whenever a frontal crash occurs.

THE AUTOMATIC, PASSIVE RESTRAINT SYSTEMS

One of the basic types of automatic restraint systems is a refinement of the long-available belt system. The latest safety belt system is designed to move into place as each front seat occupant enters the vehicle and closes the door. There is no requirement for any action on the part of the occupant. Unfortunately, these have become "standard" in only a few models.

Most automatic belt systems have a single diagonal belt which fits across the chest, plus a padded knee bolster below the dashboard. The bolster prevents the occupant from submarining or sliding out from under the belt in a crash. Some systems also have an active lap belt which the occupant can buckle to increase the level of protection in other than frontal crashes, such as rollovers. There is also an emergency release for the diagonal belt if needed.

The other, and perhaps best known type of passive restraint is the air cushion system, often called the "air bag."

An air cushion restraint system is composed of a sensor in the area of the front bumper, and in some systems a second sensor on the firewall; a passenger air bag and inflator hidden on the right side of the dashboard; a driver air bag and inflator packaged in the hub of the steering wheel; and padded or inflatable knee restraints for the driver and the passenger.

This system has an indicator lamp on the dashboard, which will glow for a few seconds to let you know the system is working. If the car is involved in a serious frontal crash (equivalent to a 10–12 mph crash or greater into a solid barrier) the sudden impact causes the sensor to activate a nitrogen gas inflator. This inflates the bag instantly to cushion the occupants from striking the interior of the vehicle. Thus at the same time the occupants move forward into the air bags which absorb the impact forces, the knee restraints or special knee restraint bags keep them from sliding under the bags.

Most people do not realize the tremendous speed with which the entire process operates. The air cushions are fully inflated and partially deflated in about 1/25th of a second. The porosity of the bags allows the air to escape even as they are being inflated. The complete process occurs so rapidly that if you were to blink your eyes, you would miss the bag inflation. However, it is that instant, which without the restraints, is all it takes for serious injury or death to occur.

QUESTIONS AND ANSWERS

There are likely to be a number of questions about the actual operation of passive restraint systems. The National Highway Traffic Safety Administration offers the following questions and answers in helping public understanding of these automatic systems:

Q. Since passive belts restrain occupants automatically, how does one remove the belt in an emergency?

A. Passive belts have an emergency release which is easy to use.

Q. How much will air bags cost me as a car buyer?

A. The Department of Transportation estimates that a full front system, which will meet the requirements of the federal standard, need not cost much more than $100 to $150 above the present cost of safety shoulder belts. This added cost will be offset by expected savings in annual insurance costs for cars equipped with automatic protection systems.

Q. Are these systems really worth the money?

A. Best estimates are that if all cars were equipped with air cushion systems, we would save 9,000 lives and prevent tens of thousands of moderate to serious injuries each year. Every traffic fatality costs society at least several hundred thousand dollars, not including the immeasurable costs of suffering and human loss to families of victims.

Q. Is there a danger that the air bags might go off without reason and cause the driver to lose control?

A. Only 3 such deployments have occurred in more than 620 million miles of over-the-road use, none of which caused loss of control. But even if this did occur, the small size of the driver's air bag and the split-second inflation and deflation is so rapid that it should not cause loss of vehicle control.

Q. What if the air bag fails to inflate in a crash?

A. In all the years of testing, and with 395 known crashes involving the air bag equipped cars, none have failed to inflate in production cars.

Q. Will the air bag damage my hearing when it inflates?

A. In all the crashes to date there has not been a single complaint of injury to the ear or hearing. Most occupants have told crash investigators that they did not hear the air bag inflate over the sound of the crash itself.

Q. Is the gas used to inflate the air bag poisonous?

A. No! In most systems the gas is nitrogen which makes up 78 percent of the air we breathe. In some systems, the nitrogen has been generated from a solid chemical called sodium azide. In its solid form, this chemical is toxic, but in the air bag unit the chemical is hermetically sealed until it is changed into nitrogen by an electrical impulse during a crash.

According to the National Highway Traffic Safety Administration the automatic restraint systems have undergone more research, development and testing than any auto safety device ever proposed. Further the passive restraint systems represent the most significant advance in auto safety in decades, and truly offer "a breath in life" to American motorists.●

INCUBATOR FOR YOUNG BUSINESSES

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. VENTO. Mr. Speaker, small businesses in the United States are the country's prime job-generating firms, but the lack of management expertise and shortcomings in financial planning of entrepreneurs often doom these businesses to premature death.

Control Data Corp., one of Minnesota's innovative, technology-oriented companies, is embarking on a system of business technology centers to make available these important elements to small business managers. St. Paul is the site of the first such center because William Norris, chairman of Control Data Corp., and his colleagues find the climate there conducive for innovation. Innovation has been encouraged in St. Paul by Mayor George Latimer, his able staff, and the business and community leaders of the city.

I include, as part of my remarks, an article from the Washington Post of July 28, 1979, which describes the business technology center concept and its goals:

INCUBATOR FOR YOUNG BUSINESSES

(By Neal A. Peirce)

ST. PAUL.—A remarkable incubator for fledgling businesses in innovative technology fields is taking form in a refurbished eight-story building within St. Paul's Lowertown redevelopment project.

It is called a "business and technology center" by its founder-landlord, Control Data Corp., the Twin Cities' multi-billion-dollar computer and technology firm. If the St. Paul center succeeds, it could well be the prototype for scores of similar centers, helping small businesses get off the ground in cities across the country.

A pipedream? Perhaps. But Control Data founder-board chairman William Norris and his colleagues don't believe they're engaged in a "do-good" charitable enterprise. They expect business and technology centers to become modest money-makers for their owners, even while they generate desperately needed jobs in the nation's inner cities.

The rationale behind the concept—one of the many innovative ideas Norris has spawned in his belief that urban economic problems can be turned into opportunities—is rather simple. Urbanologists, such as Jane Jacobs, have long noted that it was thousands of embryonic businesses which gave cities their vitality and that urban decline parallels a falloff in entrepreneurial starts. And fresh research by David Birch of the Massachusetts Institute of Technology reveals that small firms—those with 20 or fewer workers—have accounted for a startling two-thirds of all new jobs created in the nation since 1960.

But job generation in the cities has fallen well behind their employment needs. The obstacles to entrepreneurial success—ranging from lack of capital to often-fatal lack of

management expertise and financial planning—are both legion and legendary.

To lower the mortality rate of new, small enterprises, the business and technology centers will offer them— under one roof and at reasonable prices—an array of services generally expensive, difficult, or on occasion impossible for an entrepreneur to obtain. The regular lease, for office and laboratory spaces ranging from 100 to 20,000 square feet, will include, at a competitive $8.95 per square foot monthly, rental, cleaning services, utility, security, telephone answering service and receptionist, mail processing, conference rooms, a technical laboratory and library facilities.

But the real benefit to small firms may come from the optional in-house professional services provided by Control Data on a fee basis. For example, financial counseling will be offered in such areas as venture capital, risk management, taxes, insurance and qualifying for government small business loans. In the personnel area, Control Data will have available counsel on recruiting, labor relations, employee counseling and payroll management. Advice will be offered on coping with government regulations and on advertising and promotion.

Expecting many technology-oriented firms, Control Data will offer, also in-house, compressed air and vacuum lines, extended venting and plumbing, steam and chilled water and de-ionized water—services often exhorbitantly expensive for freestanding small businesses.

Finally, the business and technology centers will make available in-house training and education, using Control Data's successful computerized skills teaching method, "PLATA," which offers several courses directly relevant to small business needs and also permits a business owner to play "what-if" games simulating his or her business's situation.

For some executives of small firms, the most valuabe element of the center may be peer interchange—the talks across the hallways with other entrepreneurs facing similar difficulties and challenges.

"Success breeds success in entrepreneurism," says Control Data's senior vice president for urban affairs, Herbert Trader. "Any time you see two or three successful businesses, you will see many times more get started." And the goal of the centers, Trader said, "is to have people medium-sized and established and strike out on their own.

Control Data hopes to realize its BTC profits not as a landlord, but in the sale of optional services—creating many new customers for its products along the way. Full occupancy of the St. Paul center isn't expected until next year, but several tenants—a medical graphics firm, a Control Data Institute, an acoustical tile cleaning company and others—are already signed up.

How fast might the business and technology center concept spread? Control Data has already announced other such centers in Minneapolis and Toledo, and Philadelphia appears a strong candidate for a fourth location. Norris believes Control Data itself will eventually be unable to meet the demand and will arrange to franchise small-business persons to operate the centers.●

VETERANS' ADMINISTRATION HOSPITALS

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. HILLIS. Mr. Speaker, for over 2 years, the various veterans organizations have been unanimous in their testimony before the House Committee on Veterans' Affairs and have been telling us, and all Members of Congress, of the rapid deterioration of service to our Nation's veterans at both VA hospitals and regional offices. Because of their testimony and because of my concern that our Nation's veterans should not be penalized in the name of economy, I recently made an inspection of the VA's regional office and medical center in Indianapolis.

I want to share with my colleagues the results of my tour at these facilities. At the outset, I want to commend both William H. Brewster, director of the regional office, and W. Maurice McHaffie, director of the medical center, and their very able staffs. In truth, they are doing their very best with the resources given them by the VA's Central Office and the Administration. The comments which follow are in no way intended to be critical of these fine public servants.

The House Committee on Veterans' Affairs and its subcommittees have conducted many hearings this year on the VA medical system, the VA's Target system, and in general, the services performed by the VA for the benefit of America's veterans.

Mr. concern had been heightened by recent hearings of the Subcommittee on Special Investigations on the VA's Target computer system. For the benefit of my colleagues, the system was envisioned to increase the efficiency of the Department of Veterans Benefits with fewer personnel. When fully operational all regional offices of the VA will be tied in to one computer network with information instantly retrievable.

However, several problems have occurred in the system so that phase I of the program is already months behind schedule with the Department of Veterans' Benefits being forced to use significant amounts of overtime to make up the difference. Through May of this year, DVB had spent $2,843,000 in overtime alone—a 237-percent increase over the amount spent through May 1978—and more than twice the amount obligated for the entire year in fiscal year 1978. In fact, in order for the system to be even partially functional, 15 regional offices in the eastern region were removed from the computer network late last month. When asked to predict when phase I would be operational, the VA representatives were unable to do so with any certainty.

Mr. Speaker, the decision to cut back personnel within the Department of Veterans' Benefits was not made by the Chief Benefits Director, but rather at a higher level within the Veterans' Administration—and probably within the Office of Management and Budget as well. It is unconscionable for either OMB or the Administrator of Veterans' Affairs to cut this vitally important section of veterans services before the Target system had proven itself. It is hardly cost effective, yet the Administrator has repeatedly assured the committee that implementation of Target would indeed be "cost effective." Let me point out, Mr. Speaker, that we are toying with the survival of the disabled veteran and his family—a check received late may be a number on a chart to the VA, but it is a tragedy to the veteran.

In my visit to the regional office in the Federal Building in Indianapolis, I was most graciously received by Mr. William Brewster, the director, together with his staff. They gave me a briefing and demonstration of the Target system in operation and a number of varied applications.

It was disconcerting to learn, however, on that day alone, Monday, July 23, the system had been down or nonoperational over 20 percent of the time. Mr. Brewster explained that the more the system seemed to be utilized in the operation of the regional offices, the greater the down time. This appears to be due to rapid installation throughout the system and an overloading and overtaxing of the system.

I did get to see the system in operation and was most impressed as I watched a VA counselor talking by telephone with a young veteran who was making an inquiry concerning his educational benefits. Immediately, the counselor was able to summon through the Target system the records of this veteran from the Houston Records Center and thereby, was able to explain to him the reason why the payments had been temporarily suspended.

Apparently, the morale of the employees of the VA is affected by the Target system. It is of tremendous assistance to them in serving the veterans. When it is not operational, it is highly frustrating to each person involved in the system because it delays the procurement of needed information to serve the veterans.

Again I commend Mr. Brewster and his staff for their dedicated service to three-quarters of a million veterans who are residing in Indiana.

The purpose of my inspection of the medical center was prompted by repeated complaints received from veterans that they are being denied proper treatment at VA facilities. I am afraid that this may, in fact, be true.

We are all too familiar with the budget restrictions imposed upon all Federal agencies, and in particular, the Veterans' Administration. For the past 2 years, the administration has recommended inadequate funding for the VA and its programs. Twice the Congress has come to the aid of our Nation's veterans over the administration's objections. The VA's Department of Medicine and Surgery is the finest in the world and we cannot sit idly by and permit it to be dismantled piece by piece, benefit by benefit. The Congress must once and for all tell the administration that enough is enough—we will not tolerate any further reductions in services rendered to and benefits earned by those who fought in the defense of their country.

I might personally reflect on my visit to the 10th Street Hospital. Although my visit was brief due to the shortage of time available, I was well received by Mr. Maurice McHaffie, the director, accompanied by Mr. Connlley and was

shown many of their facilities. The hospital was clean, neat, and well operated—a credit to the Veterans' Administration. I was most interested in the new facilities that will be available as soon as the new wing presently under construction is open in the fall of 1980.

The 10th Street Hospital is certainly a fine facility for our Nation's veterans. It is most important that we keep it that way by providing the best equipment and personnel that we possibly can in this and similar facilities throughout our country.

Finally, Mr. Speaker, last week the President sent a series of shock waves throughout America in his attempt to bolster his ratings in the public opinion polls. I am not convinced the actions taken will in any way remedy our Nation's energy problems and it is doubtful that they will have the effect desired by the President. However, if the President insists that replacing ineffective public servants will, indeed, restore confidence in Washington, then perhaps he should include the Administrator of Veterans' Affairs and replace him with someone who will represent the needs of America's veteran population, who will resist OMB's unwarranted attempts to legislate, and who will stop the continued erosion of the VA and its programs.●

THE AMERICAN LEGION'S STAND ON NUCLEAR WASTE

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. WYDLER. Mr. Speaker, one of the dangers of living and working in Washington is that we sometimes make the mistake of thinking that all of the possible answers to this Nation's problems are arrived at by policymakers right here. The American Legion has sent me a copy of a resolution passed in Indianapolis, Ind., by their National Executive Committee on the subject of nuclear waste. It is very valuable for all of us in the Congress to obtain perspectives on critical questions such as this by organizations which take an interest in a broad range of national issues.

The American Legion's recommendations are sensible and worthy of serious consideration. They conclude that nuclear energy must continue to be a major producer of this Nation's electrical power, but that the Federal Government must demonstrate that waste material can be stored safely and they list several suggestions in this regard. I share their concern about nuclear waste and hope the administration will adopt a policy to solve the problem since the technology is available. I have inserted the Legion proposals for the information of all my colleagues:

RESOLUTION NO. 12: NUCLEAR WASTE ISOLATION PILOT PROJECT

Whereas, The demand for electrical energy will continue to increase, and having sufficient generating capacity to meet this demand is necessary to avoid blackouts, economic disruption, and social disorder; and

Whereas, In order to avoid even larger imports of oil, the only alternatives available to generate the needed electricity are coal and nuclear; and

Whereas, It is important to have a balance between nuclear and coal-fired generating units in the future, and the development of nuclear generating units is being seriously delayed by lack of a policy for dealing with high level nuclear wastes; and

Whereas, Since the initial inception of commercial nuclear power and the military nuclear program, the ultimate disposal of high level nuclear waste has been reserved by the federal government as its responsibility; and

Whereas, It is now almost 35 years since the beginning of the military nuclear program, and 20 years since the first commercial nuclear power plant began operation, and still the federal government has no plan for disposal of these wastes; now, therefore, be it

Resolved, By the National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana, May 2-3, 1979, That the Congress and the Administration through legislation and policy decisions should develop a plan for the safe interim and permanent disposal of high level nuclear wastes; and, be it further

Resolved, That the interim storage program should be endorsed by the Congress in 1979 and contain, among others, the following features;

1. A clear statement by the government of the United States that these wastes can be safely disposed of in permanent underground storage facilities.

2. A commitment to have a permanent disposal facility operational as soon as possible and a firm time table for the licensing, design, construction, and testing phases of the project leading to full operation no later than the late 1980's.●

WHOSE MALAISE?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. MICHEL. Mr. Speaker, President Carter's recent reference to a "national malaise" has resulted in numerous questions about where and when and how such a malaise came to be. Columnist Joseph Kraft recently addressed that question. His conclusion is that we do not have some single, all-encompassing national sickness of the spirit. Rather, he writes, we have areas of our national life that seem to be thriving while others decline.

Kraft claims that "Big America"—the producers and managers and industrialists—is suffering from doubts and loss of self-confidence. He asks: "But is tilting away from Big America, a good way to solve the problems of energy scarcity and inflation? Is it even a recipe for increasing national self-confidence?"

At this point I wish to insert in the RECORD, "Whose Malaise?" by Joseph Kraft, the Washington Post, July 24, 1979:

WHOSE MALAISE?

(By Joseph Kraft)

DETROIT.—Jimmy Carter speaks of the "national malaise" as though it were creamy peanut butter spread evenly across the land. In fact, while some groups and sections have waned in self-confidence, others have surged. There is a structure to the American distemper, and a good place to observe it is this capital of the industrial heartland, Detroit.

Twenty-five years ago the managers of the auto industry could fairly claim to run the country. Harlow Curtice, the boss at General Motors, was Time's Man of the Year in 1955. The chief politico in the Eisenhower administration was a Michigan Chevrolet dealer, Postmaster General Arthur Summerfield. Fiscal matters were dominated by a Detroit banker, Joseph Dodge, who served as director of the Bureau of the Budget. Defense Secretary Charles Wilson, a former head of GM, only asserted what seemed obvious when he said, in effect, what's good for General Motors is good for America.

Now all that is changed. Chrysler verges on bankruptcy, and its chairman, John Riccardo, complains that "there has been built up around our industry a most unfortunate stereotype."

Detroit makes money, but chiefly from foreign sales—60 percent of profits from the first quarter of this year, and 48 percent in 1978. Henry Ford II is abandoning his operational role under a cascade of legal actions brought by his wife, his nephew and a group of minority stockholders.

GM remains the world's leading industrial corporation, and its chairman, Thomas Murphy, is a missionary for the business creed. But even Murphy complains about an illogical suspicion of business success," which is translated into "increased government regulation that compounds the cost disadvantages under which American business is forced to compete."

Across town from GM, at the United Auto Workers, however, there are no such hang-ups. UAW President Douglas Fraser opened negotiations for a new labor contract last week in a relaxed frame of mind. "We know who we are, and we know who they are," he said easily in an interview. "We know we can conduct a strike. We know they can take a strike. There's nothing to prove anymore." Fraser used the opening of negotiations with GM to draw attention to an election in a new plant in Oklahoma City—an election the union won by a 2-to-1 vote. He opened talks with Chrysler by calling on the government to bail out the company and take a piece of its equity.

Equally sure of himself is the black mayor of Detroit, Coleman Young. Mayor Young acknowledges that the country is slipping into a recession that could mean for Detroit harder times than the downturn of 1974 when local unemployment hit 23 percent. Still, he says, "the mood of the town is upbeat."

As reason for the upbeat mood he cites a coalition among business leaders, the unions and minority groups. Thanks to that coalition the city now enjoys a downtown building boom, based around Renaissance Center, the $300 million skyscraper complex along the Detroit River, which was financed by federal funds and grants from the Ford and Rockefeller families.

Young cites with even more enthusiasm affirmative action, which has increased the number of blacks on the police force from less than 15 percent at the time of the 1967 race riots to about 50 percent. "People aren't afraid to talk to the police now," he says. "We have a phenomenal rate of arrests—98 percent of all crimes lead to arrests. And since 1977 crime is down by 30 percent."

What emerges from all this, I believe, is a clear sense of the morphology of national malaise. Those primarily concerned with improving the quality of life, the group I have called Little America, are clearly in the ascendant. They are increasingly turning productive enterprise to the advantage of better race relations and more leisure time and high pensions for workers.

Those primarily concerned with increasing output, the group I have called Big America, are on the defensive. Far from concentrating on production, the managers who once used Detroit as a base for running the nation now have to worry about race relations, the inner city, Sun Belt plants like the one in Oklahoma, government regulations, gasoline availability and foreign competition.

The trick in running the country is to strike the right balance between those two groups. President Carter came to power thanks to a populist coalition of southerners, minorities and reformers from Middle America. He is now drawing closer to his original constituency. Probably that is good politics.

But is tilting away from Big America a good way to solve the problems of energy scarcity and inflation? Is it even a recipe for increasing national self-confidence?●

INFLATION CONTROL

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. GAYDOS. Mr. Speaker, the inflationary spiral which continues to ravage our Nation, and our people, is of growing concern to me as I am sure it is to my colleagues. Every segment of our society, from the largest corporation to the average working man and woman, sees its dreams and plans for the future battered anew each month beneath the hammer blows of rising prices.

Families and businesses alike sacrifice plans for a brighter future on the altar of today's necessities. Food, clothing, shelter, and energy take a deeper bite each month from the money available, leaving little or none for growth and development.

For the senior citizen, caught between the anchor of a fixed income and the rising tide of inflation, the world is a dark and forboding place. Unless that tide is checked he faces the very real possibility that he will drown in a sea of bills. A time of life which should be a reward for a job well done becomes instead a daily struggle to survive in an increasingly hostile world.

For the average working family, plans for a college education for their children, a new car next year, or some improvements to their home must give way to the increasingly difficult task of putting food on the table, buying gasoline for necessary trips to work and paying utility and heating bills which are climbing much faster than income.

For our young people—the real hope for our future as a free society—that future must look bleak indeed. The dream of marriage, a home of their own and a chance to participate fully in what they have been told is the American dream is becoming instead a financial nightmare.

Business and industry across our land face the same kinds of problems multiplied manyfold. As chairman of the Congressional Steel Caucus, I am intimately familiar with the challenges our steel industry must meet in a climate of mounting foreign competition and reduced capital flow. Modern, efficient foreign plants backed by government subsidies are able, in all too many cases, to outproduce the tired facilities still on line in many of our own steel plants. The steel companies need capital to finance the expansion and modernization programs which would make them competitive but, in a time of double digit inflation, people are putting their money into goods and services instead of into the kinds of savings programs which normally could be counted upon to provide industrial capital.

Thus, inflation becomes a self-perpetuating phenomenon. Once people perceive that money in a 5-percent savings account will not keep up with double digit inflation, they begin to spend that money on things which they feel will appreciate in value. Indeed, they go into debt to make purchases which they intend to pay for with inflated dollars. More and more of those dollars chasing fewer and fewer goods push prices up again until another round of inflation is touched off and the process repeats itself.

We cannot and must not, Mr. Speaker, permit this disastrous inflationary spiral to continue. Make no mistake, this Nation is today locked in an economic life and death struggle. Either we will solve the problem of mounting inflation and all its attendant evils or it will destroy American society as we know it.

We will get little argument on the need for solving our inflation problem, Mr. Speaker. I am sure the Members of this Congress, as well as the people in the administration, are unanimous in their acceptance of that basic premise. Our differences lie not in our perception of the seriousness of the disease but in the kind and strength of the medicine needed to cure it.

The administration's prescription of voluntary wage and price guidelines has not effected a cure. Indeed, the inflationary fever burns higher each month and the patient sinks deeper toward a coma from which he may not recover.

Stronger medicine may be required, Mr. Speaker, and it may have to be administered soon if it is to be effective. Administration spokesmen say recent economic indicators show the economy is beginning to cool off and they expect inflation to be dampened without serious damage to our employment picture. I hope fervently that is true. But if it is not, it will be the responsibility of this Congress to take steps to freeze wages and prices where they are while we search for a permanent solution.

Legislation to again give the President standby authority to apply mandatory wage and price controls has been suggested and that step may have to be taken if conditions do not soon show improvement. If that becomes necessary, we must be absolutely certain that they are applied fairly and firmly to all segments of the economy.

We must be sure, if we are forced to take this step, that those workers and companies which have complied with the voluntary guidelines do not have to live with the results of 13- or 14-percent inflation. We must also be sure that such controls be applied equitably to wages, prices, profits, and interest rates. Above all, we must be sure that they are not applied too late and taken off too soon as they were the last time they were used.

Those who oppose mandatory wage and price controls say they do not work. They argue that when they are finally removed, the economic pressures built up during the period of controls will only create a new round of inflation. I suggest, Mr. Speaker, that this does not have to be true.

We are faced today with an economic threat of crisis proportions. We need a way to stop the rising spiral of wages and prices dead in its tracks while we devise ways and means of making our economy strong and stable over the long haul. Mandatory controls will give us that breathing space and their removal can be handled in a gradual and controlled manner which need not trigger a new round of inflation.

For example, wage and price increases after controls are removed could be tied by law to the real increase in our gross national product. Such increases would not be inflationary but would provide incentives for both labor and industry to increase wages and profits by increasing production.

Another alternative would be to remove controls gradually with wage and price increases tied to a mandatory percentage instead of voluntary guidelines. In either case, the Government could retain the the power to reimpose controls if inflation should begin to heat up again.

Other industrial nations in the Western World have followed this procedure with success—imposing controls to halt the wage-price spiral while the necessary steps were taken to restore their economy to an even keel and establish the necessary climate for a gradual and controlled return to a free market economy.

What has been done successfully in other nations can be done in America, Mr. Speaker. My faith in the American people and the American system remains high. I am confident both will respond to any program which is perceived to be necessary and fair.

It is up to Congress and the administration to provide that kind of program. If we do, I am sure we will find that faith justified.●

OIL COMPANIES' MANIPULATION OF THE OIL CRISIS OF 1979

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. CONYERS. Mr. Speaker, the public anxiety about oil is not only directed at its soaring price and uncertain supply, but also reflects their perception of the lack of control over this fundamental resource. The picture of a small number of oil-producing countries and a handful of giant oil companies arrogantly lording over this essential resource is understandably an infuriating one.

Fred Cook, the veteran investigative reporter, has examined carefully the most recent oil shortage and boost in oil prices, and has concluded that it is yet another example of the private power of the oil companies subduing the general interests of consumers and citizens. His analysis is noteworthy for two reasons in particular. He dispels the myth of an oil shortage, that serves so well the industry, and raises pertinent questions about the adequacy of the President's recently announced energy program, that has failed to come to terms with the lack of public accountability of the oil industry.

I highly recommend the following article by Fred Cook, "That Great Oil Crisis of 1979 Is No Crisis," which appeared in the Washington Post on July 29:

THAT GREAT OIL "CRISIS" OF '79? THE NUMBERS SPELL OUT FRAUD

The Great "oil crisis" of the summer of 1979 may well go down in history as one of the greatest frauds ever perpetrated on a helpless people. The reality is that there was no shortage of oil; this is verified by every responsible source. Indeed, solid statistics show that there was more oil available than there had been in 1978 when there were no gas lines, no murders of frustrated motorists—in a word, no "crisis."

President Carter's Sermon from the Mount on Sunday night, July 15, ignored this reality. He insisted that the shortage was "real." To have admitted that it was not would have entailed an admission of the culpability of Big Oil and of Preisdent Carter's own recumbent Department of Energy.

The naive may say to themselves, "Why, this cannot be." So let's begin by citing some sources: A Federal Trade Commission study concluded on May 30 that gasoline supplies were up from 4 to 8 percent (depending on the month in which the comparison was made) during the first four months of 1979 over the comparable period in 1978. U.S. Customs figures, independently verified by House of Representatives researchers, show that the "Iranian shortfall" so widely trumpeted to validate the "crisis" was a red herring, because imports of oil during the first five months of 1979 actually increased 10 percent over 1978. A world energy assessment by the Central Intelligence Agency shows that world oil production in the first quarter of 1979 was up despite the Iranian disruption; that U.S. imports through May showed a big increase over 1978 figures—and that American firms, in this time of supposed "crisis," were exporting more oil than they had in 1978.

When President Carter came down from the Mount, he thumped the table in the Oval Office and announced that he was not going to permit the importation of a single gallon of oil more than we had imported in 1977. But we imported so much oil in 1977 that Big Oil suffered acute glut pains and couldn't get those prices up.

The industry's own figures show total crude oil stocks (in millions of barrels) at yearend 1977 reached 339.859, a 19.1 percent increase over 1976. At yearend 1978, total stocks had dropped to 314.462, a decrease of 7.5 percent, bringing us into 1979 with a potentially short situation.

But, as in almost every facet of this story, things weren't what they seemed. In addition to the normal crude oil supplies, the federal government has established a strategic petroleum reserve. Into this reserve, stored in salt domes in Louisiana, it had poured literally billions of gallons of imported oil; and the Department of Energy, with its usual efficiency, has dumped all that oil into the caverns without thinking about installing pumps to get it out.

If one includes the extra millions of barrels that were committed to the government's strategic reserve in 1978, the figures on the nation's total petroleum stocks, expressed in millions of barrels, read this way: 381,322 at end of 1978 compared with 347,689 at the end of that 1977 "glut" year.

In other words, the nation came into 1979 with 9.7 percent more crude stocks on the market and in the reserve than it had had at the start of 1978, when the industry was moaning because it had so much oil it couldn't even get gasoline prices up to the permitted ceilings. It is enough to make one ask, "What the devil goes on here?" What went on is fairly obvious, though only the naive would expect to get a straight answer from James L. Schlesinger's Department of Energy.

Big Oil drew down stocks during 1978 and by late fall had created a situation where there began to be alarming talk of shortages. Shell Oil led the way, imposing drastic cuts on the delivery of gasoline to its retailers; Mobil, Citgo, the whole tribe fell into line behind the force play. Retail gasoline dealers roared their outrage; there was a nasty flareback of damaging publicity, and the big oil companies backed off for the moment, restoring deliveries to nearly normal.

Then, heaven sent, came Iran. The Iranian revolution closed down the oil fields, and the myth of the "Iranian shortfall" was born. Actually, only 5 percent of our imported oil came from Iran, and this shortage was quickly offset by stepped-up production in Saudi Arabia, increased Alaskan supplies and lesser increases from other sources. CIA figures show that free world production (expressed in thousands of barrels daily) rose to 46,515 in the first quarter of 1979 compared to 46,305 in 1978. Customs figures, as recorded by the Bureau of Census, show that imports through May increased 10 percent over those for the first five weeks of 1978.

Indeed, the imports for these first five months of 1979 almost matched the levels established in the "glut" year of 1977. The CIA in-depth study echoed the Customs Bureau's findings. It showed imports in the first five months of 1979 outstripping 1978. During the first three months, imports averaged well over 8 million barrels a day, and in April and May they were only slightly below that figure. By contrast, in 1978 imports reached the 8 million-barrel-a-day figure in only two of the first five months, and in the remaining months, they trailed considerably behind the 1979 import figures.

The CIA assessment revealed another curious fact. In this 1979 year of "crisis," American firms actually exported more oil in every one of the first five months than they had in either 1977 or 1978. Exports ranged from 329,000 barrels daily in January to 445,000 barrels daily in both April and May. Yet, in lush 1977, exports had ranged from only 192,000 barrels daily to 288,000. The fact that we were exporting more oil in 1979 than we had in the two previous non-crisis years would seem to indicate manipulation of the market.

This suspicion, shared by more than two-thirds of the American people, according to public opinion polls, is reinforced when one reads the Federal Trade Commission memo of May 30. Reporting on a study made by the commission's staff, the memo said:

"The data indicates, among other things, that gasoline supplies in 1979 were up by 4–8 percent, depending on the time period, over 1978's. Net supply of gasoline in April was particularly plentiful compared to the previous April (up by 22.9 percent). Significantly, however, every time period—month, quarter, third—shows increased supplies and no indication of a shortage." Not only were supplies of gasoline more plentiful in 1979, but demand was down. According to figures from the OECD (Organization for Economic Cooperation and Development) in Paris, United States oil consumption in the period from January to April, 1979, was nearly 1 percent below the level of the same period in 1978.

Yet it was in late April and early May that the gasoline pumps in California suddenly went dry, beginning the drought that was to spread across the nation to New York, Washington, D.C., and cities in between. In a nation whose whole economy since World War II has been structured around networks of superhighways on which federal and state governments have lavished billions of dollars, panic struck, accompanied by frustration and fury.

The evidence established that none of this was necessary; it suggests that this was a "crisis" carefully orchestrated by Big Oil, aided and abetted by the complacent nonwatchdog in the DOE and even by the president himself.

Jack Anderson, the Washington columnist, has published excerpts from secret White House minutes indicating that President Carter deliberately cut back gasoline supplies to keep his pledge to other industrial nations that the United States would reduce oil consumption by 5 percent. At a May 7 meeting, just as motorists were queuing up for miles in California, Carter told his Cabinet: "Our priority will continue to be some heating, agriculture and emergency needs over highway driving . . . There will be less gasoline, and it will cost more." Those last words confirm Jack Anderson's scoop. They match word for word the public presidential refrain that all of us have heard for months: "There will be less gasoline, and it will cost more."

Cost More! That is what this scenario is all about. The Carter administration for months has backed every move that would make gasoline and other fuel products more costly, on the theory that higher prices would "force" conservation. For months, the administration talked about $1-a-gallon gasoline. Privately, it was scripting an even more brutal program.

Jerry Ferrara, the outspoken executive director of the New Jersey Retail Gasoline Dealers Association, described in a television appearance on July 2 how he and his associates had "pounded on every door" in Washington seeking adoption of a more sensible policy. He said he had met face to face with Schlesinger, and he added: "He [Schlesinger] said that, if gasoline got up to $2 a gallon by 1981, the American people would have to conserve. And then he walked out of the room."

Justice Department antitrust lawyers have been trying to find out why it was that, just at this time of supposed shortages, crude oil production went into its steepest decline in seven years. In a preliminary and relatively unnoticed report, Justice Department attorneys, concluded that, from December through April, the falloff in domestic drilling had cost the nation some 11 million barrels of gasoline.

This falloff in domestic production came at a time when oil company profits in the first quarter of 1979 were going through the roof. While the companies were demanding price decontrol as a prerequisite for increased domestic production, first quarter profits at Exxon were up 37 percent; Gulf was up 61 percent and other majors like Standard Oil of Ohio were registering increases of more than 300 percent.

The drop in domestic drilling was accompanied by a second cutback, a reduction of refinery output. "That is where it all hangs out," one industry critic says. It does, indeed. Refineries capable of operating at 91 to 92 percent of capacity (this is virtually full-out considering inevitable maintenance

delays) dropped their runs in this season of our travail to 84 percent. The American Petroleum Institute itself acknowledged that, in the second week of June, refineries were operating at 84.1 percent of capacity. The following week, the runs were stepped up to 84.5 percent—still far below capacity at a time when, all reliable evidence shows, crude stocks were in plentiful supply, waiting to be processed.

The situation infuriated Rep. Benjamin S. Rosenthal (D.-N.Y.), chairman of the subcommittee on commerce, consumer and monetary affairs of the powerful House Committee on Government Operations. It also upset Schlesinger, who, in June, confessed that he found the disparity between abundant crude oil stocks and low refinery runs distressing" and "disturbing." He threatened action against oil companies that had poor refinery performance.

The sequel is perhaps best told in the words of Rep. Rosenthal as recorded in the Congressional Record of June 29. The Congressman said:

"Following the hearing on June 14, Secretary of Energy Schlesinger admitted that we had more than adequate oil inventory stock and that he would undertake to use the Department of Energy's allocation authority to urge recalcitrant refiners in the direction of serving the consuming public. . . . On Thursday, June 24, Secretary Schlesinger reversed his stand, expressing that the U.S. multinational oil companies might retaliate by withholding oil from the United States. Thus, it becomes obvious that much of the blame for the current gasoline shortages must also be ascribed to deliberate actions by the oil companies and the Department of Energy. This "blackmail" threat by the U.S. multinational oil companies that ship crude oil to Europe instead of the United States calls for a vigorous response by ths nation."

It would be difficult to find a clearer demonstration of the power of the oil forces that hold this nation in thrall, but what Rep. Rosenthal called "this 'blackmail' threat" is not the only indication of the contempt in which Big Oil holds the government and the people of the nation.

The brutal price escalation, which puts Schlesinger's $2 gasoline in our immediate future, has been achieved through the delightful collaboration between Schlesinger's DOE and the oil industry. All during 1978, when the gas glut made it impossible to sell gasoline at ceiling prices, individual gas station owners were allowed to "bank" on their records the differential.

Came 1979, the "shortage," zooming OPEC prices; and, with frustrated motorists on gas lines willing to pay anything, those deferred, spurious "banked" sums were tacked on to the already zooming prices. As usual, the consumer got zonked. The DOE has now ended this "banking" system, but prices have already been driven to levels from which it is almost certain they will never come down.

All of this has taken place during the administration of a president who, in his first fireside chat in 1977, pleaded with the average American to sacrifice for the national good. Wear heavier sweaters. Turn down the thermostat. Car pool. Drive at slower speeds. "Sacrifice" one and all like a band of brothers for everyone's good and the national welfare.

Coming down from the Mount in July, the president is still saying that if we all band together and sacrifice, we can lick the devil dogs of OPEC. One has to wonder where the president has been all these years. Whatever gave him the idea that Big Oil considers itself part of a national brotherhood? The record is undeniable. Big Oil has just one concern—the bottom line. When it comes to "sacrifice," let the poor average American schnook do it.

The latest severe OPEC price hike, announced while President Carter and leaders of the industrial nations were conferring in Tokyo, seems to have shocked those statesmen to the tips of their toes. One has to marvel.

Before the previous price increase earlier in the year, OPEC spokesmen had put the blame squarely on the consuming nations, and Radio Riyadh, before this last bit of extortion, returned to the theme by charging that oil shortages were due to "the operation by certain major powers of huge stockpiles [those salt domes in Louisiana?] or price manipulations by the companies."

What the Arabs were saying quite clearly was:

"You asked for it, and you'll get it." ●

CANCER: THE DIFFERENCE LIFE STYLE MAKES

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. GEPHARDT. Mr. Speaker, earlier this year I introduced H.R. 3374, the Disability Tax Surcharge and Rollback Act of 1979, to help defray the $1 billion price tag for social security disability benefits attributable to smoking. HEW has found that smoking annually costs the United States approximately $8 billion in health care expenses and $18 billion in lost productivity, wages, and absenteeism.

Alcohol abuse and alcoholism, according to HEW, cost the United States nearly $43 billion in 1975, including $12.14 billion in health and medical costs and $19.64 billion in lost production.

The International Agency for Research on Cancer, established in Lyon, France in 1966, has recently reported that life styles in industrialized societies, especially tobacco and alcohol consumption, are responsible for the "carcinogenic soup" in which we live. Here follows Daniel S. Greenberg's expose on this costly disease, which appeared in the Washington Post, Tuesday, July 17, 1979:

CANCER: THE DIFFERENCE LIFE STYLE MAKES

(By Daniel S. Greenberg)

LYON, FRANCE.—The widely held notion that industrialization has immersed mankind in a "carcinogenic soup" is now regarded as simplistic, misused and misleading by the physician-scientist who 20 years ago raised the concept of environmental factors as the principal cause of cancer.

He is John Higginson, founding director of the 11-nation International Agency for Research on Cancer, established here in 1966 to collect and sift worldwide cancer statistics for clues as to the origin of the disease. It was on the basis of his studies during the 1950s of South African black and U.S. cancer rates that Higginson hypothesized that probably two-thirds of non-skin cancers "are environmental in origin and therefore theoretically preventable."

This easily repeated but actually quite complex idea has burned bright in cancer politics ever since. It is a sacred tenet of the environmental movement, has been embodied in cancer-control legislation in the United States and other nations, and has contributed to popular despair over the presumed prevalance of cancer-causing menaces in food, air and water.

Industry, which is the villain of this chemical drama, might seek to find exoneration in Higginson's expressions of concern over how his thesis has fared during the past two decades. But it should be understood that Higginson is neither clearing industry nor disowning his earlier findings. Rather, with the benefit of an additional 20 years of numbers collecting and anlysis, he has concluded that the environmental assaults on the human organisms are only part of the mystery of cancer—and perhaps a relatively small part in terms of total cases. And, as offensive as it may be to environmental purists, he believes that an accumulation of evidence suggests that the manner in which people live—diet, stress, sexual and childbearing patterns, and, especially, tobacco and alcohol consumption—accounts for the striking variations that are found in cancer rates around the world. These factors, he now strongly suggests, may be far more important than the chemical pollution and may, in fact, have become objects of relative neglect through concentration on industrial malefactors.

At the nub of Higginson's conclusions are studies showing that in countries with similar levels of industrialization, cancer incidence and mortality rates vary enormously. For example, in 1971, mortality from cancer of the prostate totaled 18.4 per 100,000 in Sweden, 11.2 in England and 1.9 in Japan. "Even if lung cancer is excluded," Higginson and a colleague observed in a recent paper, "cancer patterns within Europe show no correlations with industrialization. "Thus," they noted, "the incidence in nonindustrialized Geneva is as high as in urbanized England. * * * Childhood cancers, which globally tend to be similar in incidence, do not correlate with industrialization."

Other statistics cited by Higginson invite awe about the depth of the mystery of this disease—and also suggest that cancer is an affliction waiting for a Newton or an Einstein to come along and make sense out of multitudes of seemingly incoherent data. Thus, excluding skin and lung cancers, the incidence per 100,000 for all other cancers in males in Singapore is 197 for Chinese, 119 for Indians. In two hard-drinking populations, Sweden and Geneva, the incidence of liver cancer varies greatly—2.9 and 9.4, respectively, per 100,000 from 1968 to 1972. In reference to these variations, Higginson recently wrote, "Instead of accepting these observations with some relief as scientific facts that imply no immediate environmental, universal catastrophe, many would prefer to regard such a conclusion as smug and lacking in responsibility, since it contradicts certain political, societal, and quasi-scientific dogmas."

In a conversation here, Higginson said, "I've returned to where I was 20 years ago," by which he meant, he explained, "We've got to look at the facts. It's easy to get a lot of mileage out of saying that environmental and carcinogenic control would solve this problem. There is no doubt that high exposure in industrial settings is a serious danger. But for the general population, we simply need a lot more information."

Higginson continued: "We have an awful lot of confusing data that add up to a nasty muddle. We now have lots of information about where cancer is occurring, but what is becoming clear is that we lack data on the social side."

The danger of this, he said, is that the public is lulled into believing that effective measures are being taken against cancer, when, very likely, the most debated and publicized measures will be relatively ineffective.

Said Higginson, father of the theory of environment as the main source of cancer: "I'm prepared now to yield to the facts." ●

CATHERINE FILENE SHOUSE, LIVE FROM WOLF TRAP

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. RICHMOND. Mr. Speaker, I wish to share with my colleagues the exceptional achievements of Mrs. Catherine Filene Shouse, a civic and cultural leader and philanthropist whom I have known, respected, and loved for many years.

Kay Shouse is well known to many of my colleagues, primarily for her donation of the Wolf Trap Farm Park and Filene Center to the Government for use a performing arts center and for her leadership in chairing the executive committee of the Wolf Trap Foundation.

All of us who know her have been consistently impressed by Kay Shouse's boundless drive, imagination, strength of conviction, and creativity.

Recently, on May 27 of this year, in recognition of her exemplary career and contributions, Kay Shouse received an honorary degree of "Doctor of humane letters" from Skidmore College in Saratoga Springs, N.Y.

I am sure that all of my colleagues will be interested in reviewing the achievements of Kay Shouse's remarkable life and the citation which accompanied her honorary degree:

CATHERINE FILENE SHOUSE

Catherine Filene Shouse, a pioneer in civil and cultural activities both in the United States and abroad, was awarded the Medal of Freedom by President Gerald Ford in 1977.

A native of Boston and daughter of Lincoln and Therese Filene, she honored her parents' love of music when she donated the 117-acre Wolf Trap Farm Park and Filene Center to the government for use as a performing arts center. She continues to serve the Wolf Trap Foundation, chairing its Executive Committee.

Mrs. Shouse received her B.A. degree from Wheaton College and earned her master's degree in education from Harvard, the first woman to do so. Her interest in occupational opportunities for women began in her undergraduate years and continued in Washington, D.C., where she served as Assistant to the Chief of the Women's Division, U.S. Employment Service. She helped to found the Women's National Democratic Club and the Washington, D.C. Chamber Music Society.

Increasingly concerned about the plight of young people throughout Europe during and after World War II, Mrs. Shouse organized volunteer assistance for youth-oriented activities for which she was presented distinguished service awards here and abroad. In recognition of her contribution to Anglo-American relations, Mrs. Shouse was made Honorary Dame Commander of the Order of the British Empire in 1976.

Among her other contributions to the civic and cultural community are: serving on the board of the National Symphony Orchestra Association, organizing the Pension Fund Concert for the Musicians' Retirement Fund, serving on the boards of the National Cultural Center, the American Symphony Orchestra League, Tufts University's Lincoln Filene Civic Education Center, the Fairfax County Cultural Association, the Opera Society of Washington and the Lincoln and Therese Filene Foundation.

CITATION FOR CATHERINE FILENE SHOUSE, SKIDMORE COLLEGE—MAY 27, 1979

Catherine Filene Shouse, live from Wolf Trap, internationally recognized patron of the arts, by example and by precept a trailblazer for women, civic leader, philanthropist of an estate your own acumen has accumulated, recipient of the Presidential Medal of Freedom in recognition of "half a century of invaluable voluntary service" to your country.

The bulging catalogue of your accomplishments is starred with "firsts" for your sex * * * first woman to be appointed to the National Democratic Committee from the Commonwealth of Massachusetts, the first to win a master's degree in education from Harvard University; first woman appointed by President Coolidge as chairman of the first Federal prison for women * * *.

What you have exemplified you have helped others to do. After a pioneering role in expanding career opportunities for women, you wrote the first textbook on that subject in 1920. You later founded the Women's Professional Institute and became its chairman.

But one career was never enough of a challenge. You have been active as a Democrat and then as a Republican. You have served on the board of the National Arbitration Board. Your volunteer work on their behalf has won you decorations from France, Germany, and Austria, and you have been dubbed dame Commander of the order of the British Empire by Queen Elizabeth II.

But it is your role as a patron and shaper of the arts that is most resplendent in recent years. While you have ably served governing boards of arts organizations, yours is no passive role and it is your brave vision, iron will, dauntless enthusiasm, unstinting generosity, tough-minded bargaining skills, political gifts, and sensitive hand on the public pulse that have enabled Wolf Trap Farm Park to become the enobling cultural force it now is, both for Washington and the Nation. You gave the land, funded the construction of its magnificent amphitheater, the Lincoln and Therese Filene Auditorium, in the honor of your parents, and inspired the construction workers to rebuild it after a tragic fire only weeks before its scheduled opening. But it is the varied, tasteful, and imaginative programing, also your creation, which have filled it with performances that millions now watch on television.

Such magnificent accomplishments would have been impossible without your incredible force, will, and acuity. But these traits have always been the servants of a loving heart, for your goal has consistently been that of giving to others—a noble goal also characterizing your sister, Skidmore's own beloved Helen Filene Ladd.

In appreciation of your exemplary career and contributions, by virtue of the authority of the State of New York, vested by the regents in the trustees of Skidmore College and by them delegated to me, I hereby confer upon you the degree of "Doctor of Humane Letters," and declare you fully entitled to all of its rights, honors, and privileges * * *.●

EARLY WARNING REPORT, WEEK OF JULY 30, 1979

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. SIMON. Mr. Speaker, in order to inform the House of the relationship of appropriations and other spending bills to amounts targeted in the first budget resolution for fiscal year 1980, the Budget Committee places in the Monday RECORD materials on the spending bills anticipated for floor action during the coming week. This week's package includes summaries of the transportation, interior, and foreign assistance appropriations bills; the conference report on the energy-water development appropriations bill; Disability Insurance Amendments of 1979; Social Services and Child Welfare Amendments of 1979; Higher Education Technical Amendments of 1979; and a small entitlement contained in the Department of Defense authorization for fiscal 1980:

H.R. 4930—INTERIOR AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1980

(H. Rept. 96–374)

Committee: Appropriations.
Subcommittee: Interior.
Chairman: Mr. Yates (Illinois).
Ranking Minority Member: Mr. McDade (Pennsylvania).
Scheduled: Tuesday, July 31, 1979.

I. DESCRIPTION OF BILL

This bill covers seven functional categories and provides Fiscal Year 1980 appropriations for the Department of Interior (except the Bureau of Reclamation) and for other related agencies including the U.S. Forest Service, the Department of Energy, the Smithsonian Institution, and the National Foundation on the Arts and Humanities. In total, the bill provides $10,196 million in budget authority and $5,094 million in outlays.

II. COMPARISON WITH FIRST BUDGET RESOLUTION SPENDING TARGET

This bill as reported, combined with spendouts from prior appropriations, exceeds the subcommittee targets by $2,868 million in budget authority and $1,043 million in outlays (line 11 below).

Explanation of Problem: The major difference between the subcommittee targets and the bill is contained in the energy function (Function 270).

First, the First Budget Resolution assumed a $1 billion rescission of budget authority and an outlay reduction of $1 billion in the strategic petroleum reserve program, which the Appropriations Committee did not include. Second, the Appropriations Committee added $1.5 billion in budget authority over the resolution assumptions for a program to encourage the development of synthetic fuels. Third, the Committee added $141 million in budget authority for exploration of the National Petroleum Reserve in Alaska.

III. SUMMARY TABLE

[In millions of dollars]

	Budget authority	Outlays
1. Amount in bill	10,196	5,094
2. Prior action		5,129
3. Action to date	10,196	10,223
4. Target	7,428	9,280
5. Over	2,768	943
6. Under		
7. Action to date	10,196	10,223
8. Amount assumed but not yet reported	100	100
9. Possible total	10,296	10,323
10. Target	7,428	9,280
11. Over	2,868	1,043
12. Under		

(a) Explanation of Difference from Target (line 11 above).

The bill provides $2,868 million in budget authority and $1,043 million in outlays above the amounts assumed in the First Budget Resolution (line 11). The difference is primarily due to the Appropriations Committee bill not providing a rescission of budget authority and an outlay reduction for the Strategic Petroleum Reserve ($1 billion), adding $1.5 billion in budget authority for a synfuels program, and adding $141 million for exploration of the National Petroleum Reserve in Alaska.

(b) Amounts Assumed in Budget Resolution but Not Yet Considered (line 8 above).

Amounts assumed in the Budget Resolution but not yet considered total $100 million in budget authority and outlays for additional funding of forest firefighting (line 8). A supplemental budget request for this item is usually submitted in the spring.

IV. BUDGETARY FLOOR AMENDMENTS

Several amendments are expected with the bulk concerning the energy area of the bill. Most likely there will be amendments on the synfuels program, fossil fuel programs, and funds to explore the National Petroleum Reserve in Alaska.

Only one specific amendment is known at this time, which is sponsored by Reps. Harkin, Ottinger, Brown, and Fish. This amendment would add $70.2 million in budget authority for additional energy conservation. The amount added would provide the total authorized level of funding for programs including transportation energy research, industrial efficiency and cogeneration, conversion of waste to energy, and energy innovations.

V. COMPARISON WITH PRESIDENT

This bill is $1,803 million in budget authority over the President's request of $8,393 million. The difference is primarily attributable to funds added for a synfuels program ($1.5 billion).

H.R. 4476—THE HIGHER EDUCATION TECHNICAL AMENDMENTS OF 1979

(H. Rept. 96–318)

Committee: Education and Labor (via Appropriations).

Subcommittee: Postsecondary Education (Labor–HEW).

Chairman: Mr. Bill Ford (Michigan).

Ranking Minority Member: Mr. Buchanan (Alabama).

Scheduled: Tuesday, July 31, 1979 (suspension).

I. DESCRIPTION OF BILL

H.R. 4476 amends the Guaranteed Student Loans Program (GSLP) by removing the 5 percent per annum cap on the special allowance rate paid to holders of insured or guaranteed loans. This provision is effective beginning with the third quarter payments for Fiscal Year 1979. In addition, H.R. 4476 extends for one year numerous higher education programs. The extensions do not have any budgetary effect. New entitlement authority in the bill is estimated at $78 million.

II. COMPARISON WITH FIRST BUDGET RESOLUTION SPENDING TARGET

This bill is $78 million above the amount assumed in the First Budget Resolution.

Explanation of Problem: Costs associated with removal of the cap on the GSLP special allowance rate involve $78 million in new entitlement authority, which was not assumed in the First Budget Resolution. Since the 5 percent rate is paid in addition to the 7 percent rate paid by, or on behalf of, the student borrowers, the resolution assumed interest payments to lenders at a total of 12 percent. The need to modify the existing program developed because the 5 percent per annum ceiling was reached in the third quarter of Fiscal Year 1979. Therefore, under the limitations provided in current law, fourth quarter payment rates to lenders would be depressed. H.R. 4476 would correct the problem.

Explanation of Potential Problem: The First Budget Resolution allocated to the Education and Labor Committee negative NEA of —$581 million, reflecting House assumptions that legislative savings would be achieved in various Function 600 child nutrition programs and in Function 500 vocational rehabilitation programs. The amount of negative NEA assumed in the resolution but not yet reported, remains at —$581 million. If these legislative savings are not realized, and if H.R. 4476 is enacted, that committee's target would be breached by $659 million. Because H.R. 4476 exceeded the NEA allocated to the Education and Labor Committee in the First Budget Resolution, the bill was referred to the Appropriations Committee, which reported it without amendment.

III. SUMMARY TABLE

[In millions of dollars]

	New entitlement authority
1. Amount in bill	$78
2. Prior action	-----
3. Action to date	78
4. Target	—581
5. Over	659
6. Under	-----
7. Action to date	78
8. Amount assumed but not yet reported	—581
9. Possible total	—503
10. Target	—581
11. Over	78
12. Under	------

(a) Explanation of Difference from Target (line 11 above).

The Education and Labor Committee would exceed its target by $78 million in NEA because this amount was not assumed in the resolution.

(b) Amounts Assumed in Budget Resolution but Not Yet Considered (line 8 above).

To date, the Education and Labor Committee has not reported any legislation reflecting savings associated with child nutrition and vocational rehabilitation programs; the First Budget Resolution assumed savings of $581 million in those programs.

IV. BUDGETARY FLOOR AMENDMENTS

None allowed under suspension of the rules.

V. COMPARISON WITH PRESIDENT

Regarding the GSLP proposal, the President has submitted draft legislation which would raise the current 5 percent cap to 6 percent effective for two quarters. Estimated cost of the administration's proposal is $35 million.

H.R. 4473—FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS BILL, 1980

(H. Rept. 96–273)

Committee: Appropriations.

Subcommittee: Foreign Operations.

Chairman: Mr. Long (Maryland).

Ranking Minority Member: Mr. Young (Florida).

Scheduled: Wednesday and Thursday, August 1 and 2, 1979.

I. DESCRIPTION OF BILL

The bill provides for the foreign assistance programs administered by the Agency for International Development, Military Assistance, Contributions to International Financial Institutions, and the Peace Corps.

The bill totals $7.889 million in budget authority and $2,731 million in outlays.

II. COMPARISON WITH FIRST BUDGET RESOLUTION SPENDING TARGET

The bill is below the budget resolution targets by $267 million in budget authority; however, it is over by $181 million in outlays.

Explanation of Problem: The major factor causing the outlays to exceed the budget resolution is the later than assumed availability of the fiscal year 1979 supplemental to implement the Middle East Peace Package. The resolution targets assumed a June 1, 1979 start-up for the Israeli military construction projects but it now appears that start-up will slip until July 1 or later. As a result of the late start on this and other fiscal year 1979 programs, some $100 million in outlays will slip over into fiscal year 1980.

The bill also includes an economic support fund program for Sudan, which was requested by the President subsequent to the preparation of the first budget resolution. This program adds $40 million to the fiscal year 1980 outlays estimates.

III. SUMMARY TABLE

[In millions of dollars]

	Budget authority	Outlays
1. Amount in bill	7,889	2,731
2. Action to date		3,768
3. Amounts assumed but not yet reported		
4. Possible total	7,889	6,449
5. Target	8,156	6,318
6. Over		181
7. Under	267	

Explanation of Difference From Target (lines 6 and 7 above).

The major reason for the difference in budget authority is that the bill provides a lower level of funding for International Financing Institutions than had been assumed in the resolution.

As stated above, the major factor causing the increase in outlays is the later than anticipated availability of fiscal year 1979 supplemental funds and the inclusion in the bill of a $40 million economic support program for Sudan.

As a result of these and other changes in fiscal year 1980 outlays, it is now estimated that the outlays in the International Affairs function will exceed the budget resolution targets by $150 million.

IV. BUDGETARY FLOOR AMENDMENTS

None known.

V. COMPARISON WITH PRESIDENT

The bill is a reduction of $1,152 million in budget authority from the President's request of $9,040 million for these programs. Most of the reduction ($903 million) is in Contributions to International Financial Institutions.

H.R. 3434—SOCIAL SERVICES AND CHILD WELFARE AMENDMENTS OF 1979

(H. Rept. 96–136)

Committee: Ways and Means (via Appropriations).

Subcommittee: Public Assistance and Unemployment Compensation (Labor-HEW).

Chairman: Mr. Corman (California).

Ranking Minority Member: Mr. Rousselot (California).

Scheduled: Wednesday and Thursday, August 1 and 2, 1979.

I. DESCRIPTION OF BILL

The bill would (1) increase the entitlement authority for the social services (Title XX) program from a permanent level of $2.5 billion to $3.1 billion beginning in Fiscal Year 1980; (2) provide for a separate Title XX entitlement of $16 million for Puerto Rico, Guam, the Virgin Islands, and the

Northern Marianas; (3) provide an annual entitlement of $266 million for child welfare services ($141 million in Fiscal Year 1980); (4) establish a program of Federal support to encourage adoption of children with special needs; and (5) cap State and local training funds for social services, which would save $18 million in Fiscal Year 1980. Total new entitlement authority in the bill is $745 million.

II. COMPARISON WITH FIRST BUDGET RESOLUTION SPENDING TARGET

The bill is generally consistent with the provisions of the First Budget Resolution except that the Resolution assumed a $3.0 billion entitlement ceiling for the Title XX program, while the bill would provide for a $3.1 billion ceiling.

Explanation of Potential Problem. The amounts assumed in the Resolution but not yet considered by the Ways and Means Committee (line 8, below) include $263 million in legislative savings to be achieved through a series of modifications to the AFDC and SSI programs. Should these legislative savings not be realized, the Committee's NEA target would be breached. The Public Assistance Subcommittee in its welfare reform proposal has reported certain legislative savings to the full Ways and Means Committee. However, the amount of the savings is unavailable until CBO completes its cost analysis of the bill.

III. SUMMARY TABLE

[In millions of dollars]

	New entitlement authority
1. Amount in bill	$745
2. Prior action	184
3. Action to date	929
4. Target	798
5. Over	131
6. Under	---
7. Action to date	929
8. Amount assumed but not yet reported	−180
9. Possible total	749
10. Target	798
11. Over	---
12. Under	49

(a) Explanation of Difference From Target (line 12 above).

The CBO cost estimate for H.R. 3434 is $49 million less than the amounts assumed by the Ways and Means Committee for the bill in its 302(b) report.

(b) Amounts Assumed in Budget Resolution But Not Yet Considered (line 8 above).

Savings totaling $263 million in the AFDC and Child Support programs were included in the Committee's 302(b) report, offset by $83 million in spending for the SSI program. Certain of these items are included in the Welfare Reform proposal (H.R. 4904) reported from the Public Assistance Subcommittee to the full Committee on July 23.

IV. BUDGETARY FLOOR AMENDMENTS

The Rules Committee has granted a modified closed rule providing for the consideration of Committee amendments only. The Ways and Means Committee has a series of nonbudgetary technical amendments.

V. COMPARISON WITH PRESIDENT

The President proposed similar legislation which would have required $433 million in budget authority to accommodate a $2.9 billion Title XX ceiling, $141 million child welfare services program, $16 million social services program for the territories, and a cap on State and local training for social services programs.

H.R. 4440—Transportation and Related Agencies Appropriations, Fiscal Year 1980

(H. Rept. 96–272)

Committee: Appropriations.
Subcommittee: Transportation.
Chairman: Mr. Duncan (Oregon).
Ranking Minority Member: Mr. Conte (Massachusetts).
Scheduled: Monday, July 30, 1979.

I. DESCRIPTION OF BILL

This bill funds the Department of Transportation and related agencies. It provides $9,523 million in budget authority (of which $425 million is advance appropriations for urban mass transit in 1981 and $9,098 million for fiscal year 1980) and $5,846 million in outlays.

II. COMPARISON WITH 1ST BUDGET RESOLUTION SPENDING TARGET

This appropriations bill, combined with spendouts from prior appropriations and amounts assigned to the subcommittee but not yet considered, is below the subcommittee targets by $490 million in budget authority and $2 million in outlays.

Explanation of problem. No major budget problem with the bill as reported.

Explanation of Potential Problem. The potential problem with this bill is that floor amendments are very likely, and if passed will cause the possible total to exceed the Transportation subcommittee outlay target (see III. Summary Table, line 12). Further, the Function 400 targets may be breached as well (see VI. Functional Projection, line 8).

III. SUMMARY TABLE

[In millions of dollars]

	Budget authority	Outlays
1. Amount in bill	9,098	5,846
2. Prior action		11,655
3. Action to date	9,098	17,501
4. Target	9,771	17,677
5. Over		
6. Under	673	176
7. Action to date	9,098	17,501
8. Amount assumed but not yet reported	183	174
9. Possible total	9,281	17,675
10. Target	9,771	17,677
11. Over		
12. Under	490	2

(a) Explanation of Difference from Target (line 12 above).

The possible total is under the target by $490 million in budget authority. Of that, $98 million represents real program reductions. The remainder results from a financing approach which affects budget authority, but which is consistent with the program level and outlays assumed in the Resolution. It is explained as follows: The President's Budget and the Budget Resolution both assume a funding level of $700 million for the Interstate Transfer Grant program. That $700 million consists of $320 million in new budget authority and $380 million in unobligated balances of contract authority. However, the Transportation bill proposes the direct appropriation of the requested $700 million, offset by the rescission of all carryover balances of contract authority (totaling $713 million). By rescinding $713 million of unobligated balances of contract authority, the reported bill permits funding of a $700 million interstate program with a net reduction of $13 million in budget authority and makes unnecessary utilization of $380 million provided in the budget resolution.

(b) Amounts Assumed in Budget Resolution but not yet Considered (line 8 above).

The bill provides for the Panama Canal Commission on a six-month basis and is $157 million in budget authority and $149 million in outlays below the amounts assumed in the Resolution for full-year operation of the Commission. The bill does not reflect $25 million in budget authority and outlays for proposed legislation involving establishment of an oil pollution liability and compensation fund.

IV. BUDGETARY FLOOR AMENDMENTS

Congressman Howard has proposed a highway-mass transit amendment of $152 million in budget authority and an estimated $75 million in outlays. A substitute to the Howard Amendment may be offered of $243 million in budget authority and $95 million in outlays. Congressman Alexander proposes $120 million in budget authority and $25 million estimated outlay in his rural transportation amendment. AMTRAK amendments are anticipated to range from $40 million for additional routes to $200 million to freeze the system as is.

V. COMPARISON WITH PRESIDENT

This bill provides budget authority of $9,098 million, $170 million below the total requested in the President's budget. It provides $280 million more in budget authority for the Panama Canal, $347 million less for mass transportation, $150 million less for rail rehabilitation initiatives and miscellaneous increases of $47 million. The prior and new outlays associated with the bill total $17,501 million, $337 million above the President's budget. Additional outlays of $249 million are projected for the Panama Canal, $80 million for urban mass transportation programs, and $8 million miscellaneous.

VI. FUNCTIONAL PROJECTION

[In millions of dollars]

	Budget authority	Outlays
1. Amount in bill (function 400)	9,084	5,832
2. Prior action	9,196	11,068
3. Other passed and reported	877	1,123
4. Amounts assumed but not yet considered:		
Unfunded portion of Panama Canal Commission	157	149
Rescission of highway trust fund BA	−250	
5. Possible total	19,064	18,172
6. Function 400 target	19,450	18,200
7. Over		
8. Under	386	28

Prior action (line 2 above) includes permanent (mostly highway trust fund amounts), outlays from prior-year appropriations, and receipts attributable to the Panama Canal bill.

Other passed and reported bills (line 3 above) include the HUD and State-Justice Appropriations bills, which passed, and the Air Noise bill which was reported.

Amounts assumed but not yet considered (line 4 above) include $157 million in budget authority and $149 million in outlays for the unfunded portion of the Panama Canal Commission, and also a reduction of $250 million through the rescission of Highway Trust Fund budget authority. If this rescission, included in the budget resolution assumptions, is not effected, then the amount remaining in this function is significantly decreased.

H.R. 4388—Conference Report on Energy and Water Development Appropriations, Fiscal Year 1980

(H. Rept. 96–338)

Committee: Appropriations.
Subcommittee: Energy and Water Development.

Chairman: Mr. Bevill (Alabama).

Ranking Minority Member: Mr. Myers (Indiana).

Scheduled: Monday, July 30, 1979.

I. DESCRIPTION OF BILL

The conference report for this bill provides Fiscal Year 1980 appropriations for all Department of Energy programs except those related to fossil fuel research and energy conservation; for water resources programs of the Corps of Engineers and the Bureau of Reclamation; and for a variety of independent agencies and commissions. In total, the conference report provides $10,799 in budget authority and $5,866 million in estimated outlays.

II. COMPARISON WITH FIRST BUDGET RESOLUTION SPENDING TARGET

The conference report for this bill, combined with spendouts from prior appropriations, is under the subcommittee targets by $434 million in budget authority and $113 million in outlays.

Explanation of Problem: No major budget problem with the bill as reported.

III. SUMMARY TABLE

[In millions of dollars]

	Budget authority	Outlays
1. Amount in bill	10,799	5,866
2. Prior action		3,984
3. Action to date	10,799	9,850
4. Target	11,583	9,913
5. Over		
6. Under	784	63
7. Action to date	10,799	9,850
8. Amount assumed but not yet reported	350	−50
9. Possible total	11,149	9,800
10. Target	11,583	9,913
11. Over		
12. Under	434	113

(a) Explanation of Difference from Target.

The difference between the possible total and the subcommittee target consists of: $191 million attributable to energy programs because of program reductions, the use of unobligated balances, and deferral of funding for the Clinch River Breeder; $238 million attributable primarily to water resources programs because of incremental funding as opposed to full funding for the new water project construction starts; and $61 million related to the Department of Energy's defense activities.

(b) Amounts Assumed in Budget Resolution but Not Yet Considered.

Amounts assumed in the Resolution but not yet considered consist of two items. The first is $300 million in budget authority assumed for the Spent Fuel Storage Fund. Funding of this item was deferred pending enactment of authorizing legislation. The second item is $50 million for emergency flood control.

There are two additional contingencies not specifically assumed in the First Budget Resolution. First is the funding for continuation or termination of the Clinch River Breeder project, which depends on the outcome of the Department of Energy Authorization Bill for Fiscal Year 1980 now being considered by the House. Some level of appropriations may be required for this project in a supplemental.

A second contingency is an item reported in disagreement by the conferees of the Energy-Water Appropriations Bill which, if the House recedes to the Senate position as stated in the conference report, will add another $57 million to the bill total for funding of the new Hart Senate Office building. The addition of this last item will still allow the bill plus items assumed but not yet considered to remain significantly below subcommittee targets.

IV. BUDGETARY FLOOR AMENDMENTS

Not applicable to conference reports.

V. COMPARISON WITH PRESIDENT

The conference report is $701 million in budget authority below the President's request of $11,500 million.

H.R. 3236—DISABILITY INSURANCE AMENDMENTS OF 1979

(H. Rept. 96-100)

Committee: Ways and Means.

Subcommittee: Social Security.

Chairman: Mr. Pickle (Texas).

Ranking Minority Member: Mr. Archer (Texas).

Scheduled: Wednesday and Thursday, August 1 and 2, 1979.

I. DESCRIPTION OF BILL

This bill amends the Social Security Act to provide better work incentives and improved accountability in the Disability Insurance (DI) program. Fiscal year 1980 benefit savings are estimated by CBO to be $80 million in outlays but administrative costs and the impact on other programs in the first year of implementation will be $104 million. Total annual savings in fiscal year 1984 on a unified budget basis will be $1.1 billion.

II. COMPARISON WITH FIRST BUDGET RESOLUTION SPENDING TARGET

The Resolution assumed legislative savings of $62 million in the Disability Insurance program, as recommended by the Committee on Ways and Means in the March 15 report. Primarily because of reestimates by the Social Security Administration of the administrative costs associated with the bill, the first year savings to the Disability Insurance Trust Fund will be $17 million.

III. SUMMARY TABLE

Impact on disability insurance trust fund outlays

[In millions of dollars]

1. Amount in bill	−$17
2. Action to date	0
3. Amount assumed but not yet reported	0
4. Possible total	−17
5. Target (legislative savings)	−62
6. Over	+45
7. Under	0

(a) Explanation of Difference From Target (line 6 above).

The bill exceeds the target primarily because of a reestimate by the Social Security Administration of the administrative costs associated with the bill.

(b) Amounts assumed in Budget Resolution but not yet Considered (line 3 above).

No additional legislation pertaining to Social Security is assumed in the Resolution.

IV. BUDGETARY FLOOR AMENDMENTS

Mr. Simon may offer an amendment to delay the implementation of section 13 of the bill by one year. That section would reimburse state vocational rehabilitation agencies for having rehabilitated a disabled recipient only if that recipient has successfully returned to work. This provision would become effective in fiscal year 1981 under the reported bill.

V. COMPARISON WITH PRESIDENT

The President proposed to save $34 million through changes to the Disability Insurance program and $608 million through changes to the Old Age and Survivors Insurance program.

H.R. 4040—DEPARTMENT OF DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1980

(H. Rept. 96-166)

Committee: Armed Services.

Chairman: Mr. Price (Illinois).

Ranking Minority Member: Mr. Bob Wilson (California).

Scheduled: Wednesday and Thursday, August 1 and 2, 1979.

I. DESCRIPTION OF BILL

The entitlement provisions of this bill would provide $16 million for increased stipends for members of the Armed Forces Health Scholarship program and special pay for medical officers serving on active duty obligation resulting from a medical education program.

II. COMPARISON WITH FIRST BUDGET RESOLUTION SPENDING TARGET

The new entitlement authority (NEA) provisions of the bill are consistent with the Budget Resolution and the NEA target of the Armed Services Committee.

Explanation of Problem: No major budget problem with the bill as reported.

III. SUMMARY TABLE

[In millions of dollars]

	New entitlement authority
1. Amount in bill	$16
2. Prior action	--
3. Action to date	16
4. Target	99
5. Over	--
6. Under	83
7. Action to date	16
8. Amount assumed but not yet reported	83
9. Possible total	99
10. Target	99
11. Over	--
12. Under	--

(a) Explanation of Difference From Target (line 12 above).

No difference.

(b) Amounts Assumed in Budget Resolution But not Yet Considered (line 8 above).

The resolution included $128 million for a variety of personnel benefits and for a revision of the Officer Personnel Act. In addition, the resolution assumed a legislative saving of $45 million by changing the cost-of-living adjustment for military retirees from semi-annually to annually.

IV. BUDGETARY FLOOR AMENDMENTS

None known at this time.

V. COMPARISON WITH PRESIDENT

The President's budget did not include the budgetary impact of this legislation.●

TRIBUTE TO GEORGE E. NORMAN, JR.

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. PREYER. Mr. Speaker, in sharing with my colleagues remarks about an outstanding citizen, I do not do so in the usual sense of saluting a fine member of a particular community, but I address myself to the larger sense of commitment of one whose high standards and personal involvement in civic affairs epitomize the kind of citizen of whom all in America can be proud. One who has successfully combined an outstanding business career with involvement in and advocacy of so many goals important in our society. The fine qualities which I

address today are embodied in George E. Norman, Jr., of Greensboro, N.C.

George made time, for we do not just "find" time for such pursuits to aid those less fortunate through his presidency of both Goodwill Industries Rehabilitation Center and the United Way of Greater Greensboro and his board membership of the Greensboro Cerebral Palsy School; he made time to further excellence in education through board membership of Greensboro College, Oak Ridge Academy, Guilford College, Appalachian State University, the North Carolina State University Engineering Foundation and as president of the Greensboro YMCA; he made time to enhance our appreciation of the arts through board membership and chairmanship of the North Carolina Symphony Society, the United Arts Council of Greensboro and the Eastern Music Festival. He made time to work toward cohesiveness between business and government through his leadership in the North Carolina Textile Manufacturers Association, North Carolina Energy Policy Council, American National Metrics Council, and the Greensboro Chamber of Commerce. These are some of the areas George Norman is active in and they exemplify his expansive approach to living. It is not a wonder that in 1973 he was designated outstanding Civic Leader of Greensboro.

George Norman made time to improve the quality of life and that is why I have made time to honor him on the occasion of his retirement from Burlington Industries, Inc. During his 41 years as an executive with Burlington, his expertise proved invaluable in myriad areas including his most recent role as vice president of public affairs. This role was particularly suited to him since he has always held the belief that personal involvement as well as corporate involvement in the community and all levels of government is essential. He proved many times that business and government can work as partners instead of as opponents and he proved that one individual can make a difference. George Norman's total emersion in all aspects of life bring to mind the phrase "a man for all seasons." I salute George Norman and on behalf of the citizens of North Carolina use this public forum to express my best wishes to a good friend on his retirement.●

AID TO COMMUNIST COUNTRIES

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. PAUL. Mr. Speaker, the House is in the midst of debating a foreign aid bill which includes funds for international banks and eventually Communist countries. It is also debating the Export Administration Act amendments which would loosen up the controls over the export of our security-related technology, and committees of the House are holding hearings on legislation to grant credits, loans, and loan guarantees to Communist countries.

In the midst of this I would like to call the Members' attention to some words from Lenin that recently appeared in the Daily News Digest, published by W. A. Johnson, P.O. Box 39027, Phoenix, Ariz. 85069. When are we going to stop this policy of national suicide?

LENIN PREDICTED WE WOULD

In the July 3 Chicago Sun-Times appeared an AP story which said: "In late summer, along the Volga River 500 miles east of Moscow, work will begin on a factory that eventually will turn out thousands of oil drill bits. The $144 million facility is being designed and equipped by Dresser Industries of Dallas.

"One critic contends that the factory, built solely with U.S. technology, one day could make projectiles that could penetrate the latest American tank. Others contend the drill bits will help increase Soviet oil production, which eventually could hurt U.S. interests."

This, and other stories like it dealing with ball-bearing plants, truck plants (Kama River plant), etc., are getting some press, but—for the most part—the American people are not aware of just how heavily dependent upon us the Soviets really are.

When they find out about high-technology computer sales or critical optional equipment sales, they are surprised our Government would not only allow such a thing, but encourage it! Now, the same type of sales will begin with Red China.

There was one person who knew this would happen. Lenin!

From a newspaper column your editor wrote in early 1965, comes the following as translated by Yury P. Annekov. Said Lenin:

"The so-called cultured elements of Western Europe and America are incapable of comprehending the present state of affairs and the actual balance of forces; these elements must be regarded as deaf-mutes and treated accordingly.

"A revolution never develops along a direct line, by continuous expansion, but forms a chain of outbursts and withdrawals, attacks and lulls, during which the revolutionary forces gain strength in preparation for their final victory.

"It is necessary to resort to special maneuvers capable of accelerating our victory over capitalist countries. We must:

"(A) In order to placate the deaf-mutes, proclaim the (fictional) separation of our government and governmental institutions (the Council of Peoples Commissars, etc.) from the Party and Politburo and, in particular, from the Comintern, declaring these latter agencies to be independent political groups which are tolerated on the territory of the Soviet Socialist Republics. The deaf-mutes will believe it.

"(B) Express a desire for the immediate resumption of diplomatic relations with capitalist countries on the basis of complete non-interference in their internal affairs. Again, the deaf-mutes will believe it. They will even be delighted and will fling wide open their doors, through which emissaries of the Comintern and Party intelligence agencies will quickly infiltrate into these countries disguised as our diplomatic, cultural and trade representatives.

"Speaking the truth is a pretty bourgeois prejudice. A lie, on the other hand, is often justified by the end. Capitalists the world over and their governments will, in their desire to win the Soviet market, shut their eyes to the above-mentioned activities and will thus be turned into deaf-mutes.

"They will furnish credits, which will serve us a means of supporting the Communist parties in their countries, and by supplying us with materials and techniques which are not available to us, will rebuild our war industry which is essential for our future attacks on our suppliers.

"In other words, they will be laboring to prepare their own suicide."

Startlingly accurate, wasn't he? Those words were written sometime before Lenin died on January 21, 1924. Documents published in the mid-60s which now appear in "Lenin's Collected Works, Vol. 42", reveal that he had formulated the above stated theme as early as December 21, 1920.

All this should be considered by our Senators while they are "debating" the SALT II treaty.

A letter of encouragement from our readers to their Senators will help things greatly. If your Senator doesn't believe Lenin actually said these things, tell him to have the Library of Congress research it for him.

No Communist, whether Soviet or Red Chinese, means us any good. Either Washington realizes this for the fact that it is, or we're doomed to suicide or slavery. It's just that simple.●

MONDALE AT GENEVA: A CLARION CALL FOR JUSTICE

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. SOLARZ. Mr. Speaker, I was privileged to participate as one of the congressional members of the U.S. delegation to the United Nations' sponsored conference on refugees in Geneva last week. This conference will go down in the annals of history not only as the most successful international refugee conference of all times, but as the only successful refugee conference ever held.

The success of the Geneva Conference was in large measure due to the outstanding leadership of the President and the Vice President of the United States whose tireless efforts and diligent diplomacy focused the attention of the world community on alleviating the human tragedy which has engulfed Southeast Asia with over 375,000 Indochinese refugees.

Vice President MONDALE, in an outstanding address to the delegates of the 65 nations at Geneva, sounded a clarion call for this conference to go beyond the posturing and legalisms of previous refugee conferences. He reminded the world of the disasterous results of the Evian Conference of 1938, which failed to alleviate the plight of 500,000 German Jews and thus facilitated Hitler's implementation of the "final solution"—the destruction of 6 million European Jews.

It is a tribute to the strong human rights commitment and moral integrity of this administration, so ably demonstrated by the Vice President in Geneva, that the U.S. efforts this time produced concrete actions that will alleviate the sufferings of the Vietnamese, Laotians, and Cambodians forced to flee from their homelands. And this time our leadership produced a significant humanitarian response from the other nations of the world, who pledged to resettle 100,000 more refugees and to meet the increased costs for care and maintenance of the

refugees provided by the United Nations High Commission on Refugees.

Mr. Speaker, I include the text of the Vice President's statement at Geneva to be included in today's RECORD so that my colleagues who may not have had an opportunity to read it, might do so. I think this brief speech is one of the clearest indications that we in the United States have learned from history, and will never again allow a "holocaust" to systematically destroy thousands of human beings while we sit idly by.

The statement follows:

Once again the countries of the world turn to the United Nations. When problems touch the whole human community, no other forum provides a vision more encompassing. When national interests conflict and collide, no institution convenes us with greater moral authority. The United Nations is often criticized, and sometimes even maligned. But the common ground it provides us deserves our thanks and our praise. On behalf of the United States—and, I believe, on behalf of all nations in the world community—I thank Secretary-General Waldheim and High Commissioner Hartling for their leadership in convening us here today.

Mr. Secretary-General, some tragedies defy the imagination. Some misery so surpasses the grasp of reason that language itself breaks beneath the strain. Instead, we grasp for metaphors. Instead, we speak the inaudible dialect of the human heart.

Today we confront such a tragedy. In virtually all the world's languages, desperate new expressions have been born. "A barbed-wire bondage," "an archipelago of despair," "a flood-tide of human misery": with this new coinage our language is enriched, and our civilization is impoverished.

"The boat people." "The land people." The phrases are new, but unfortunately their precedent in the annals of shame is not. Forty-one years ago this very week, another international conference on Lake Geneva concluded its deliberations. Thirty-two "nations of asylum" convened at Evian to save the doomed Jews of Nazi Germany and Austria. On the eve of the conference, Hitler flung the challenge in the world's face. He said, "I can only hope that the other world, which has such deep sympathy for these criminals will at least be generous enough to convert this sympathy into practical aid." We have each heard similar arguments about the plight of the refugees in Indochina.

At stake at Evian were both human lives—and the decency and self-respect of the civilized world. If each nation at Evian had agreed on that day to take in 17,000 Jews at once, every Jew in the Reich could have been saved. As one American observer wrote, "It is heartbreaking to think of the . . . desperate human beings . . . waiting in suspense for what happens at Evian. But the question they underline is not simply humanitarian . . . It is a test of civilization."

At Evian, they began with high hopes. But they failed the test of civilization.

The civilized world hid in the cloak of legalisms. Two nations said they had reached the saturation point for Jewish refugees. Four nations said they would accept experienced agricultural workers only. One would only accept immigrants who had been baptized. Three declared intellectuals and merchants to be undesirable new citizens. One nation feared that an influx of Jews would arouse antisemitic feelings. And one delegate said this: 'As we have not real racial problem, we are not desirous of importing one.'

As the delegates left Evian, Hitler again goaded 'the other world' for 'oozing sympathy for the poor, tormented people, but remaining hard and obdurate when it comes to helping them.' Days later, the 'final solution to the Jewish problem' was conceived, and soon the night closed in.

Let us not re-enact their error. Let us not be the heirs to their shame.

To alleviate the tragedy in Southeast Asia, we all have a part to play. The United States is committed doing its share, just as we have done for generations. 'Mother of exiles' it says on the pedestal of the Statue of Liberty at the port of New York. The American people have already welcomed over 200,000 Indochinese. Their talent and their energies immeasurably enrich our nation.

We are preparing to welcome another 168,000 refugees in the coming year. The governors and the Members of Congress in our delegation—as well as outstanding religious and civic leaders throughout America—are a symbol of the enduring commitment of President Carter and the American people.

Many nations represented here have risen to history's test, accepting substantial numbers of refugees. The ASEAN states, China, and Hong Kong have offered safety and asylum to over half a million refugees from Vietnam, Laos and Kampuchea since 1975. And others have opened their doors.

But the growing exodus from Indochina still outstrips international efforts. We must work together, or the suffering will mount. Unless we all do more, the risk of fresh conflict will arise and the stability of Southeast Asia will erode. Unless this conference gives birth to new commitments, and not simply new metaphors, we will inherit the scorn of Evian. It is a time for action, not words.

I would like to outline seven areas where action is needed.

First and foremost, the fundamental responsibility must rest with the authorities of Indochina, particularly the government of the Socialist Republic of Vietnam. That government is failing to ensure the human rights of its people. Its callous and irresponsible policies are compelling countless citizens to forsake everything they treasure, to risk their lives, and to flee into the unknown.

There must be an immediate moratorium on the further expulsion of people from Vietnam. We must stop the drownings and establish a humane emigration program. The policy of expulsion which has led to so many tragic deaths must end. It must be replaced by a policy which enables those who wish to leave their homes to do so—in safety, and by choice and in an orderly manner.

At the same time, we must not forget the land people driven from their homeland by conflict and foreign invasion. The nations of the world must promote a political settlement in Kampuchea. The survival of a whole people is in grave doubt. Neither the Pol Pot nor Hang Samrin regimes represents the Cambodian people. The conflict, and the human tragedy in its wake, must stop. The international community must not tolerate forced expulsion of entire populations. I call on all governments to allow normal free emigration and family reunification. My government supports efforts to negotiate a program of orderly direct departures from Vietnam—but not at the expense of those in camps elsewhere in Southeast Asia already awaiting resettlement, and not as part of a program of expulsion of ethnic or political groups.

Second, I urge the countries of first asylum to continue to provide temporary safe haven to all refugees. The compassion these nations have shown earn them the respect and admiration of the world's community. But these nations cannot bear this responsibility alone. We call on them to persist in their spirit of humanity so that our common effort can proceed.

Therefore, third, the rest of us must provide assurances to first-asylum countries that the refugees will find new homes within a reasonable period of time. To meet this objective, we call on all nations to double their resettlement commitment, as the United States has already done. Moreover, we must all be prepared to commit ourselves to multi-year resettlement programs—for the problem will not be solved quickly. The United States government is now seeking that authority.

Fourth, each of us must make a greater contribution to the relief efforts of the United Nations High Commissioner for Refugees. The UNHCR will need increased resources now and in the coming years to care for growing refugee populations, and to alleviate the misery in refugee camps. The UNHCR may require an estimated $400 million for its Indochina programs in 1980.

To do our part to help, I am privileged to announce today that my government will ask our Congress to allocate $105 million for those programs—more than double our current effort. We are also ready to assign highly qualified Peace Corps volunteers to work in the camps in Southeast Asia—to work not only with the individual countries, but also in the programs of the UN High Commissioner. We urge other nations to undertake similar programs of support.

Fifth, it is essential that we relieve pressures on existing camps and create a network of new transit centers for refugees destined for permanent resettlement elsewhere. Given the magnitude of the refugee population, such centers must accommodate at least 250,000 refugees. My government has endorsed the initiative of the ASEAN states for UN-sponsored refugee processing centers. President Carter applauds the government of the Philippines for the bold and exemplary steps it has taken—a model of responsible world leadership. Today I am especially pleased to announce that we are requesting more than $20 million from the Congress to finance our share of such new UNHCR facilities.

Sixth, we must extend refugee resettlement to nations who are ready to receive them—but who do not have the resources to do so. Today, on behalf of the United States government, I propose the creation of an international Refugee Resettlement Fund. If other nations join us, we will ask our Congress for contributions to the Fund totalling $20 million for the first year. We ask today that other nations match us. We recommend that the Fund be capitalized at $200 million. This Fund could, for example, endow an international corporation which would help developing countries embark on their planning and secure additional resources for this high humanitarian purpose.

Seventh, and above all, we must act to protect the lives of those who seek safety. The United States is acting vigorously to save refugees from exposure and starvation and drowning and death at sea. As Commander-in-Chief of the military, the President of the United States has dramatically strengthened his orders to our Navy to help the drowning and the desperate. Today the President has ordered four additional ships from the Military Sealift Command to be dispatched to the South China Sea—where they will be available both to transport tens of thousands of refugees from camps to refugee processing centers, and to assist refugees at sea. At the same time, the President has also ordered long-range Navy aircraft to fly patrols to locate and seek help for refugee boats in distress. And the President is asking our private shipping industry and unions to persist with their time-honored efforts to help refugees at sea. We appeal to other governments to do the same—and to accept for resettlement those who are picked up.

Mr. Secretary-General, fellow delegates, in conclusion let me reiterate two points.

First, the international community must not tolerate this forced expulsion. We call upon Vietnam to cease those policies which condemn so many to flee. There must be an immediate moratorium on expulsions.

The freedom to emigrate is a fundamental

human right. But no nation is blind to the difference between free emigration and forced exodus. Let us impose a moratorium on that exodus. Let us have a breathing spell during which all of us—governments, voluntary agencies, and private individuals alike—mobilize our generosity and relieve the human misery. And let us urge the government of Vietnam to honor the inalienable human rights at the core of every civilized society.

Second, our children will deal harshly with us if we fail. The conference at Evian forty-one years ago took place amidst the same comfort and beauty we enjoy at our own deliberations today. One observer at those proceedings—moved by the contrast between the setting and the task—said this:

"These poor people and these great principles seem so far away. To one who has attended other conferences on Lake Geneva, the most striking thing on the eve of this one is that the atmosphere is so much like the others."

Let us not be like the others. Let us renounce that legacy of shame. Let us reach beyond metaphor. Let us honor the moral principles we inherit. Let us do something meaningful—something profound—to stem this misery. We face a world problem. Let us fashion a world solution.

History will not forgive us if we fail. History will not forget us if we succeed.●

HOUSE SHOULD EXPEL DIGGS

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. BEREUTER. Mr. Speaker, due to transportation problems, I was absent from part of today's session and missed the vote on the motion to table a resolution calling for the expulsion of Congressman CHARLES DIGGS. Had I been present, I was prepared to speak in support of the motion to expel Mr. DIGGS. I would, therefore, like to have the text of my remarks placed in the RECORD at this point:

The House Committee on Standards of Official Conduct has reported a resolution, H.Res. 378, which is to be considered tomorrow. The resolution provides for the censure of Mr. DIGGS and requires him to repay the House for funds from his clerkhire allowance which were used illegally.

In view of the fact that Mr. DIGGS has been convicted in U.S. District Court on 29 counts of mail fraud and false statement and in view of his own admission of guilt to the House Committee that he had misused the taxpayers' money, I believe the motion to censure is far too lenient and that a motion to expel should also be in order.

Indeed, I find it totally unacceptable that the House Leadership has persistently thwarted our efforts to seek a vote on a motion to expel Mr. DIGGS. It did so earlier this year by allowing the entire matter to be referred to the Standards Committee. Now that the committee has made its recommendations, our motion to expel should also be in order.

The misconduct of Charles DIGGS reflects on the House of Representatives as a whole. Each member should have an opportunity to cast a vote—for expulsion or censure. As it is, the Leadership would have us vote only on the motion to censure—a parliamentary maneuver that only clouds the true feelings of the House on the serious charges and actions of Mr. DIGGS.

Our institutions of government, and has been operating under a cloud of suspicion specifically the Congress of the United States, for many years, largely because of various scandals involving its membership. Americans demand and have every right to expect that their elected representatives serve with dignity, integrity and honor. When one member disgraces those traditions, it reflects poorly on every elected official. It, therefore, becomes the duty of the institutional body in question to take appropriate action to insure that the public's trust in our elected officials is not violated by the inexcusable actions of one.

I do not believe a convicted felon (as is Mr. DIGGS at this point, pending appeals) should be allowed to serve in the Congress of the United States. This is particularly true of an individual whose conviction relates to his service in the House of Representatives.

His admission of guilt with respect to the misuse of his staff allowances, coupled with his earlier conviction, in my view, indicate that he has violated the public's trust, and that he should no longer serve in this body. I hope that we will have an opportunity to vote on the motion to expel.●

An editorial appearing in the Omaha World Herald earlier this year stated: "It is no advertisement for democracy that the United States has a convicted felon helping to write its laws." I suggest that this is the crux of the decision facing each member of the House of Representatives as we decide what action to take against Mr. DIGGS.

TRIBUTE TO WILLIE MAYS

HON. BILL ROYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. ROYER. Mr. Speaker, today I want to recognize a great athlete and a great American who will be inducted into the Baseball Hall of Fame on August 5, 1979, Willie Mays. I consider it a great privilege to count Willie Mays among my closest friends, and it will be with great pride that I will be accompanying Willie to Cooperstown next month where he will receive the highest honor that organized baseball can accord a player.

Of course, it is most appropriate that Willie Mays be placed in the Baseball Hall of Fame, because he has been not only an outstanding athlete during his full and lengthy career, but also because he was and is a model of the highest caliber for our Nation's youth. Willie is an honest, humble, man, a man possessed not only of great athletic ability, who gave his all in every game, but also a man who possesses and shares great personal warmth and spirit.

Willie Mays was not a bonus baby; he was not a dilettante or free-agent, big-money specialist. He was, and is, only the best center-fielder ever to wear a uniform. In this day and age of the petulant performer, of player strikes and hair-dryer clauses in player contracts, it is refreshing and invigorating to look back fondly at Willie Mays playing his heart out, every day, so well, so often, to the thrill and admiration of all who watched him on the field or listened to the broadcast, huddled close to the family radio. How we all wanted to play like Willie Mays.

We cannot go back to those days—they are gone forever. But we can and must honor the man who most symbolizes true sportsmanship and ability in American baseball—Willie Mays—and it is my great honor and privilege to do so today.●

OIL IMPORT QUOTAS, CRUDE OIL DECONTROL AND HIGHER PRICES

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. ROSENTHAL. Mr. Speaker, I wish to bring to my colleagues' attention a very cogent statement prepared by Frank Collins of the Oil, Chemical, and Atomic Workers. The statement is worthy of your full consideration since history supports this presentation.

CRUDE OIL DECONTROL AND THE OIL IMPORT QUOTA

The decontrol of domestic crude oil combined with an oil import quota as proposed by President Carter would be far more costly to consumers and more dangerous to the economy than most people seem to be aware of at the present time.

The cuts in imports over the next ten years of the size proposed by Carter cannot possibly be made up for by increased domestic production, conservation or by synfuels within this time frame. This means that there would be a long continuing crude oil shortage for refiners. As the level of crude imports would be set by the quota, refiners would bid up the price of available domestic crude. The OPEC price would thus become the floor for the price of domestic crude, not the ceiling.

Under the condition of a permanent shortage of crude oil in the U.S. produced by the proposed import quota, it is clear that crude costs in the U.S. would reach levels far above those of the rest of the world. Deregulation of U.S. crude would therefore not only place control of U.S. crude oil pricing in the hands of OPEC, it would be far worse. U.S. crude prices would be the arbitrary prices of OPEC plus an incalculable amount because of bidding up in the U.S. market under scarcity conditions. The more severe the import quota cutback, the higher would be the differential between the OPEC and the U.S. price.

The cost to the consumers would be magnified by the effect of an oil imports quota on top of the phased deregulation of crude oil. The figure of $209 billion by 1985 which is the latest estimated cost of crude oil decontrol is predicated on OPEC prices rising no higher than $23.50. The sum of $209 billion already represents $1000 per person in the U.S. or $4000 for a family of four.

The existence of an import quota scheduled to reduce oil imports by 4.5 million b/d by 1990 would guarantee U.S. oil prices rising far beyond $23.50 by 1985. Deregulation of crude oil plus an oil imports quota would insure an economic disaster, unless reversed by Congress.

American business, outside of foreign oil importers and domestic oil producers, will be gravely harmed by the Administration's crude oil decontrol plus crude oil import quotas. As one example, domestic refiners using high priced domestic crude will be competing against oil product imports from foreign refiners using lower cost OPEC crude. Similarly, petrochemical producers will be

competing against foreign producers using lower priced feedstocks.

U.S. industry is highly energy intensive. If the Administration program for oil decontrol and import quotas is allowed to continue, American industry will be at an impossible competitive disadvantage against foreign industry using lower priced oil outside the quota barrier.

The Administration proposal for oil import quotas makes the continuation of price controls on domestic crude absolutely imperative.●

GREENING THE SOUTH BRONX

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. GARCIA. Mr. Speaker, I found an article in the most recent edition of the Sierra Bulletin, the magazine published by the Sierra Club, which asks probably the most important question that may be asked about community self-help in the south Bronx. That question is, "What can we do to help?" While the efforts of our community based groups have been widely recognized in the areas of community and tenant organization, appropriate technology and urban revitalization, they need, and no less than yesterday, the continued support of the Federal Government. But the task with which they are faced, and which they have taken on, is not only one of urban revitalization. It is the task of their personal and community revitalization—a regeneration of their personal and community pride. And the answer to the question asked by the Sierra Club is not only an answer to the people of the south Bronx, it is an answer to all urban America.

At a time when economic difficulties are pervasive and growing, we should all be asking this question, and actively seeking the answer.

GREENING THE SOUTH BRONX

(John Holtzclaw)

From City Care in Detroit I ventured back to the burned out, impoverished South Bronx to watch neighborhood people transform the carcasses and rubble of old tenements into living neighborhoods.

At the conference, Ramon Rueda, head of People's Development Corporation (PDC, 500 E. 167th St. New York, 10456), had spoken powerfully for conservation, solar power, neighborhood control and elimination of nuclear power. I went to visit PDC, where it is happening.

PDC's headquarters (and workshop) is a beehive of activity when I arrive. Job assignments are being meted out to workers. Ramon prepares to leave for a meeting with city officials. Others are writing a financial proposal. The payroll is being prepared. A planning conference is in session. The office hums. All are Puerto Ricans and blacks from the neighborhood. It is hard to believe that these were "unskilled" and unmotivated until recently—in an area written off as hopeless.

Victor, assigned to show me around, manages the crew rehabilitating a gutted old apartment house on Washington Avenue. The workers' spirits and enthusiasm are high; they are building spacious modern apartments that they can purchase with "sweat equity" (equity earned by labor) or rent at reasonable prices. Many materials recycled from nearby buildings are used; cabinets and other parts are built in PDC's woodshop.

Down the street stands a handsome six-story apartment house PDC recently completed. It is well-insulated; on its roof, solar panels heat water for direct use and for central heating. Don't tell these people that solar power isn't ready!

Fresh out of high school and unskilled, Victor helped build an earlier apartment house; now he manages construction of this one—only the second apartment house he's worked on—and attends college. His sights are set on law school. This is not the too-common ghetto story of helplessness, of residents victimized and worn down by a brutal world over which they have no control. This is a story of residents in a nine-block area rebelling, organizing, and building a future for which they take responsibility.

PDC has helped to organize tenants in other buildings to weatherize and improve those structures, and thus stabilize their tenancy. They've built parks on abandoned lots: they run a recycling program and are starting a solar greenhouse to grow organic vegetables, fish, earthworms, rabbits and poultry. They are seeking additional federal and city funds to expand even further, they want their neighborhood enterprises to include a laundromat, a pharmacy, a food service, a restaurant, a bakery, a security service, a credit union and child-care and youth-training programs.

Thoroughly inspired, I then visit the office of another dynamic friend from City Care—Irma Fleck, head of the Bronx Frontier Development Corporation (1080 Leggett Ave., New York 10474). This is another neighborhood success story.

In their newly rehabilitated offices above a railroad yard, recently "unskilled" black, Puerto Rican and white workers are busy preparing the Bronx Frontier's annual report and planning this year's work and activities.

From here, Irma takes me to "The Ranch" along the East River with its excellent view of Manhattan, where they compost leaves and the wastes from vegetable markets and sewage plants. A windmill is being constructed to power the huge composting operation, to sell electricity to Con Edison and as a model for teaching the fundamentals of wind power.

Irma drives me by an abandoned lot. Though wedged between apartment houses, it is blossoming as a neighborhood garden. With Bronx Frontier's botanical advice, the neighbors cultivate and harvest crops for their own consumption. Beats those high grocery bills.

A half-block down the street, Irma stops in front of a rubble-strewn lot, the ruins of a previous building. From a stoop next door two women yell, "Why don't you help us make a garden here?" Irma yells back. "We'll have the bulldozers here in three weeks!" And they will. With neighborhood help, they'll clear the lot, crush the rock and brick and mix it with their composted fertilizer. Neighbors will plant another urban garden.

Bronx Frontier has converted an old bookmobile into a traveling kitchen. They teach cooking and nutrition to more than 500 people each week. They are developing job-training programs for young minority adults and helping law "offenders" return to society as productive workers.

By organizing and taking control of their local environment, neighborhoods are creating skilled, proud and responsible residents, improved environments, cleaner air, reduced crime, green spaces, food and power. And they are helping to reduce sprawl and to conserve land, energy and resources. Certainly an urban environmentalist's dream.

What can we do to help? We can get involved in our own neighborhoods. Direct interested people to those, like Ramon Rueda and Irma Fleck, who have succeeded, and to environmental organizations such as the Sierra Club, the Trust for Public Land (82 2nd St., San Francisco, California 94105) or the Institute for Local Self-Reliance (1717 18th St. NW., Washington, DC 20009).

GAO REPORT SUBSTANTIATES NEED FOR RESEARCH AMENDMENT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. DINGELL. Mr. Speaker, I am pleased to insert in the CONGRESSIONAL RECORD my statement regarding the release Friday, July 27, 1979, by the General Accounting Office of its report which includes major findings, conclusions, and recommendations that automatic occupant restraint devices, such as airbags, require more testing, research, and development.

I commend this information to my colleagues and further suggest they obtain a copy of the GAO report itself. The document clearly underscores the need for more testing and research and substantiates the necessity that the House adopt the amendment that Congressman JIM BROYHILL and I will offer to the Department of Transportation appropriation bill, H.R. 4440.

The statement follows:

Congressman John D. Dingell (D-Mich.), announced Friday that the Report to the Congress, "Passive Restraints For Automobile Occupants—A Closer Look," as released by the General Accounting Office Friday, substantiates the absolute necessity for the House to adopt the research, testing and development amendment that he and Congressman Jim Broyhill (R-N.C.), will offer to the DOT Appropriations bill scheduled Monday, July 30.

Their amendment delays for one year, fiscal year 1980, any further funds for implementation or enforcement of the Federal automobile standard that requires devices, such as air bags, in automobiles. The amendment would not restrict actions on the portion of the standard that would permit safety belts. The amendment further requires more research, testing and development of passive or automatic restraint devices. Dingell and Broyhill agree that this is the major purpose of their amendment—to ensure safe and effective restraint devices for motoring consumers.

One of the main concerns Dingell has expressed and which is expressed in the GAO report, is the as yet unsolved problem of air bags injuring or killing out-of-position occupants, especially children, in front seats of cars. Recent General Motors and Volvo car crash tests, using pigs as surrogates for children, resulted in pigs being killed. Seven died of liver damage or other causes in the GM tests.

Dingell added that he is suspicious that there may be other evidence of problems with air bag tests buried in DOT files and that he is conducting a full research investigation of NHTSA.

Dingell has advised his colleagues in the House, "GAO has provided excellent responses to the DOT/NHTSA comments on the report."

Dingell released the major findings, recommendations and conclusions of GAO re-

garding the problems found in the DOT/NHTSA handling of the mandatory automatic occupant restraint standard, Motor Vehicle Safety Standard 208, which mandates air bags or automatic safety belts in model year 1982 passenger cars.

The GAO report says:

"Passive restraints offer life-saving and injury-prevention potential. However, Transportation's specific quantification of the benefits lends a degree of certainty not fully supported by the test data.

Moreover, testing conducted after the mandate indicates a potential danger from a deploying air bag may exist for out-of-position occupants.

Many questions are unanswered concerning the health and safety risks of using the chemical sodium azide to inflate air bags. In addition, the estimates of air bag cost and insurance savings are optimistic.

Because of the potential danger for out-of-position occupants, GAO recommends that the Secretary require additional testing by the National Highway Traffic Safety Administration on this problem. Depending on the outcome of this testing, the Secretary should consider appropriate modifications to the passive restraint standard including, if warranted, additional performance requirements covering the out-of-position occupant problem."

Dingell said the GAO recommends that the Secretary of Transportation establish a "task force" to develop an evaluation plan to ascertain the safety and effectiveness of passive restraints, like the air bag and automatic belts and that the Secretary "make modifications to the standard where warranted."

GAO also recommends that the Environmental Protective Agency and the Secretary of Labor, Occupational Safety and Health Administration, give "high priority . . . to additional research on sodium azide to measure its health and safety risks." It is suspected that sodium azide, used to deploy air bags in frontal crashes, may be a cancer causing agent.

GAO criticizes DOT/NHTSA for relying too heavily on "laboratory test data and engineering judgments." NHTSA has little field test data.

GAO says:

"The Safety Administration's estimate that passive restraints, when installed in all cars, will prevent about 9,000 deaths and 65,000 serious injuries annually may not prove to be accurate in actual experience. Although passive restraints have been tested extensively, most testing was on air bags rather than automatic seat belts. Results of these tests support the conclusion that air bags offer potential to save lives and prevent injuries in frontal collisions. However, the conclusion as to the extent of these benefits and the benefits in other types of crashes was based largely on subjective judgment. This introduces a great deal of uncertainty into the estimates because:

Laboratory crash conditions provide a simplified and limited simulation of real crash conditions.

Emphasis on testing air bag systems in small cars is lacking and extrapolating test data from large cars to small cars is difficult.

Biomechanical knowledge about human responses in crashes and human tolerances to injuries is limited.

The uncertainties involved in trying to estimate passive restraint effectiveness is compounded by the lack of field data depicting system performance in the real world. Current real world data for air bags is still too limited to support a reliable estimate of effectiveness in reducing serious and fatal injuries. Although more real world data exists on automatic seat belts, the data must be reviewed with caution because experience is limited."

"What this GAO report released today clearly recommends to Congress is that the amendment Congressman Broyhill and I will offer to the DOT Appropriations bill should be enacted to ensure consumers that another year of testing, at least, is required on passive restraints, especially the costly and questionable air bag," said Dingell.

"It is obvious from the report that further information as to the effectiveness of these occupant safety devices is needed by insurance companies regarding the claim by some that they will offer savings on insurance premiums to consumers who insure cars equipped with such passive restraints.

"What is a shocking revelation in the GAO report is tnat NHTSA and, I will quote the report, 'the Department (DOT) disagrees that the Safety Administration should perform additional testing on the out-of-position occupant problem. It (DOT/NHTSA) believes the appropriate way to handle this problem is to monitor the industry's development and testing programs and to test the production systems when they become available.' "

The GAO report continues:

"The Safety Administration has had independent testing done in establishing performance criteria for the normally seated front seat occupants. GAO does not understand its reluctance to carry out further testing to determine whether similar performance criteria is needed for the out-of-position occupant.

The Department must also do its own independent testing to assess the seriousness of the problem and develop, if necessary, requirements for out-of-position occupants in the passive restraint standard."

The GAO report also states:

"The National Transportation Board also commented on GAO's draft report and found no points of contradiction or conflict between the data presented in the report and the Board's material on the passive restraint mandate."

Dingell concluded, "Congress must ensure the consumer that safety devices are no hazard themselves to occupants and that they are effective."●

REGULATIONS TO ESTABLISH A MORE UNIFORM PERSONNEL SYSTEM IN THE AGENCY FOR INTERNATIONAL DEVELOPMENT

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. HARRIS. Mr. Speaker, I would like to direct the attention of my colleagues to the regulations which have been promulgated in the Agency for International Development (AID) pursuant to enactment of the International Development and Food Assistance Act of 1978. Under the act, AID was directed to establish a unified personnel system for AID employees.

Cognizant of the overseas mission of the agency and the fact that regular rotation of the overseas element is an important factor in the career development of the Foreign Service, a number of Washington-based positions have been designated for overseas people back in the United States on rotation. It should be noted that Washington-based employees who currently hold positions which have been designated for this purpose will not be adversely affected since an indefinite "grandfather" clause correctly serves as their protection unless a voluntary option for overseas service is exercised.

Despite my support for the concept of a more uniform system which has been created pursuant to enactment of the law, I would like to express my concern over the impact of this system on EEO and upward mobility programs. The system would encumber the more important and senior positions for the overseas component on rotation. Thus, Washington-based AID employees could be stymied in their career progression due to the existence of designated positions.

I will be closely monitoring the effects of the new system on the Washington-based corps. I want to be sure that the opportunity and incentive to move into the overseas component of AID is afforded to those employees who are currently in the Washington component. I believe all qualified AID employees who aspire to the Foreign Service should be provided with ample opportunity for career development within the Agency for International Development.●

OIL IMPORTS VERIFICATION ACT OF 1979

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. GARCIA. Mr. Speaker, today I am introducing legislation which will provide us with critical information on our oil imports. This legislation, entitled, "Oil Imports Vertification Act of 1979," reinstitutes the data gathering functions of the Customs Service which was lifted by Customs Commissioner Chasen, following President Carter's temporary duty suspension on oil imports. While duties were being collected on oil imports we were provided with a basis of comparison for the data provided to us by the Energy Information Administration, which is provided to them by the oil industry. However, when the President suspended the duty on imported oil, Customs Commissioner Chasen relieved customs inspectors of their data gathering responsibilities so that we now have the same information coming out of the Treasury Department that comes out of the Department of Energy—oil company figures.

Commissioner Chasen justified this administrative change by saying that it would save us the cost of overtime salaries of customs inspectors which sometimes far exceed regular salaries. This is one solution to the problem of tremendous overtime costs, however the decision to implement the administrative change could not have taken into account the impact it would have on our oil import information. Instead of decreasing this information we should be making every effort to increasing and clarifying it. This can be done by making a comparison between the oil industry

supplied information and the information collected by customs inspectors on a regular basis, and accounting for the differences between them. And as long as our oil import dependency continues to threaten us with the degree of economic disruption that we have recently experienced, we should seek reasons for any discrepancies in the information that the American people are receiving.

The Oil Imports Verification Act of 1979 would, therefore, require Customs to continue to collect oil import information, regardless of the status of duties. In addition, it would require the General Accounting Office, on a quarterly basis, to make a comparison between the data reported to the Commerce Department by Customs and the data reported to the Energy Information Administration by the oil companies on a quarterly basis.

The legislation I am introducing follows:

H.R. —

That section 501 of the Energy Policy and Conservation Act (42 U.S.C. 6382) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c)(1) The Comptroller General shall establish a program to determine and reconcile any differences in—

"(A) the data on the volumes of petroleum products imported into the United States which is collected and published by the Energy Information Administration of the Department of Energy, and

"(B) such data which is collected by the United States Customs Service of the Department of the Treasury and published by the Bureau of the Census.

"(2) Each calendar quarter, the Comptroller General shall prepare and transmit to the Congress a report setting forth any differences in petroleum product import data identified under such program together with explanation of such differences.".

SEC. 2. (a) Within 90 days after the date of the enactment of this Act, the Commissioner of Customs shall establish and implement a program for the collection and verification of data on the total volumes of all petroleum products imported into the United States. Such program shall—

(1) provide for the collection of such information by actual examination (and bills of lading and other evidence of imports) or by any other reasonable method designed to assure the most accurate data is collected, and

(2) remain in effect whether or not any tariff or other fee on the importation of petroleum products is in effect.

(b) Until the program under subsection (a) is implemented, the United States Customs Service shall collect and verify data on the volumes of imported petroleum products to the same extent and in the same manner as that data was collected and verified by the Service before March 31, 1979.

(c) For purposes of this section, the term "petroleum product" has the meaning given it in section 3(3) of the Energy Policy and Conservation Act (42 U.S.C. 6202(3)).●

TRIBUTE TO THE AMVETS

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. MOTTL. Mr. Speaker, I would like to take this opportunity to pay tribute to the AMVETS on the occasion of this organization's 35th anniversary of dedicated and distinguished service to the Nation and its veterans.

The AMVETS' motto is: "We fought together, now let's build togeter for a greater America." That is just what the men and women of AMVETS have been doing since a small group of World War II veterans met in Kansas City, Mo., to form this national veterans organization.

The charter of AMVETS as a World War II veterans organization was signed by President Truman, after congressional enactment, on July 23, 1947. The AMVETS charter was subsequently amended in 1951 and 1966, to incorporate veterans of the Korean and Vietnam wars. Now nearly every State and several foreign countries have AMVETS posts. In areas including rehabilitation, employment and education of veterans, and in general community service, the AMVETS has built an exemplary record of public service. AMVETS works closely with subsidiary organizations, the Auxiliary, the Sons of AMVETS, the Junior AMVETS, the Sad Sacks and the Sackettes.

As a member of the House Committee on Veterans' Affairs, I am particularly honored and pleased to have the AMVETS 35th Anniversary National Convention in Cleveland, scheduled for August 19–26. I believe I am expressing the sentiments of all my colleagues in the House, when I extend AMVETS all good wishes for a fine August convention.●

ENERGY ANSWER MAN

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. PAUL. Mr. Speaker, Mr. Lynn Ashby, the Houston Post's popular columnist, recently wrote an article on the President's energy program that struck a responsive chord in many Houstonians.

I would like to bring it to my colleagues' attention:

[From the Houston Post, July 18, 1979]

LYNN ASHBY: ANSWER MAN

A lot of you are confused over the president's latest energy program, including the proposed new federal agencies he wants to establish. I wish for once you'd stop relying on me for leadership. Anyway, once again, as the Answer Man, I shall take questions from the audience. Fire away:

How does President Carter plan to solve the energy shortage?

He wants to create three new federal agencies, an Energy Security Corp., an Energy Mobilization Board and a Solar Bank.

What will they do?

They are specifically designed to cut through government red tape and thus make it easier, save time and streamline our pursuit of energy.

How will they do that?

Simple. Say you want to drill for oil. You go to the Energy Mobilization Board (EMB) which will contact the Energy Security Corp. (ESC), the Department of Energy (DOE), the Environmental Protection Agency (EPA) and touch base with the Solar Bank, sending copies to the Pentagon, FBI and EEOC. They will then reach a decision on whether there is any oil down there, and respond.

Respond to whom?

Your grandchildren.

Do we really need more federal agencies?

Yes. Not only will it solve the energy problem, but it will make great inroads into the unemployment problem. There are now 2,776,000 civilian federal employees. Each new job means one more vote, and will help the president with his own unemployment problem.

But we already have the new Department of Energy. Why can't it do the job?

The DOE has 20,000 employees and a budget of $10.4 billion. That's more money than the profits of the nation's seven largest oil companies. Since creation of the DOE, America has assumed a unique position.

What's that?

We are the only country in the world with lines at gas stations.

Was creation of the DOE one of the president's campaign promises?

No. He only promised what he could realistically achieve. He promised to cut taxes, balance the budget, restore confidence in government and reduce the federal bureaucracy.

Anything else?

Well, yes. He promised the National Education Association (NEA) that he would create a Cabinet-level Department of Education. It is about to clear Congress and will have a first-year budget of $14.5 billion with 15,000 employees.

Who wants a Department of Education?

Mostly the leaders and employees of the NEA.

Why?

Chiefly because leaders and employees of the NEA will then become leaders and employees of the Department of Education.

How do the people who actually run our schools, colleges and universities feel about a new Washington educational agency?

Those who are not testifying before various federal judges and bureaus, or who are not filling out forms and meeting quotas, tell me that if Washington, George, had operated like Washington, D.C., we'd all be driving on the left-hand side of the street.

Getting back to energy, what will these new federal agencies do?

For one thing, they will handle money from the windfall profits tax, which the president says will raise between $146 billion and $270 billion. It comes to $650 to $1,205 per person.

But the oil companies are making a lot of money. They can afford it.

Actually, they won't pay a penny of it. It will be money you pay at the gas pump—taxes disguised as profits. The oil companies will keep about a third of it and pass the rest on to the federal treasury. In effect, the oil companies will be tax collectors for Uncle Sam.

Why don't we just pay Washington direct?

You obviously don't know much about politics. If Congress passed a law making your family of four pay the government an extra $4,820 in before-tax dollars, there'd be a revolution. This way, you will be mad at the oil companies instead of President Carter and Congress.

Will the oil companies suffer?

Yes. Some of them may have to postpone entry into the U.N.

But if the government is going to get most of the money, then whose "windfall" is it?

Next question.

But if the oil companies are coming out ahead, and the government is coming out ahead, the president gets lots of votes out of it, who's looking after us?

Funny you should ask. President Carter plans to establish a Cabinet-level Federal

Oil Consumers Protection Bureau and Anti-Ripoff Department. It will have a work force of 43,000 and an annual budget of $4.5 billion. It will also seek new ways to cut taxes, balance the budget, restore confidence in government and reduce the federal bureaucracy.●

PLEDGE TO HOLD PRICES A RESTRAINT OF TRADE?

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. RUSSO. Mr. Speaker, I am taking the floor today to describe a situation that has me mystified. I do not know whether I should break out into tears or laughter.

Recently, a group of homebuilders in Chicago decided to try and join the fight against inflation as we all have been encouraged to do. They all signed a voluntary pledge to hold their prices for a period of 60 days. No one agreed to fix prices, merely not to raise current ones. This was publicly acknowledged by all who signed the pledge. Did they receive congratulations for their efforts? No, instead "Big Brother" arrived at the door.

The regional director of the Federal Trade Commission wrote all the signers and said there were implications of restraint of trade. In addition, he was concerned they might be harming consumers. He asked them to withdraw from the pledge by signing a draft letter he had enclosed or severe actions would follow.

I am putting the pertinent correspondence in the RECORD so everyone can see the sorry state we are in. Here is another case of the Federal Government talking out of both sides of its mouth:

PASQUINELLI CONSTRUCTION CO.,
Lansing, Ill., July 11, 1979.

Hon. MARTY RUSSO,
Cannon Building,
Washington, D.C.

DEAR CONGRESSMAN RUSSO: This year, we have all been concerned over the effects of inflation. I have been hearing Alfred Kahn's remarks on television with regard to fighting inflation. He insisted that everyone seems to think that curbing inflation is "the other persons" job.

At our General Membership Meeting of the Home Builders of Greater Chicago, a thought occurred to us that it would be a good time to offer the President of the United States, through his representative, Jay Janis, Undersecretary of HUD, a pledge, wherein each individual homebuilder would pledge to at least hold his prices for the next 60 days. At subsequent meetings of the group, I suggested that other industries, such as retailers, distributors, in fact, anyone concerned with fighting inflation, be encouraged to sign such a pledge. It was my thought that all signatories would at least hold their prices for 60 days, and lower them to fit market conditions.

In the past, in the face of recession, the business community, instead of stabilizing prices and reducing prices have, in fact, raised prices in an attempt to compensate for lost profits. The term for the condition caused by this type of philosophy is stagflation. It was my hope to prevent this condition and have our economic markets more closely adhere to supply and demand conditions.

I am enclosing a copy of a letter received by our company from the Federal Trade Commission, Chicago Regional Office, from a Mr. Paul W. Turley, Regional Director, where he indicated, and I quote, "We are seriously concerned about the restraint-of-trade implications arising from this pledge. It is illegal for two or more companies to act together to affect prices, regardless of whether prices are raised, depressed, fixed, pegged, or stabilized. We are also exploring the possibility that some consumers may have been economically injured by the pledge."

My attorney's reply is also enclosed. You will note that in his reply to the Federal Trade Commission, he quotes from Alfred Kahn's prepared text delivered to the Board of Directors of the National Association of Home Builders on May 22, 1979 as follows:

"I would like, in closing, to call your attention to the pledge this month by a number of builders in the Chicago area to hold their prices for a period of at least 60 days, while maintaining the quality and overall integrity of their product. Only a gesture? Perhaps. But it is a reflection of the fundamental truth that is going to take the efforts of all of us, working together, to bring inflation under control. When we succeed—and we will—every one of us will have reason to be just a little bit prouder—of himself, and of our country."

It seems in this country, you're damned if you do and you're damned if you don't. For 20 years, I have been trying to build homes for the first home buyer market. I am very concerned about the effects of inflation on the ability of the 60 to 70% of the market to buy homes. That 60-70% of the market is the first home buyer.

I would appreciate your calling this to the attention of the Federal Trade Commission and airing my concern of the over-regulation and over-anticipation of every citizens' acts by government bureaucracies and the stifle-ment of the good intention of the public.

Yours very truly,
BRUNO A. PASQUINELLI,
President.

FEDERAL TRADE COMMISSION,
Chicago, Ill., June 15, 1979.

BRUNO PASQUINELLI,
President, Pasquinelli Construction Co.,
Lansing, Ill.

DEAR MR. PASQUINELLI: The Chicago Regional Office of the Federal Trade Commission is conducting an investigation of the pledge by the members of the Builders Committee to Fight Infation to hold prices for at least sixty days. Enclosed is a copy of the pledge, which includes your name as a signatory.

We are seriously concerned about the restraint-of-trade implications arising from this pledge. It is illegal for two or more companies to act together to affect prices, regardless of whether prices are raised, depressed, fixed, pegged, or stabilized. We are also exploring the possibility that some consumers may have been economically injured by the pledge.

Unless the signatories are able to establish that each of them has withdrawn from the pledge and that they will not engage in discussions of pricing or other sales policies with any competitor in the future, we will recommend that the Commission seek an injunction. Enclosed is a model letter which a signatory could use to establish these facts. Each signatory, acting independently, should present this office with such a letter by June 25, 1979. This letter is being requested to assist Commission staff in determining the need to seek an injunction. Submission of the letter will not terminate the investigation.

If you or your attorney has any questions regarding this matter, please contact one of the following staff attorneys: Jim Leonard, 353-5576 and Peggy Summers, 353-3775.

Sincerely yours,
PAUL W. TURLEY,
Regional Director,
Chicago Regional Office.

Mr. PAUL W. TURLEY,
Regional Director, Federal Trade Commission, Chicago, Ill.

DEAR MR. TURLEY: On [date] I responded, as [your title] of [your company], an [correct state] corporation, to a request by the Builders Committee to Fight Inflation that I join them in a pledge to hold prices on my company's product for at least 60 days, while maintaining all standard items as well as quality of materials and overall integrity of the product. In signing the pledge I did not intentd to engage in any activity or behavior that would be contrary to the best interest of the public and did not believe that our pledge to hold prices was improper.

The staff of the Federal Trade Commission has called to my attention the possibility that the pledge may be in violation of the laws enforced by that agency. In response to that notification I hereby withdraw my signature from the document titled "Builders Anti-Inflation Pledge". The future actions of [your company] will in no way be governed by that pledge. Neither I nor [your company] will engage in any activity regarding pricing policy or any other sales policies with any competitor.

This letter may be used by the Federal Trade Commission or its staff for purposes of notifying the other signatories or the general public of [your company's] withdrawal from the aforementioned pledge.

Very truly yours,

——— ———.●

LEGISLATION TO PROHIBIT THE INTERSTATE TRANSPORTATION AND USE OF STOLEN AIRLINE TICKETS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. MURPHY of New York. Mr. Speaker, one of the most pressing criminal problems faced by the American transportation industry today is the use of counterfeit, altered, fraudulent, lost, or stolen airline tickets, particularly those which have been channeled through a travel agency. The cost to the airlines, and ultimately to the American traveler, runs into many millions of dollars per month. The legislation which I introduct today addresses the problem directly by amending the United States Code to specifically include such tickets within title 18's prohibition of the transportation or use of such negotiable instruments.

While one would presume such tickets, if stolen, to fall under the ordinary criminal codes, the law does not operate on such presumptions. There exists a somewhat grey area in the theft of a blank ticket which has no specific value attached to it until it is filled in with a travel itinerary and then actually used in interstate commerce. Such blanks might be used for just a few dollars in excess baggage charges, or for a few thousand dollars for a round-the-world trip.

My legislation would expand the definition of the term "security" in title 18 to include airline tickets and the blank ticket forms. Since airline tickets are as good as cash, or stolen securities, they should be treated as negotiable instruments under Federal law. It is urgent that such items be included in the criminal code so that travel agencies, the commercial air travel industry, and the traveling public at large can be protected in an effort to halt this immense diversion of tickets for criminal use. Until it becomes a Federal criminal offense, the FBI is effectively blocked from entering the investigation of what is generally considered to be a local crime.

Up until now, ticket thieves have been handled simply as petty offenders. A very basic problem is that there has been no central control of airline tickets; each carrier operates its own accounting system independently, and accepts on good faith the value of every other carrier's tickets without so much as a passing inquiry as to the legitimacy of each ticket. Even more critical is the fact that each theft is handled locally, by a police department with no cooperative methods of cross-checking such tickets—each investigative acts and reacts independently.

My bill would allow the Federal Bureau of Investigation and the Justice Department to investigate and prosecute those involved in trafficking in stolen and counterfeit tickets. Under the penalty provisions of section 2315, title 18, violators would be subject to a $10,000 fine and/or 10 years in jail for the theft, sale, or receipt of stolen tickets. Additionally, because this activity generally involves the crossing of State lines, a separate $10,000 fine and/or 10 years is added for interstate trafficking, per section 2314 of title 18.

There is presently no effective legal control over the printing, issuance or distribution of airline ticket stock. The Air Transport Association's efforts to institute such controls have been less than effective. Traffic in stolen and counterfeit tickets has become quite commonplace, with the bulk of the problem attributed to organized crime. The professional criminal has spotted a lucrative business with a very low profile, a low chance of being caught, and he has moved into the field with a vengeance.

While outright counterfeits are a definite problem, the main source of illegal supplies is the theft of ticket stock, both from the individual airlines and from ATA stocks generally handled by travel agencies. All ATA tickets are printed by an outside firm, and then distributed in bulk directly to travel agencies which handle airline business. It is that distribution process which spawns the greatest percentage of losses, with tickets disappearing between the printers and the agencies.

Transporters such as United Parcel Service and Wings and Wheels have exhibited atrocious records of tickets stolen in transit, whether from theft by conspiracy or by simple mishandling. The subsequent sale and/or use of these stolen and lost tickets costs the airlines millions of dollars, which, in the long run, is subsidized by the paying passenger in increased costs of tickets.

Although the ATA generally limits the number of tickets on hand in an agency, a popular criminal gambit has been to simply purchase a small agency, sell all the available ticket stock in a short period of time, make no payments to the airlines, and close up the agency. The airlines must honor the tickets without compensation, since they are legitimate and are generally used for travel well before the nonpayment by the agency is discovered in the accounting process. Then the agency claims corporate financial difficulties or declares bankruptcy. The operation is so familiar to police that they have given it a special name: a "bustout operation."

Recent cases in my own city of New York illustrate the scope of the problem: Seven thousand stolen tickets and 175 persons involved in one case; 900 tickets missing from one agency; 250 tickets from another; 1,500 from yet another, and 1,825 from another.

Other cities have been hit just as hard: Los Angeles airport had $3 million in stolen tickets go through just that single location recently; police indicate it is not at all unusual to turn up theft rings with over $1 million in tickets on hand.

The problem is quite clear, and I believe a major step toward its solution is incorporated in this legislation. Tickets have been poorly handled and accounted for in transport; armed robberies have plagued travel agencies; and Federal, State and local law enforcement agencies have been hampered by an indefinite status of stolen tickets, as well as a lack of coordination in handling a racket which, by its very nature, ranges not only nationwide, but worldwide.

The legislation which I propose today will place such tickets in the realm of Federal law, and thus add some teeth to the prosecution of criminals who are heaping massive economic losses on the transportation industry and on the American public.●

PROBLEMS—SAME EVERYWHERE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. BOB WILSON. Mr. Speaker, I draw your attention to the following editorial:

[From the Times Advocate, July 8, 1979]

PROBLEMS THE SAME EVERYWHERE

What became crystal clear a few days ago when Rep. Clair Burgener addressed more than 100 persons in Grape Day Park was that Escondido's problems are identical to those of Americans from all 50 states.

What also surfaced for the sixth consecutive year at the Escondido Chamber of Commerce's annual Congressional Luncheon is that Burgener is more than a cut above your average veteran politician. Burgener was well-prepared and quick to answer a barrage of questions tossed at him by area newspeople.

Despite some tough questions, Burgener was ready. He obviously relished the challenge; the congressman was at his best, doing what he likes best—facing his constituents and addressing them on a personal basis.

Burgener made it clear throughout his question-answer session that our problems are every American's problems: inflation, energy, mortgage rates, housing, etc. He tackled each of the nation's problem areas thoughtfully, and once again he displayed his class by refusing to blame a Democratic president for all of the country's ills.

When asked for his comments on President Carter's surprising decision to cancel his scheduled energy talk on television last Thursday night, Burgener said the action caught him off-guard, but that Carter was wise to delay the address if he wasn't fully prepared or if all of the new issues regarding the crisis weren't in full focus. "I hope that he just needed a little more time before sharing new solutions with the American public," Burgener said.

The congressman also defended Carter when it was pointed out that his most recent rating in the area of leadership (an ABC–TV–Harris Poll survey) placed him lower than Richard Nixon during his darkest days in the White House.

"I believe Congress is as much to blame as the president for many of our problems," Burgener bristled, "especially in the areas of the economy and energy. We have to do our part, too. I didn't support Mr. Carter in the last election and I won't be supporting him next year, but I take no delight or glee in the failures of our president. I want him to succeed, just as I want all of our presidents to succeed."

That's the Clair Burgener that voters have supported so strongly at the polls in past elections. He was admitting that the United States is facing one of the most difficult periods in its history, and he was asking Congress, the press and the public to share with this administration and past administrations in the blame for the difficulties.

Burgener was laying it on the line. It was painful to some, but it was forthright and honest, two of the congressman's greatest traits.

Clair Burgener was telling the small gathering in Grape Day Park that we DO have common problems in this country and that we have to address those problems as a team. With people like Burgener in Washington, D.C., perhaps we can yet conquer many of these crises.●

CITY OF LOS ANGELES WATER RIGHTS LEGISLATION

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. PATTERSON. Mr. Speaker, H.R. 4938, which I introduced on July 24, 1979, will remove restrictions on Federal lands in Mono County, Calif. Additionally, the bill will protect major investments of the city of Los Angeles in water aqueducts and hydroelectric generation facilities. H.R. 4938 is identical to H.R. 13521, introduced during the 95th Congress, which was supported by both the Los Angeles City Council and the Mono County Board of Supervisors.

Because of the semiarid desert characteristics of southern California, the city of Los Angeles depends on long aqueducts to deliver over 85 percent of its water supply. It is fitting to note that both the Owens Valley aqueduct and Mono Basin aqueduct extension were constructed exclusively with city of Los Angeles funds. No Federal financial assistance was involved. Additionally, in

this era of chronic energy shortages, the hydroelectric generation facilities of the system produce a major portion of the energy needs for the city of Los Angeles. Because the transmission of water through the aqueduct is a gravity system, the energy production by the aqueduct's hydroelectric generation facilities is a completely energy efficient by-product of the project. Additionally, the operation of the entire aqueduct and hydroelectric system is closely coordinated with State and Federal agencies to maximize fish, wildlife, and recreational opportunities.

Because much of the rural land in California is in Federal ownership, Congress in 1906 passed legislation to aid the city in gaining the necessary rights-of-way over Federal lands intersected by the first aqueduct built to carry water from the Owens Valley to Los Angeles. Similar legislation was passed to aid the metropolitan water district in gaining rights-of-way for the construction of the Colorado River aqueduct. In June 1936, Congress passed additional legislation which authorized the sale of certain Federal lands to the city of Los Angeles for the construction of the Mono Basin extension of the Los Angeles Owens River aqueduct. H.R. 4938 will repeal the 1936 act, since the sale of Federal lands to the city of Los Angeles is no longer necessary, while preserving to the city of Los Angeles all of its existing rights.●

LAND AND WATER CONSERVATION FUND CUT

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. DAVIS of Michigan. Mr. Speaker, it was with disappointment that I learned of the adoption by the Interior Appropriations Subcommittee of a funding level for the Land and Water Conservation Fund $159 million below what was budgeted for fiscal 1980.

While I applaud the efforts of the subcommittee to contribute to the effort at cutting wasteful spending, I believe they have made a mistake in selecting this program as one which justifies a cut. The Land and Water Conservation Fund has proved to be a popular, responsible and successful program and is of tremendous importance to local units of government. The need for an adequate level of funding for the program cannot be stressed enough. In my home State of Michigan, the proposed cut would result in a funding level of $6.2 million, compared to the current level of $12.4 million. Applications for the coming year in Michigan total at this time $20.5 million. At a period when we are all experiencing the effects of inflation and recognizing the fact that rising costs extend to construction and development projects, one can only describe the effect this cut would have as devastating.

It should be pointed out, also, that this program has already experienced a cut. The administrations budget request represented a proposed funding level for the Land and Water Conservation Fund 19 percent below the actual fiscal 1979 level.

This program is especially important to small communities that must work within extremely tight budget constraints. The ability to utilize this source of matching funds presents an opportunity to these small communities to provide recreational facilities to local residents that are easily accessible, an important point when considering our current energy situation.

Perhaps most important of all to me is the capacity of this program to encourage increased employment opportunities. In my congressional district which includes counties experiencing an unemployment rate of as high as 25 percent, the prospect of jobs is our most important priority. The State portion of the Land and Water Conservation Fund has proven to have a much greater impact on creating new jobs; when a locality commits money and resources to provision of a new recreational area, it also commits itself to hiring the personnel needed for operating and managing these new facilities.

Mr. Speaker, again let me state my support of the intentions of the subcommittee in looking for ways to cut back on spending, however this is one program that should not be reduced. I hope that the Senate provides for a funding level at least equal to the budget request and urge House conferees on this bill to agree to an adequate level of funding for the program.●

THE LITTLE-KNOWN HISTORY OF ATOMIC ACCIDENTS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. WEISS. Mr. Speaker, along with several of my colleagues I am today initiating a public information project that will offer the most comprehensive available account of the health consequences of nuclear research and development in our Nation.

This little-known history of atomic accidents will provide a context in which Congress and the American people will be better able to make informed judgments about the future course of atomic energy and weaponry.

Each day throughout the remainder of this session of the 96th Congress, I or one of my fellow participants in this project will introduce into the CONGRESSIONAL RECORD a detailed, documented account of a particular mishap involving nuclear materials. This catalog of atomic accidents, some of which have had profound environmental and public health consequences, has been compiled by Mr. Leo Goodman who has consented to share his work with us and with the American people.

Mr. Goodman's survey is the product of more than 25 years of painstaking research. Each of the incidents is a matter of public record and every one has been checked for authenticity. Sources and supporting data are cited in each case.

Many of the accidents Mr. Goodman presents went unreported at the time of their occurrence. Some were deliberately covered up by officials who feared the governmental and public response to the incidents. Others were initially classified as secret and have since been released. All have been previously recorded in various publications, although several of the accidents are discussed in technical journals or esoteric works not readily available to interested parties.

Mr. Goodman's work is unique and of enormous value in that it catalogs in one place some 1,400 atomic incidents involving radiation contamination.

As we will see, thousands of people have been seriously contaminated as a result of these radiation releases. Many individuals have died, while an unknown number have suffered debilitating illnesses caused by their exposure. Unfortunately and quite crucially, there is no way of knowing exactly how many persons have received these radiation dosages, nor is it possible to state with any real accuracy how all of these people were affected.

Because of the shroud of secrecy that has cloaked atomic research over the past three decades, we will probably never know who has developed what illnesses during the course of this 35-year undertaking.

But we will now—at long last—have some idea of the extent and frequency of atomic accidents and their consequences.

I believe and hope that publication of this little-known history will give us all a much deeper understanding of atomic fission's awesome potential for destruction and death. We will learn, for example, that the recent events at Three Mile Island were not unprecedented nor even particularly unusual. The radiation release there differed from hundreds of others compiled by Mr. Goodman only in that it contaminated more people and a larger area than has previously been the case.

I hope, too, that many of my colleagues and many Americans who have remained supportive of or at least neutral toward atomic energy development will begin to reconsider their position as this chronicle unfolds. In any event, I am sure that Mr. Goodman's work will spur needed discussion of the dangers inherent in our attempts to harness the atom for both energy and weaponry purposes.

Despite his exhaustive research in compiling this history, Mr. Goodman points out that the record is not yet complete. I ask that any of my colleagues or any readers of the RECORD who may have additional information about these incidents or others contact me.

Here, then, is the first installment in the little-known history of atomic accidents:

[Excerpt]

ATOMIC ACCIDENT NO. 1—MELTING URANIUM SPRAYS WORKERS IN DETROIT

Development of the extruding technique for uranium was partly done in Detroit, where the senior metallurgist of Wolverine Tube Company, James F. Shumar, was recruited for the uranium project by Ed Creutz of the Chicago group. The workers

at Wolverine never learned exactly what this peculiar metal that Schumar referred to only as "tuballoy" was. It sparked so beautifully, however, that machinists began taking pieces to make flints for their cigarette lighters. When the horrified Schumar discovered this, he immediately confiscated their highly radioactive flints.

The metallurgists did not know much more than the machinists. When Creutz first visited Wolverine, bringing a uranium billet to be extruded, nobody knew what pressure to use. After Creutz and Schumar had put the billet into the container, the press operator asked them, "You want me to give it five hundred pounds of pressure, or the full seven hundred and fifty tons?"

The two metallurgists hadn't the slightest idea. Creutz decided to go down into the pit beneath the extrusion press where he could observe what happened as the operator gave the uranium billet five hundred pounds of pressure. Nothing happened, so the operator turned on the full seven hundred and fifty tons of pressure, and suddenly sparks showered the whole area as the billet shattered into a million pieces. Creutz and a helper, their clothes smoking from the sparks, stumbled out of the pit. Creutz almost wept when he realized that the uranium, which had melted like butter, was lost beyond all recovery. "I've spent three weeks making that damned thing!" he moaned. "Now I'll have to cast another billet and come back again."

Source: "Manhattan Project," by Stephane Groeuff, Little, Brown & Co., 1967, pages 146–7.●

REGISTERING FOR THE DRAFT

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. SOLOMON. Mr. Speaker, a vital issue, which the Congress will soon face was, in my opinion, placed in proper perspective by an editorial in the Washington Star, is the issue of July 30, entitled "Registering for the Draft." In view of the urgency of this matter to the security of our Nation I would like to call it to my colleagues' attention.

The article follows:

[From the Washington Star, July 30, 1979]

REGISTERING FOR THE DRAFT

The recent debate about resuming some form of the draft or instituting national service has been fitful. The opposition often has been virulently rhetorical, while proponents have often presented their case clumsily.

Thoughtful discussion has, however, gone on in the interstices, to a degree that there is no need any longer, we think, to defer conclusion. We must pull our heads from beneath the blanket.

Pending in the House, as a rider to a weapons authorization bill, is a proposal by Rep. Sonny Montgomery, D-Ala., that would require registration of all 18-year-old males beginning in January 1981. In the Senate, a bill sponsored by Sen. Sam Nunn, D-Ga., would also require registration, but beginning next January. Neither is a draft bill. The requirement simply would be for those eligible to get on the rolls.

The White House does not want registration and, on Friday, Speaker O'Neill said he would support removal of the amendment from the weapons bill.

But we think registration is a sensible and necessary first step to dealing with a military manpower situation that is potentially devastating. "In a real sense," Senator Nunn has said, "the choice is between realistic preparation of our conventional forces, including peacetime registration, or more and more reliance on quick use of nuclear weapons."

To those still suffering from extreme post-Vietnam blahs, the possibility of American military involvement, anywhere or in any degree, is intolerable. If only the world were so simple.

Right now, U.S. military manpower deficiencies are so pronounced that we could not respond adequately to a national-security emergency. Senator Nunn does not pussy-foot: The Defense Department's present contingency mobilization plans is, he says, a "hoax."

Peacetime registration will not, of course, make whole a flawed mobilization plan and severely inadequate numbers of trained Reservists. But a peacetime registration would be a constructive approach to shoring up these shaky timbers of national defense.

Representative Montgomery has drafted a separate bill that would go beyond registration. It would provide for a partial draft—of up to 200,000 men a year for the Ready Reserve. These men would serve four to six months on active duty and then would be subject to active-duty calls for six years. Draftees would be chosen from a no-deferment lottery pool and those drafted for the Ready Reserve would receive GI educational benefits. His proposal would quickly address the deficiencies in Reserve units which would be a primary resource in an emergency.

There is nothing wrong with the Montgomery bill. But it's more feasible now to begin with registration.

Senator Nunn's proposal has been approved by the Armed Services Committee and, under a unanimous consent agreement, will become the Senate's pending business once the House acts on its registration measure. Senator Nunn wants his bill to provide a forum for full public debate on this crucial and sensitive matter, and he thinks the timing is urgent. He is right on both counts.

Is the question here—the obligation of a citizen to his nation—really as controversial among those who would be affected as shrill opponents would have us believe? ●

LETTER TO THE PRESIDENT ON THE USE OF PENALTY MAIL ENVELOPES

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mrs. SCHROEDER. Mr. Speaker, on occasion, I am sure that the Members receive letters from some Federal employees who have used the frank envelope to voice their opinions on matters we are considering or to seek their assistance. In responding to their constituents, the Member may wish to advise them that they have violated the law (18 U.S.C. 1719) in using the penalty mail envelope. This law reads as follows:

§ 1719. Franking privilege.

Whoever makes use of any official envelope, label, or indorsement authorized by law, to avoid the payment of postage or registry fee on his private letter, packet, package, or other matter in the mail, shall be fined not more than $300. (June 25, 1948, ch. 645, 62 State. 783.)

The proper use of penalty mail is discussed in 18 United States Code 3202 and the restrictions are found in 18 United States Code 3204. The text of these sections are as follows:

§ 3202. Penalty mail

(a) Subject to the limitations imposed by sections 3204 and 3207 of this title, there may be transmitted as penalty mail—

(1) official mail of—

(A) officers of the Government of the United States other than Members of Congress;

(B) the Smithsonian Institution;

(C) the Pan American Union;

(D) the Pan American Sanitary Bureau;

(E) the United States Employment Service and the system of employment offices operated by it in conformity with the provisions of sections 49–49c, 49d, 49e–49k of title 29, and all State employment systems which receive funds appropriated under authority of those sections; and

(F) any college officer or other person connected with the extension department of the college as the Secretary of Agriculture may designate to the Postal Service to the extent that the official mail consists of correspondence, bulletins, and reports for the furtherance of the purpose of sections 341–343 and 344–348 of title 7;

(2) mail relating to naturalization to be sent to the Immigration and Naturalization Service by clerks of courts addressed to the Department of Justice or the Immigration and Naturalization Service, or any official thereof;

(3) mail relating to a collection of statistics, survey, or census authorized by title 13 and addressed to the Department of Commerce or a bureau or agency thereof; and

(4) mail of State agriculture experiment stations pursuant to sections 325 and 361f of title 7.

(b) A department or officer authorized to use penalty covers may enclose them with return address to any person from or through whom official information is desired. The penalty cover may be used only to transmit the official information and endorsements relating thereto.

(c) This section does not apply to officers who receive a fixed allowance as compensation for their services including expenses of postage. (Amended Pub. L. 94–553, § 2113(e), Oct. 19, 1976, 90 Stat. 2599.)

§ 3204. Restrictions on use of penalty mail

(a) Except as otherwise provided in this section, an officer, executive department, or independent establishment of the Government of the United States may not mail, as penalty mail, any article or document unless—

(1) a request therefor has been previously received by the department or establishment; or

(2) its mailings is required by law.

(b) Subsection (a) of this section does not prohibit the mailing, as penalty mail, by an officer, executive department, or independent agency of—

(1) enclosures reasonably related to the subject matter of official correspondence;

(2) informational releases relating to the census of the United States and authorized by title 13;

(3) matter concerning the sale of Government securities;

(4) forms, blanks, and copies of statutes, rules, regulations, instructions, administrative orders, and interpretations necessary in the administration of the department or establishment;

(5) agricultural bulletins;

(6) lists of public documents offered for sale by the Superintendent of Documents;

(7) announcements of the publication of maps, atlases, and statistical and other reports offered for sale by the Federal Power Commission as authorized by section 825K of title 16; or

(8) articles or documents to educational institutions or public libraries, or to Federal, State, or other public authorities.

Because I, too, have received such mail, I have sent the following letter to President Carter:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., July 30, 1979.

Hon. JIMMY CARTER,
President, The White House, Washington, D.C.

DEAR MR. PRESIDENT: It has been recently brought to my attention that the use of penalty mail privileges by Federal employees for submitting job applications for vacancy announcements is widespread.

In my capacity as a member of the House Committee on Post Office and Civil Service, I believe it may be advisable for you to arrange a reminder to all Federal departments and agencies of the sanctions contained in 18 U.S.C. 1719 for the misuse of penalty mail. Such a reminder would be in the best interest of all taxpayers, since they ultimately pay the postage of the franked mail sent by Federal agencies.

With kind regards,
Sincerely,

PATRICIA SCHROEDER,
Congresswoman.

I hope that the President will send a memorandum to his acting top aides on this matter. These top officials should notify their personnel offices—who would see these violations more often—that such use of penalty mail is illegal. These abuses should be brought to the attention of the top officials, who, in turn, should notify the Postal Service and originating agency of the infraction. Violators should be properly reprimanded and this practice should cease.●

THE "SECRETS" OF THE IMMIGRANTS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. BOB WILSON. Mr. Speaker, I call attention of my colleagues to the following editorial:

THE "SECRETS" OF THE IMMIGRANTS

(By Michael Novak)

Persons in one ethnic group tend to do better than others in specific lines of activity, often because their own culture has for centuries carried with it special cultural training, cues, practices and even "secrets."

For example, in three important categories, immigrants from Greece are now ranked one or two among all Americans: in ownership of their own businesses; in per capita income and in years of higher education for their children. Like the Jews, Lebanese, Armenians and other Mediterranean peoples, the Greeks have long shared the culture of merchants and traders.

Families pass on the relevant attitudes, disciplines, skill and methods to their children. More than that, the families often provide capital so their children can go into business for themselves.

Indeed, one of the most important "ethnic secrets" of the Greeks might be called "ethnic banking." Ethnic banking occurs when, for finance needs one tends to turn rather to members of ones family than to banks or other public institutions. Families are their own bankers.

On the island of Crete, for example, for over 400 years, Greek families were fearful of a sudden piratical invasion in which they could lose everything. Consequently, many families kept a "buried treasure" somewhere, enough capital to get started again.

Such persons—from many ethnic groups, too—loathe having public institutions know too much about them. So when relatives need capital, the family tends to provide it privately.

Even among workingclass families, membership in a large kinship group can be worth thousands of dollars a year to each individual. One brother-in-law does aluminum siding, another is an electrician, a third is a roofer. They take care of jobs for other members of the family. Each member family benefits.

Annual income, in such circumstances, is not merely in dollars.

A second "ethnic secret" of many groups is the importance of capital formation. Selfdiscipline and rigorous savings are put into property and businesses whose capital value, over the years, will increase.

One Greek family in Washington puts the entire family to work six days a week, 12 hours a day, in a tiny restaurant. Other restaurants fail, at a high rate. By the end of the year, this family clears $35,000. Divided by the labor of two parents and three children, one might say they are working far too long and far too hard for an average of $7,000 per year per person. That is barely the minimum wage for an eight-hour day, let alone a 12-hour day.

But the family sees it differently. The family now owns its own home, too, as well as the business. Soon the children will be buying homes. Within 20 years, this family hopes to own a small conglomerate of properties, which will represent a source of capital to each succeeding generation. Of course, being Greek, they also will tell you, with a worried look, that things look prosperous today, but tomorrow it might all be taken away. Pessimism makes their creative juices run.

A third "ethnic secret" consists in attitude. Here activism in business is quite different from activism in politics. A Greek father toiling in a restaurant will hear many patronizing remarks, even supposedly humorous ethnic slurs, from well-meaning patrons. He will swallow his anger and smile and thank the customer. Everytime the customer comes back, he will receive a smile. "Don't get angry, get even" is the long-range motto. Each sight of such a customer reminds the owner: "You think you are better than I am now. But one day I will buy a house better than yours, and my children will go to better schools. And your patronage will help pay for it all."

To succeed in the economic order is 90 per cent a matter of attitude. Learning the attitudes that make for success in economic independence is at least as hard as learning those that make for political independence.

Economic activism is the natural inheritance of many ethnic groups, including the ethnic Chinese, the "boat people," who the Soviets are callously permitting their North Vietnamese clients to push out on the boiling sea. May these new immigrants enrich America with their skills and their attitudes. This is the way to get even.●

PERSONAL EXPLANATION

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. BEREUTER. Mr. Speaker, because my flight back to Washington from a weekend in my congressional district was unavoidably delayed, I missed part of today's proceedings of the House of Representatives. Two rollcall votes occurred during my absence. I wish to state for the RECORD how I would have voted in each instance:

"Yea" on H.R. 3509, the Safe Drinking Water Authorization; "nay" on the motion to table Congressman LUNGREN's resolution to expel Congressman DIGGS. I personally support the resolution to expel Mr. DIGGS and have submitted a statement for the RECORD.●

WHILE THE SLICK SPREADS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday July 30, 1979

● Mr. BIAGGI. Mr. Speaker, the lead editorial in Friday's New York Times is entitled, "While the Slick Spreads." It refers to the oil slicks from the well blowout in the Gulf of Mexico and the recent collision of two supertankers off Trinidad. Each of these incidents has resulted in massive oil spills.

The editorial highlights the fact that we have delayed too long in acting to minimize oil spills and in providing a system for compensation and cleanup. The subject has been extensively researched, studied, and analyzed. I have devoted a great deal of my time in three Congresses to it. The bill I introduced in this Congress, H.R. 85, would effectively deal with the problem. It is the Comprehensive Oil Pollution and Compensation Act referred to in the Times editorial. It has wide support.

Now is the time to act. I urge my colleagues to aid me in moving forward with this legislation as soon as possible. Why should we wait for more tankers to collide and more oil to be spilled?

The editorial follows:

WHILE THE SLICK SPREADS

The highest price the world pays for its reliance on petroleum may turn out to be the environmental damage caused by oil spills. A new record is almost certain to be set this year for the amount of oil disgorged into the seas through spills, blowouts and tanker collisions. And while the slick spreads, remedial legislation languishes in Congress.

Plain bad luck may account for Mexico's inability to cap an offshore oil well near the Yucatan that has been gushing as many as 1.2 million gallons a day into the Gulf of Mexico. But luck cannot be blamed for the succession of five tanker collisions in three months in the Caribbean, the North Atlantic and Delaware Bay. The worst of these took place last week when two supertankers carrying well over 2 million barrels of crude smashed into each other during heavy rains east of the island of Tobago.

Why do such accidents recur? However bad the storm or dense the fog, modern supertankers are equipped with advanced navigational aids and sail in well-charted waters. Size and design have little to do with tanker collisions. Earlier disasters, like the 1976 wreck of the Argo Merchant on Nantucket shoals, were attributed to safety deficiencies on aging ships. But Congress has now empowered the Coast Guard to inspect tankers that travel in American waters for compliance with safety codes.

Tanker collisions invariably result from carelessness and misjudgment. Seafaring nations moved belatedly last year to establish

international standards for seamanship that would specify the training and experience needed for each grade in the merchant marine. The accord they reached, however, will not become binding until it is ratified by 25 nations, and the United States Senate has yet to consider it.

Meanwhile, under United States law, the Coast Guard can pass upon the quality of seamanship on American-manned vessels and, as 1980, will be able to appraise standards on every oil tanker using American waters. The Coast Guard wants to evaluate the training procedures of foreign fleets, but at the moment it is still grappling with the job of translating their training manuals into English.

Yet there are more immediate steps Washington can take. A big one would be to create real incentives for oil companies and shippers to improve the quality of crews and seamanship. A powerful way to do that would be to increase liability for damage caused by deep-water spillages. That is the intent of the proposed Comprehensive Oil Pollution and Compensation Act, a measure—backed by the Administration—that would make companies pay up to $30 million in damages when spills pollute American waters. A Federal revolving fund of $200 million would be available for additional compensation, the money deriving from a three-cent-a-barrel assessment on imported oil.

Environmentalists sought a tougher measure, and the compromise means that consumers would share in paying the bills. But the cost would come out to a pittance per gallon and would help provide prudent insurance against these all-too-likely disasters. Some 700 supertankers are now in service, and oil shipments are at a record level. A similar liability measure was introduced in the last Congress but ended as unfinished business. How much more oil must be spilled, how many more ships must collide, before Congress moves?●

RABBI AND REBITZEN SIMCHA WASSERMAN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. WAXMAN. Mr. Speaker, Rabbi Simcha Wasserman's name is associated with the development of yeshivas in Europe and America, as well as wartime and post-war rescue activities.

Rabbi Simcha Wasserman is the son of the late sage, scholar, and martyr, Rabbi Elchonon Wasserman, of blessed memory. This great leader of Lithuanian Jewry knowingly sacrificed his life during the holocaust in the service of God and His Holy Torah. His son, Rabbi Simcha Wasserman, has carried on the tradition of selfless dedication.

Founded by Rabbi Wasserman in 1952, the West Coast Talmudical Seminary is from high school through a Beis Hamedrosh program and combines quality Jewish and secular teaching.

Rabbi Wasserman was born in Poland, ordained in 1929, and quickly earned a high place among the Talmudical scholars of Europe.

In 1933, he embarked on his lifelong pioneering task of establishing new yeshivahs, first in France, and after his wartime escape to the United States in Spring Valley and Washington Heights, New York and Detroit.

His organizational talents turned from the classroom to the postwar surviving remnant of European Jewry during and after the war. He helped found the Vaad Hazala, the rescue organization for European Jews set up by the American orthodox community.

In 1946, as officer for UNRRA (United Nations Relief ad Rehabilitation Administration), he worked together with top French Government leaders to aid the Jews fleeing Russia and Poland to reach haven in Palestine and the United States.

Characteristically, Rabbi Wasserman set up a string of yeshivahs in transit at that time.

In 1953, he answered a call to establish the West Coast Talmudical Seminary, thus opening an era of Torah education in this part of the country.

The new Yeshiva Ohr Elchonon in Jerusalem is the present recipient of his intense involvement.

In all of Rabbi Wasserman's challenging endeavors he has had at his side, since 1930, his illustrious wife Rebitzen Fanny Wasserman. Mrs. Wasserman is the descendant of one of Jewry's most illustrious families. Her father, the late Chief Rabbi of Navaridok, is the famed author of an authoritative commentary on the Jerusalem Talmud. Mrs. Wasserman has been not only the proverbial "Woman of Valor" to her husband, but has also pursued her own fruitful career as a Torah educator and community leader.

I ask my congressional colleagues to join me in thanking Rabbi and Mrs. Simcha Wasserman for all they have contributed during their many years in the United States. I ask also that the fellow Members join me in wishing Rabbi and Mrs. Wasserman great success in their new undertakings in Israel.●

TAXPAYERS LITIGATION AND EQUITY AWARD ACT OF 1979

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. LOWRY. Mr. Speaker, I am privileged today to introduce the "Taxpayers' Litigation and Equity Award Act of 1979."

As, Americans, we are proud that we are a Nation governed by laws. And, we are proud that our tax system, so necessary to support the justifiable aims of Government, is one that usually functions without seizures or impoundments though dependent upon the willingness to pay of those taxed.

But, in recent years, while disenchantment with Government in general has grown, disenchantment with the tax system has, in many instances, become angry resentment.

Unfortunately, most taxpayers, when they are confronted with an audit, are both reluctant and helpless to challenge a finding, even when the law would uphold their point of view. Applying their rights has in many cases become too expensive for the average American, particularly when he/she must litigate against the seemingly unlimited resources and expertise of the U.S. Government, and particularly when the costs of contesting IRS claims quickly exceeds the amount of tax in dispute. Most persons do not have the staying power of two of my constituents, Phil and Sue Long, who successfully have represented themselves nine times, only resorting to hired counsel in the last round before the Ninth Circuit Court. (Please see attachment.)

The legislation which I am introducing today is intended as a step toward restoring confidence in the tax system. It would allow any taxpayer who prevailed in an administrative appeal or in a judicial proceeding to recover the costs of litigation including any administrative appeals. Those taxpayers who thought it reasonable that they might prevail, could now challenge with the expectation that the remedy for their wrong would not result in only a pyrrhic victory, a victory which cost more to litigate than it was originally worth in tax recovery.

This bill, in most instances, provides for a limit on legal fees and a limit for hourly rates paid. The exception is those cases where the Government unreasonably focuses its vast resources in litigating an issue against a litigant of unequal bargaining power. In that instance, the taxpayer, if his assets are below a certain amount, may recover fees equivalent to that amount which the Government has spent. If there is a determination that the Government has acted unreasonably, the award comes out of IRS' appropriation.

The legislation also requires a report by the Commissioner of IRS, by the appropriate officer of the Tax Court, and by the Director of the Administrative Office of the U.S. Courts on the number of appeals and the number of awards to prevailing parties.

The report will allow an evaluation as to the effect of the legislation so that the decision required by its sunset clause may be made in an informed manner. The reporting provision will also allow Congress to keep track of whether the IRS as an Agency is making responsible decisions as to when to litigate, responsible not just in the sense of wringing more money from an already harassed taxpayer, but more reasonable in that it is more just.

Mr. Speaker, in closing, I would like to emphasize that the imbalance between the bureaucracy and the power of the average American taxpayer must be redressed. Those individual citizens of moderate income who bear the brunt of the taxes of this Nation must be able to check arbitrary Agency actions by contesting them.

Through the device of shifting the fees to the prevailing individual taxpayers, this legislation will improve our citizens access to courts and administrative proceedings. It will encourage them to vindicate their rights and not to acquiesce in a ruling which they believe to be arbitary, misguided, or unfair. And, it will, I hope, make the tax structure more responsible in its exercise of power.

The attachment follows:

[From the Washington Star, July 21, 1979]

COUPLE WIN SUIT, INTENSIFY IRS DATA BATTLE

(By E. Edward Stephens)

Susan B. Long and her husband, Philip H., of Bellevue, Wash., on May 2 won a unanimous decision in the 9th Circuit U.S. Court of Appeals at San Francisco. This "freedom of information" decision is so important that on July 6, the Internal Revenue Service asked for a rehearing by the full court.

Three days later Stephen K. Strong, Seattle lawyer for the Longs, filed a motion to strike down "the numerous false assertions of fact" stated in the rehearing petition. The motion and petition now are under consideration by the court.

Trouble started when Sue and Phil, as the Longs are widely known, invoked the Freedom of Information Act, asking IRS officials in Washington to let them examine all the information IRS had compiled in Phases 2, 3 and 4 of its Taxpayer Compliance Measurement Program, launched in 1962. TCMP is a continuing series of statistical studies on a national scale designed to measure the level of compliance by American taxpayers with federal tax laws.

When IRS officials flatly refused to let the Longs see any part of the TCMP documents, Sue and Phil hauled them into the U.S. District Court in Seattle.

As a result of this suit, they won access to TCMP statistics. But District Judge Walter T. McGovern held that IRS could not be compelled, under Freedom of Information, to disclose computer tapes and check sheets on which the statistics are based.

McGovern's primary reason for so holding was this: IRS officials had submitted to him sworn statements explaining that all of the tapes contained individual taxpayer identities, all of which would have to be removed by IRS before the Longs could see the tapes. The judge concluded that removal of the identification would be too burdensome.

It looked as if IRS had won the case. But Sue was later amazed to discover that the sworn statements of the IRS officials were false.

The truth is the original tapes made by IRS did contain taxpayer identities. But IRS had routinely and regularly made copies without such identifying information, and these copies were secretly in IRS's possession when the Longs were asking for the tapes.

Sue and Phil appealed to the 9th Circuit Court of Appeals, where Sue lost no time in revealing the truth. She demonstrated what the Longs always had emphasized—that they did not want to identify taxpayers.

She made it crystal clear that she and Phil would very seldom need to see check sheets, which did contain taxpayer identity information. She explained that it would be very easy for IRS to remove such identity data in the few instances when they might call for particular check sheets.

Not surprisingly, the three-judge circuit court reversed the district judge's decision and remanded the case to McGovern for appropriate action. Circuit Judge Anthony M. Kennedy's opinion doesn't mention the false affidavits. But, Sue said, the proof is in the record for anyone who wants to check.

Apparently irritated, the circuit court left no room for IRS officials to wriggle through the net. The court held that, even if it had been necessary for IRS to remove taxpayer identity information from the tapes, this would not have been sufficient ground for withholding the tapes and check sheets.

Sue and Phil Long are formidable foes. This is the ninth time they have beaten IRS in freedom of information cases, and it's the first time they've been represented by counsel.●

STATEMENT CONCERNING THE PALESTINIANS AND EGYPT-ISRAEL NEGOTIATIONS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. PHILIP M. CRANE. Mr. Speaker, earlier this year, I had the honor of addressing the national executive committee of the Zionist Organization of America in Chicago. During the meeting, Mr. Alleck A. Resnick, chairman of the executive committee, issued a statement concerning the Palestinians and the Egypt-Israel negotiations. The statement was made in response to an announcement by Secretary of State Cyrus Vance stating U.S. policy on the negotiations. I do not believe that the United States should attempt to impose a solution. We should insist on face-to-face negotiations without preconditions. This country can serve the parties best by providing our good offices for mediation. Those principles are embodied in Mr. Resnick's statement, which follows.

STATEMENT BY ZIONIST ORGANIZATION OF AMERICA

The president of the Zionist Organization of America, Ivan J. Novick, and Alleck A. Resnick, Chairman of its National Executive Committee, meeting in Chicago, May 27th, issued the following statement, in response to the announcement made by Secretary of State Vance regarding the Palestinians and forthcoming Egypt-Israel negotiations:

1. The Carter Administration has now publicly made clear that it is prepared to take a position relative to the Palestinians more far-reaching than previous Administrations. The statement made by Secretary of State Vance, directly and by implication, repeats the invitation for the terrorist PLO to participate in the negotiations between Egypt and Israel.

This is contrary to the spirit of Camp David, where it was decided that these sensitive issues will be carefully and cautiously negotiated during a five-year period.

The statements by Vance are an ill-conceived, unwarranted and counterproductive intrusion by the United States that could severely jeopardize the possibilities for the continuation of the peace process.

2. The statements by the American Secretary of State violate the often repeated assurances by President Carter that the Administration will maintain objectivity and impartiality. Only Egypt and Israel, conducting negotiations together and directly, without outside interference, can achieve peace. Unfortunately, the statements' by Secretary Vance place the power, prestige and influence of the United States squarely on the side of Egypt. Therefore the negotiating stage is heavily weighted against Israel at the very start of the negotiations.

3. By giving outright support to the demands of the PLO, the Secretary has deprived the U.S. of its role as mediator and has turned itself into an ally of the Arab rejectionist front thereby undermining its ally Israel and to a great extent President Sadat.

4. Although Mr. Vance represents the Administration, we raise serious questions of this trend towards accommodation of the PLO truly represents the best interest of our nation or in effect is even supported by the American people.

The issues pertaining to Judea, Samaria and Gaza are directly related to the integrity of Jerusalem as the capital of Israel. Therefore, it is not only Israel which is confronted with the Administration's stance, but every Jew throughout the world is thereby challenged.

We question if the future of the Jewish nation, as well as the future of all the Jewish people, should be decided for all time by the will and judgment of a solitary individual, be he the President of the United States or the Secretary of State. We must ask if the judgment is proven incorrect, how will Israel and the Jewish people regain what has been taken away from them and which cannot be retrieved.

5. The Zionist Organization of America, which for 81 years has been in the forefront of the struggle for Zionism and for the establishment of the Jewish State fifty years before its birth, meeting in executive session in Chicago, calls upon the President of the United States to make clear that it will not pressure Israel to accept a PLO state—now, or in the future.

We call upon Israel's friends in the Congress of the United States, the American people and all people of goodwill everywhere to recognize the inadvisability of pressuring Israel to make concessions directly detrimental to its future and equally dangerous to America's own position in the Middle East.

The Zionist Organization of America calls upon the American Jewish community now, to voice its unalterable rejection of present Middle East policy and end this appeasement of the enemies of the United States and of Israel. The United States should live up to its commitment not to impose solutions, and reaffirm traditional American morality by rejecting the terrorist PLO, thus allowing Egypt and Israel to negotiate their own future.●

A LIQUEFACTION PLANT SYMBOLIZES PROBLEMS

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

○ Mr. HAMMERSCHMIDT. Mr. Speaker, I would like to invite my colleagues to take a close look at an article which appeared in Sunday's Washington Post, by Jerry Knight, entitled "A Liquefaction Plant Symbolizes Problems." While I have supported the initial legislative effort in the House to develop synthetic fuel pilot programs I believe it incumbent on all of us to constantly monitor all views available on this very expensive proposal. The text of the article follows:

[From the Washington Post, July 29, 1979]

A LIQUEFACTION PLANT SYMBOLIZES PROBLEMS

(By Jerry Knight)

Outside Cattletsburg, Ky., where mountains of coal loom over a forest of oil refineries, construction workers are forging a stainless steel link between America's most abundant energy resource and the nation's most critical energy need.

In a few months, coal from the Appalachian mountains will be dumped into one end of that link—a $200 million chemistry set—and oil will flow out the other end into a nearby refinery.

Making oil from coal is the heart of President Carter's synthetic fuels program, and the Cattletsburg complex will be the biggest coal liquefaction plant in America. It is designed to turn 250 tons of coal a day into 625

barrels of "syncrude" that can be refined into gasoline and heating oil.

Cattletsburg's 625 barrels of synthetic oil will make barely enough gasoline to supply a single service station, let alone contribute significantly to the President's goal of producing 1 million to 1.5 million barrels of coal-derived synfuels a day by 1990.

The Cattletsburg coal liquefaction plant is symbolic of how far the nation has to go to meet the president's target of energy independence. It also is symbolic of the obstacles that are faced—it is at least a year behind schedule and is costing nearly four times as much as expected.

"If you look at the growing pains of the whole national energy situation, you'll see what happened in this development," say Bronek Dutkiewicz, who is in charge of commercializing the coal-to-oil conversion process patented by Hydrocarbon Research Inc., a subsidiary of Dynalectron Inc., of McLean.

Known as "H-coal" Dynalectron's process was developed by Hydrocarbon Research scientists and tested in three laboratory-size pilot plants at Trenton, N.J., for more than 10 years before the Department of Energy agreed to finance the "scale up" project in Kentucky with Ashland Oil and half a dozen other companies as partners.

Since the project was started, the DOE has changed its objectives several times, has switched project managers twice and has picked up the tab for more than $135 million of cost overruns.

Though the Cattletsburg plant has yet to squeeze its first drop of oil from a lump of coal, Dynalectron and some of its partners already are asking the federal government to provide $7 million in planning money for a full-scale commercial plant, a 50,000-barrel-a-day facility that will cost upwards of $2 billion.

Thirty or 40 similar-sized synfuel factories will have to be built in the next decade to achieve the president's energy independence goal.

Dynalectron's H-coal process is one of five coal liquefication techniques that are struggling toward commercialization, and the coal liquids industry is but one of the alternative energy businesses that will need to be created under Carter's plan.

To eliminate the need for 2.5 million barrels of imported oil a day by 1990, the president proposes producing the equivalent of 1 million to 1.5 million barrels of oil from coal liquids and coal gasification—making a natural gas substitute from coal.

Another 400,000 million barrels a day would come from the infant oil shale industry under the White House plan, and about 100,000 barrels a day from a virtually-nonexistent "biomass" business under which crops would be cooked into alcohol and other fuels.

Carter also is counting on replacing half a million to a million barrels of oil a day with natural gas from sources that cannot be tapped with today's production methods and with using solar collectors, windmills, co-generation plants and a host of other nascent technologies to "back out oil."

Achieving energy independence will require creation of a whole new alternative energy industry, a business as big as nuclear power or aerospace.

To a great extent the new energy industry will be the same old energy industry. In the emerging coal liquefactions field, Dynalectron's competitors include Exxon, Mobil, Gulf and the Government of South Africa. Virtually every major oil and energy company already owns a piece of the rock that one day may replace conventional oil as America's chief fuel.

At least four other methods of converting coal to liquid fuels are roughly the same distance from commercial feasibility as H-coal; they work on paper, they produce oil a barrel or two at a time in the laboratory; they appear to be economically eligible for full-scale testing.

The five processes are rivals, but not competitors, DOE officials insist. It is possible—likely if the president's accelerated energy independence program is adopted—that full-scale commercial plants will be built using all five technologies. Development of all five processes is proceeding simultaneously.

Exxon—the world's largest corporation—has invested heavily in a process called Exxon Donar Solvent and later this year will open a federally financed synthetic fuel plant about the same size as Cattletsburg's at Baytown, Tex.

Exxon's EDS process is chemically similar to Gulf's Solvent Refined Coal, which is known as the SRC II process because Gulf is already into the second generation of its development. Gulf runs what is currently the biggest coal liquifaction plant in the nation, converting 30 tons a day into oil at a research facility outside Tacoma, Wash.

By the end of July, Gulf will complete a DOE contract for Phase Zero—the planning—of the nation's first full-scale coal liquification plant which Gulf hopes to build at Morgantown, W. Va. DOE approval of that project could come this fall.

The South Africans are the world leaders in synfuel production, regularly producing 20,000 barrels a day. But their SASOL process—being pushed in this country by Fluor Corp.—has political, technical and economic problems.

Mobil has yet to get its M-gasoline process out of the laboratory stage, but may be able to scale up faster than the others because 85 to 90 percent of the M-gasoline system uses off-the-shelf equipment already proved in commercial use.

Scale-up is the name of the game in synfuels. The trick is to take a process that works in the laboratory or small pilot plant and do it in a big enough way to make it economically feasible. That can require building a plant 50,000 times bigger than a laboratory demonstration unit—the equivalent of going from building lifeboats to building an ocean liner.

But along with efficiencies come risks. Tiny amounts of coal ash that cause no problems in a laboratory coal-to-oil process can clog filters and shut down a 50,000-barrel-a-day plant. Micropollutants unnoticed when they leak from a one-ton-a-day coal cooker can be an ecological disaster in a full-scale plant. Under hundreds of pounds of pressure and intense heat, valves break, 8-inch-thick stainless steel tanks corrode and computer models prove useless.

Environmental and health questions also are being answered by the pilot plant operations, where workers are monitored closely for long-term and short-term medical problems. Virtually all coal liquid products are toxic, most of them more toxic than ordinary petroleum products, and many coal liquid products—including fuel oils produced from coal—are known cancer-causing agents. The danger to production workers is not yet known.

"The only way you learn these things is to build a full-scale plant and run it," said Dynaelectron's Dutkiewicz. But, he added, "The risks are too great for even the largest corporations to do that with their own money."

Carter's plan calls for the government to take the risk of building the first two or three plants and for private enterprise to put up the rest with some sort of government financing. A number of federal subsidies are under consideration in Congress, ranging from loan guarantees to government contracts to purchase synfuels at a premium above petroleum prices to accelerated depreciation and tax credits for synfuel investments.

The money would come from the president's windfall profits tax on the oil companies, which would finance the president's "moral equivalent of war" to launch the synfuels industry by 1990.

Ironically the government program to protect against the risks of launching a new synfuels industry may also exaggerate those risks, warns a Rand Corp. study. Jumping directly from the laboratory to full-scale plants in a crash program requires plant construction to start before designs are completed, before environmental rules are written, before all the contengencies have been accounted for, the Rand study said.

Those factors are part of why first-generation energy facilities have proved to cost an average of 2.5 times as much as estimated and why several multi-million-dollar projects have been built and abandoned because they did not work, Rand warned.

"For government officials, cost growth has made (research and development) decisions difficult, has increased the uncertainty in supply planning and has hampered commercialization," Rand said. If cost estimates of coal liquification plants prove to be as far off as the Rand study suggested, plants expected to cost $2 billion could cost upwards of $5 billion, and the contention that synthetic fuels can compete with imported oil would prove false.

Until Carter launched his crash program to develop alternatives to oil earlier this month, the DOE was scaling up its coal conversion projects in steps, providing funds for a sequence of increasingly larger plants—with daily outputs of one, 20, 250 and 10,000 tons—gradually approaching commercial scale.

DOE analysts say it isn't necesary to build that sequence of plants for each of the five promising coal liquification processes because many technical problems are common to all the processes, permitting much leapfrogging.

Intermediate-size plants like the Cattletsburg H-coal facility and Exxon's Baytown EDS facility, both utilizing some commercial-scale components, can answer many of the engineering problems, but they can provide only clues about the most difficult question, and the greatest risk—the cost of producing synthetic fuels.

The price of the product that will flow from Exxon's plant "isn't a relevant question," a corporate spokesman said. "That's not what we expect to learn there."

The most recent estimate of how much synthetic fuels will cost to make was issued this month by the Engineering Societies Commission on Energy (ESCOE), which has made a series of studies of alternative energy technologies.

Because the various processes turn out different products—gasoline, natural gas, boiler fuel and others—the engineering study estimated how much it would cost to produce 1 million BTUs of energy by each process: $3.58 from H-coal, $3.62 with Gulf's SRC–II, $3.96 via Exxon's EDS, $4.84 via Mobil's M-gasoline and $4.99 by the Fischer-Tropsch process used in South Africa.

Those prices are competitive with an equivalent amount of energy from a barrel of imported oil, which yields 5.8 million BTUs and costs $20 to $24 delivered in the U.S.

But spokesmen for the companies involved in building coal liquefaction plants are skeptical of those estimates, calling them lower than their own estimates of synfuel costs, which range from $25 to $35 a barrel.

DOE analysts point out that the price of an equivalent amount of energy may not be the right question to ask when comparing synfuels processes because the products of some processes are in greater demand than the output of others.

The competing coal liquids processes yield varying quantities and qualities of products.

Technically the Exxon, Gulf and Dynalectron processes are known as direct coal liquefaction; Mobil and South Africa use indirect

liquefaction, first turning the solid coal into a gas, then converting the gas into a liquid.

Exxon and Gulf dissolve finely powdered coal in a liquid solvent, then process it to add more hydrogen to the coal, converting it to a liquid. The big difference between the two processes is the solvent used; each has its own patented product.

Mobil contends M-gasoline can be commercialized more quickly than the others because only the final step involves new technology. A DOE study of where to locate synfuel plants assumes that indirect liquefaction plants will be built first, but only a couple of years ahead of direct liquefaction.

Conoco (Continental Oil Co.) advocates short-cutting the M-gasoline process and simply converting coal into methanol on a large-scale basis. Methanol, or methyl alcohol, can be burned directly as a fuel in powerplants or internal combustion engines, although both require modification.

Conoco officials say methanol is a highly desirable substitute for imported oil in urban powerplants because it is clean-burning, and the company is promoting the fuel for use in California where pollution regulations rule out burning coal.

The ESCOE synfuels evaluation concludes that, on cost factors alone, the South African process "has a severe disadvantage." Among the others, the engineering analysis said, "The choice of fuel process depends strongly on the desired products.

"The M-gasoline process appears both competitive and relatively free of process risk. If industrial boiler fuel (to replace oil for powerplants) is the needed fuel, the H-coal, EDS, or SRC are all serious contenders." ●

ENERGY NEEDS AND LESSONS LEARNED

HON. JOHN W. JENRETTE, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. JENRETTE. Mr. Speaker, as we all know, the recent incident at the Three Mile Island nuclear plant in Pennsylvania has cast a shadow over the future of nuclear power in this country. Because my home State of South Carolina has been a leader in the nuclear industry, and will soon be dependent upon nuclear power for some 50 percent of its energy needs, I have taken a strong interest in the subject. I have followed the work of the Kemeny Commission and developments in the analysis of Three Mile Island with care.

One of the best discussions of the subject I have seen is an article by Dr. Jim Colby of the Allied Chemical Corporation, which appeared in the May-June issue of the Morris Today newspaper in New Jersey. In Dr. Colby's opinion, the lessons we will learn from the incident at Three Mile Island will be "invaluable in reducing the possibility of future occurrences." And he concludes that, even in an incident as serious as this one, "the back-up systems worked despite a number of failures." In short, this incident does not demonstrate that nuclear power is unsafe.

And it is as evident to me as it is to Dr. Colby that we must start a program to build a new energy base in this country now. And while the future of the nuclear option appears cloudy, it is clear to us that it must be a significant and growing part of that base.

At this point I would like to include Dr. Colby's remarks in the RECORD so my colleagues will also have the benefit of his views.

THE NUCLEAR ENERGY ALTERNATIVE

(By L. J. Colby, Jr.)

The events that took place at Three Mile Island at the end of March clearly brought to the forefront the fears, the genuine concerns and the emotional issues which surround nuclear energy.

The concerns over nuclear energy are very real. There is no question that risks come with benefits no matter what form of energy we choose. The major problem with nuclear energy is that it is grossly misunderstood. Radiation is not detectable by our natural senses but is detectable at extremely low levels by modern instrumentation. It often is believed that radiation from a nuclear plant is harmful no matter how long the level, whereas radiation from cosmic rays, mineral deposits, medical X-rays, coal-fired plants and other sources to which we are all exposed day in and day out is somehow acceptable. This simply is not the case. Radiation from different sources cause about the same effects. *It is the level of radiation that is important.* With respect to the Three Mile Island accident, the maximum radiation exposure to the general public near the plant was less than the natural background radiation received by those individuals during a 30 day period. It was about equal to a chest X-ray or long airplane ride.

The concern, therefore, should be focused on the real risks associated with a major accident, the expected damage from such an accident, the benefits from reliable electric power, a comparison of risks from alternative choices, and comparison of actual risks to date from each of the energy alternatives. When all these issues are weighed clearly and objectively, the answer is quite clear that the risks of nuclear energy are substantially less than the risks of any other source of electrical energy other than possibly natural gas flowing from the well to a power station. The risks for natural gas increase substantially when importation of liquid natural gas (LNG) is required.

LESSONS INVALUABLE

The lessons from Three Mile Island will be invaluable in reducing the possibility of future occurrences. Changes in equipment design, instrumentation, regulation, operating procedures, information dissemination and Federal Government capabilities will likely all occur to insure increased safety for the general public. The fact is that even with a serious incident at Three Mile Island, the back-up systems worked despite a number of failures. The bottom line is that no one outside the plant was hurt. The nuclear industry is safe and continues to strive for improved safety, reduction of risk and understanding of its benefits.

The importance of nuclear energy to the United States can be summarized with a few statistics. Today about 13 percent of the nation's electrical energy comes from 72 nuclear power plants. In the Northeast, one third of all electricity came from nuclear reactors during 1978. A recent peak electrical load in February, 1979, was filled by 42 percent nuclear energy again for the Northeast region.

The use of oil to produce electricity and heat homes must be reduced if the United States is gonig to remain a world power, independent of the whims of others such as OPEC. One of the United States' greatest strengths has been its energy independence and abundance. Today we are facing a great threat to our energy abundance. We lost our energy independence about five years ago!

A deliberate program to build a new sound energy base in the United States must be instituted now. The conservation path and the pursuit of only soft technologies such as solar, geothermal, and wind, is very appealing—especially to those who pursue primarily dreams, idealization and avoid reality.

Fortunately, the free enterprise system still survives and is based on reality and the facts of life.

FUELING OPTIONS

During the next 20 to 25 years, the options for fueling our power plants are primarily oil, coal and nuclear. If we are to regain our energy abundance, as well as independence, then coal and nuclear should be relied upon for essentially all new generating plants. However, the order books for new power plants, coal or nuclear, are stagnant due to a very high degree of uncertainty unique to each of these energy sources.

The growth of nuclear power certainly is in question. The Department of Energy believes that the United States should have about 25 percent of its electrical needs filled by nuclear by the year 2000. Depending on the growth in total electrical demand, that could represent a 5 or 6 fold increase in the number of nuclear reactors currently operating. It should also be noted that the Carter Administration views nuclear power as "the energy source of last resort", and therefore, projections generally are made on the basis of minimizing nuclear energy while maximizing coal and conservation. In the past, the nuclear industry was moving to a position wherein it could build and service as much as 50 percent of the United States' electrical needs by the year 2000. This might still be possible but is highly speculative. In fact, if new orders for nuclear power plants are not received in the next few years, the United States' nuclear industrial capability to meet the minimum energy projections may wither away. It should be noted that a decision to go nuclear today means that electricity is available from that plant at least a decade later. If decisions are not made now, then our energy problems in the 1990's will be fierce. The energy crunch has been predicted to hit in the 1983–85 period. It is too late to avoid it now through construction of new power plants that do not burn oil or natural gas. The United States can ill afford to continue to procrastinate, and by default make the same mistake again.

URANIUM CONVERSION

Although Allied Chemical does not build or supply equipment for nuclear power plants, Allied has been involved in the nuclear industry since 1955, when Allied successfully bid on a government request for conversion of uranium oxide to uranium hexafluoride and proceeded to build a plant for this purpose at Metropolis, Illinois. Today the Metropolis plant is the world's largest uranium conversion plant. The chemical operations there are necessary to purify uranium and produce a chemical compound, UF_6, which is required as feed by the Federal Government for its enrichment facilities.

Because of the experience gained in uranium and fluorine technology, Allied became interested in spent-fuel reprocessing. The first venture into this area of the nuclear fuel cycle was to become operating contractor for the Department of Energy's Idaho Chemical Processing Plant (ICPP) located at the Idaho National Engineering Laboratory near Idaho Falls, Idaho.

On September 30, 1979 Allied's participation at the ICPP will come to a voluntary close after twelve successful years. Incidentally, the ICPP is an excellent model for the treatment, handling, and storage of nuclear wastes primarily from the Navy Nuclear program.

Allied Chemical, along with its partner, General Atomic, invested $362 million in a private reprocessing facility at Barnwell, South Carolina. The facility was completed and undergoing check-out when in 1977 Pres-

ident Carter "indefinitely deferred" commercial reprocessing. After years of encouragement by several administrations, both Republican and Democratic, the rules of the game were unilaterally changed. It became clear that the management of spent fuel from commercial reactors had become a government responsibility rather than a private industrial responsibility. Since the Federal Government does not even today have any facilities for handling spent fuel or nuclear wastes from commercial reactors, Allied believes that the transfer of the Barnwell facilities under appropriate terms to the Federal Government will eventually take place.

As you can see, Allied's role in the nuclear field is primarily in those portions of the fuel cycle that require extensive chemical technology. Allied's future in nuclear energy will be to maintain its leadership position in the uranium conversion business and related service. Allied does not see a viable future for privately owned and operated reprocessing facilities such as Barnwell.

NUCLEAR ESSENTIAL

A company or individual does not have to be involved in the nuclear industry to come to the conclusion that nuclear energy is essential for the United States. A case in point is the series of ads run by Mobil Oil, a company which incidentally is not in the nuclear business.

The abundance of coal in this country provides the United States with an apparent alternative to nuclear power. The arguments rage as to coal versus nuclear while neither is really advanced. Prudence dictates that the balanced use of both coal and nuclear will be required to meet the United States' needs. Other countries facing the energy crunch that have no options are moving forward on their nuclear programs. Unfortunately the United States is still debating the issue.

It is true that nuclear energy has its "China Syndrome". It is likewise true that deaths due to coal as a fuel are extensive and well documented. The medical and environmental effects of the combustion products of coal could lead to the "Dioxide Syndrome". It is clear that SO_2, NO_2, and CO_2 do have significant effects on health and the environment. Because of these risks, it is prudent to work to understand and control their emissions. It would not make sense to abandon coal because it has real problems that must be solved. It likewise does not make sense to abandon nuclear energy because it has its problems. The record of nuclear energy, although not spotless, is excellent and improving. No member of the public or employee of the commercial industry has been killed by radiation during the 30 year history of the nuclear industry.

When all is said and done, the most serious problem facing the nation today is inflation. This is the true danger to you, your children and your grandchildren. Unless something is done to halt inflation, it may rob you and your descendants of their future.

To some considerable extent, the future of the fight against inflation in this country and the elimination of our dependence on foreign oil, the elimination of the outflow of American dollars and the strengthening of the dollar, depends on having an adequate domestic supply of energy—and for the next quarter of a century that means coal and nuclear. Neither can do the job alone!●

ANOTHER RETREAT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. PHILIP M. CRANE. Mr. Speaker, a few weeks ago, the State Department disclosed a memorandum confirming that the Sandinista insurgents had been trained in Cuba and armed with AK-47's carried to them by the Panamanian Air Force. Recently the Government of Nicaragua surrendered to these same guerrillas.

I must ask the question of Alexandr Solzhenitsyn: "How many more countries are there for the West to abandon?"

Iran, Angola, Rhodesia, Taiwan, and now Nicaragua.

In Iran, Angola, Rhodesia, Taiwan, and now Nicaragua, we withdrew when we were most needed. Instead of standing behind American interests, we are always the first to concede. It is time we had an American President and Secretary of State more concerned with U.S. interests than with helping Soviet-supported Rhodesian and Nicaraguan rebels. American interests and principles are being sacrificed to an incoherent sense of internationalism. This is the real crisis of confidence. Our Secretary of State seems to lack the confidence that America can lead in the world. He is instead leading our retreat around the world.

Ironically the House only recently finished dealing with another symbol of that unprincipled message from Secretary Vance. He sent us a request for money for foreign assistance. In that request he asked for massive amounts of money for the international financial institutions, like the World Bank. It is outrageous for America's leaders to take tax money from a truckdriver in Topeka, Kans., and send it to a World Bank, which will give it to Vietnam, Angola, Cuba, and others. Where is our fabled human rights policy when we support the same government that is driving the boat people into the sea in Southeast Asia?

This body will soon deal with another measure with similar implications, that is, most-favored-nation trading status for the repressive governments in Romania, Hungary, China, and soon even the Soviet Union. Are we going to aid those that most enjoy watching us flounder and grovel? Again I ask: "Is this an indication that we revere human rights?"

We must not stand for this any longer. We are dishonoring the principles this Nation was founded upon. It is time to stop retreating and dig in.●

WHAT COUNTS IS RESULTS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. COLLINS of Texas. Mr. Speaker, too many Americans are concerned with their appearance as an intellectual. We have reached a point in America where folks would like for everyone to think of them as being an academic genius.

Sometimes we are able to convey this feeling by using four syllable words even when a one syllable word would be better. Other times, we write profound letters with deep philosophy to show the depth of our intellectual perspective.

There is much talk today about how many college degrees one has. I thought about that the other day as I heard one of our colleagues speak. He never finished high school, but he has more commonsense than anyone who went to college. Yet, today there are those who value four college degrees more than they do the substance of the work they accomplish.

I am always reminded of the proverb, "Judge a man not by his ability, but by his results."

I would like to pass on to you an interesting story that I heard down in Texas.

A sales manager received a sales letter from a new salesman he had hired a few days before.

"Dear Boss: I seed this outfit which they ain't never got a penny's worth of nuthin from us before. I sole them hunnered thousand dollars of guds. I am now going to Oklahomee."

Three days later, a second letter reached the home office.

"Dear Boss: I cum here to Tulsee and I sell these cuntry chane hedqartirs half a milyon."

The sales manager posted both letters on the bulletin board with a note added by the company president. "We've been spendin to much time trying to spel, instead of trying to sell. Let's take a fue tips from Gooch who is on the rode doing a grate job for us and you go out and do like he done."●

DINGELL CHARGES NHTSA WITH COVERUP OF AIRBAGS TESTS THAT EXPLODED AND BURNED DUMMIES REPRESENTING 6-YEAR-OLD CHILDREN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. DINGELL. Mr. Speaker, I enclose my statement regarding new documents that have come to light from the Department of Transportation and the National Highway Traffic Safety Administration files regarding a new problem uncovered in connection with airbag tests.

STATEMENT OF REPRESENTATIVE DINGELL

Congressman John D. Dingell, (D-Mich.), today charged the DOT with withholding information from the Congress and the American people concerning the risk that air bags can explode in flames and severely burn occupants of motor vehicles.

Dingell will be seeking in the House today the adoption of the research, testing and development amendment that he and Congressman Jim Broyhill, (R-N.C.), will offer to the DOT Appropriations bill, H.R. 4440.

Their amendment delays for one year, fiscal year 1980, any further funds for implementation or enforcement of the Federal automobile standard that requires devices, such as air bags, in automobiles. The amendment would not restrict actions on the portion of the standard that would permit safety belts. The amendment further requires more research, testing and development of passive or automatic restraint devices. Dingell and Broyhill state that this is the major purpose of their amendment—to

ensure safe and effective restraint devices for motoring consumers.

Dingell said, "NHTSA's favored air bag contractor—Minicars, Inc., of California—conducted a series of tests in 1977 and 1978 concerning the effectiveness of air bags. In 12 percent of these tests, the air bag exploded into flames. One of the most sensitive and embarrassing tests was conducted in February, 1978, resulting in an explosion and fire that blew the air bag apart, projecting molten sodium azide into the face and chest of a dummy representing a six year old child."

Dingell said that:

"In the aftermath of this failure, Minicars, Inc., sent a misleading Progress Report to NHTSA.

"Contrary to normal procedures, the contractor did not send the films of this test to NHTSA.

"NHTSA did no independent analysis of these failures.

"NHTSA terminated the contract shortly after these accidents, prior to the problem being solved.

"No final report was written on this test series by the contractor.

"Nothing was put in the public file on these particular tests.

"NHTSA withheld the file with the sensitive documents when I requested it.

"A former Minicars engineer who was the project manager on this contract claims that both Minicars and NHTSA failed to inform the public of the risk of explosion and fires in the deployment of air bags."

The following are excerpts from a March 14, 1978 letter from Minicars to Thiokol, the major manufacturer of air bag inflators for the auto industry who supplied the defective inflators to Minicars:

"The condition experienced during the test was a blow out of the air bag and resultant blasting of the occupant's face and chest with hot gas from the inflator. The results of this test were total degradation of the air bag's restraint capabilities and subsequent burning of the occupant's face and chest; i.e., his shirt caught on fire and had to be extinguished by a test technician.

"I have experienced this problem twice since January, 1978. Once at Minicars, the bag blew apart and burnt the 50 percent adult male occupant.

"This blowby has occurred at least ten times in this Simca project in 86 tests or 11.6 percent of the time."

Dingell stated, "It is interesting to note that in Minicars monthly Progress Report to NHTSA regarding test No. 1933 (conducted February 1978) which involved the burned dummy (six year old child), there is not a single word to indicate that this test involved flames or a charred dummy. The report contains only one post-crash photograph—a back view of the dummy indicating no burns. According to established procedures, the films of these tests are sent to NHTSA shortly after the tests are conducted. NHTSA admitted to me last Friday that they had never received the film of test No. 1933. Those films have now been flown to NHTSA in Washington from Minicars in California this past weekend and I viewed them this morning."

Dingell said, "In a staff interview, the former program manager at Minicars claimed that he was told by top management to 'modify' the Progress Report and not to send the films to Washington. This engineer was so concerned about the results of these tests that in subsequent correspondence to NHTSA he included the Thiokol correspondence and photographs of the charred dummy that were deleted from the Progress Report to NHTSA.

"On Friday, July 27, the NHTSA engineer in charge of this contract could not assure me the problems that resulted in these explosions and fires had been resolved or that they would not occur in production models. NHTSA never independently investigated these problems—but were satisfied with a two paragraph letter from the manufacturer—Thiokol—assuring NHTSA that they should not be concerned, that Thiokol had found a 'temporary fix' and that corrections would be designed into the production model of the air bag inflator device.

"The flaming problem continued over a six to eight month period. Mysteriously, the testing ended and the contract was terminated in the Spring of 1978 with no final report being issued on the later testing series that included the controversial test No. 1933.

"On July 8, 1979, I asked NHTSA for the results of all tests involving air bags and seat belts since 1977. On July 13, 1979, I received a leter from Ms. Claybrook responding to that request. Again, mysteriously, the contract involving these explosions and fires was missing from the material supplied. When we finally identified this contract and requested it, NHTSA initially refused to supply the document.

"I can only conclude that we have merely scratched the surface concerning what happened on this contract and possibly other damaging test results that are being covered up at NHTSA.

"These risks regarding air bags should be known by the Congress. We have no assurance from independent government analyses that this problem has been solved regarding fires in air bag devices.

"There seems to be a pattern at NHTSA for ignoring bad news about the air bags. Both Volvo and General Motors have killed pigs used as surrogates in tests to ascertain the impact of air bags on out-of-position children. The pigs died of ruptured livers, spinal cord injuries and brain trauma and apparently in one GM test, the air bag blew one pig out the back window of the test vehicle.

"However, there is not a single document in NHTSA files relating to these tests by Volvo and GM. In fact, when my staff investigators asked NHTSA officials if they had the Volvo and GM test documents, NHTSA officials responded that they did not have the documents and had not asked the manufacturers for the information."

Dingell added, "The GAO Report on passive restraints, released Friday, July 27, in its final form, clearly underscores and recommends that more research and testing development must be done by DOT." ●

ZIMBABWE-RHODESIA STILL RUN BY WHITES

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. WOLPE. Mr. Speaker, the article which appeared in the Washington Star on July 22, 1979, "New Rhodesia Remains Nation Run by Whites" describes recent developments in Zimbabwe-Rhodesia.

As cochairman of the MCPL Rhodesia Task Force, I commend this article to the attention of my colleagues. It is evident that very little political power has thus far been transferred to the country's black majority, and that the new constitution remains a significant barrier to the achievement of genuine majority rule. Bluntly stated, the provisions of the constitution perpetuate white minority control. (See the MCPL paper on the Rhodesian Constitution, July 26, 1979, Hon. WILLIAM GRAY, Extensions, 3262). The article reveals where the true power lies in Zimbabwe-Rhodesia, the pretensions and aspirations of Bishop Muzorewa nowithstanding.

The article follows:

NEW RHODESIA REMAINS NATION RUN BY WHITES

(By Lawrence E. Pintak)

SALISBURY, ZIMBABWE-RHODESIA.—Three months after Bishop Abel Muzorewa was elected as the country's first black prime minister, and seven weeks after he took office, Zimbabwe Rhodesia remains a nation whose economic and military course continues to be charted by whites.

And while the cabinet has assumed a black face, those same whites who have ruled for 90 years still run the machinery which will play a major role in determining the political future of this rebel British colony.

Behind each black minister stand his white civil service, whose members have been guaranteed their jobs by the present constitution.

The members of the all-white Public Services Board, responsible for hiring, firing and promotions within the public service, are also guaranteed their tenure, as are those who sit in the all-white judiciary.

Whites continue to dominate the police and military (there are presently 32 black commissioned officers) and are likely to do so for some time.

The attitude of the bulk of the white officer corps to their new black colleagues is one of disdain. A newly commissioned black officer recently assigned to one unit was ignored by his fellow officers, who refused to even provide him with an office until direct orders came down from the very top.

At the pinnacle of the military hierarchy sits Lt. Gen. Peter Walls, commander of combined operations in overall charge of the army, police and air force.

Although Muzorewa has assumed the title of minister of defense, largely for reasons of appearance, Walls is the man running the war against the guerrilla forces of Joshua Nkomo and Robert Mugabe.

Since taking over, Muzorewa has reportedly commented that the military could not be expected to come to him for permission each time they acted, and has generally skirted the question of whether he personally approves cross-border raids on guerrilla bases in Zambia and Mozambique.

Some critics go so far as to argue that Walls is the real power behind the throne. Muzorewa sees the general for a military briefing each morning, and unlike in the days of Ian Smith, it is the prime minister who goes to Walls' office, rather than vice versa.

On the streets of Salisbury there is little change evident. Whites perhaps use the derogatory phrase "kaffir" a little less frequently since June 1, when Muzorewa took office. Blacks are seen a bit more often in the capital's fashionable restaurants. And a few rich Africans are beginning to move into formerly all-white suburbs. Otherwise, white Rhodesia is largely unaffected by the black takeover.

White farming regions and African purchase areas are no longer designated on the new maps, but in the bush Africans still complain about land distribution as they till the often inferior fields they have always worked.

WHITES AT THE TOP

At the offices of the country's business and industry, perched atop the high rises of the city center, mail rooms and typing pools are being "Africanized." But aside from a few chosen blacks, the faces at the conference tables in the pine paneled board rooms remain white.

One of the greatest grievances of the country's blacks has always been the fact that in those situations where they did have the same job as a white, they were paid significantly less than their counterparts.

With majority rule, all that was expected to change. But Muzorewa now says across-

the-board salary increases must wait until sanctions are lifted if they are not to have a disastrous effect on the economy.

"I know you are hungry, I know you are thirsty, I know you are suffering," the bishop, a leopard-skin cloaking his rainbow colored waist-coat, told a crowd on earlier this month as he prepared to set out on his symbolic ox wagon trek through the city.

Speaking in the local Shona dialect, Muzorewa promised that Africans would have "the fat of the land and sufficient money" once sanctions were lifted.

For now, he added, "pray to God that we will discover oil in this country."

But some are not prepared to wait.

A PROTEST ON SALARIES

One day last week, a group of about 300 black teachers marched through the capital carrying signs protesting the fact, that they received an average salary of $188 a month, compared with as much as $600 paid to their counterparts.

Some black officials argue that as long as whites control the bureaucracy, significant change will be stymied.

Even black ministers complain about the lack of cooperation they receive from civil servants in their departments.

"I send down an order and find a week later that nothing happened," said one Muzorewa minister. "I ask why and am told it got tied up somewhere."

Just how much of that delay can be attributed to normal bureaucratic red tape and how much to deliberate sabotage is not known. But it is clear that many white civil servants have contempt for their new black bosses, some of whom have no expertise in the field of their portfolio.

At the prime minister's office, Smith's former press secretary continues in that role, as does the white cabinet secretary. A white advertising executive authors major policy pronouncements—which Muzorewa sometimes has problems delivering—while a white civil servant, whose particular area of expertise is American politics, often ghost writes speeches and statements for Foreign Minister David Mukome.

RAMPHAL DRAWS FIRE

One such release this week attacked Commonwealth Secretary General Shridath Ramphal for his criticism of the Salisbury government.

It read in part: "While totally rejecting Mr. Ramphal's right to level any criticism, I should just like to point out to him that what he terms changes of marginal or cosmetic consequence we regard as major development in our evolution.

While he may make minor changes—such as in his own office—Muzorewa is helpless to alter the overall white role.

With his party splintering the prime minister is now left with just 44 seats in the 100 member parliament. The Rev. Ndabaningi Sithole and eleven other parliament members from his Zimbabwe African National union continue to boycott the government, increasing the weight of the 28 white votes.

In order to change or eliminate any of the entrenched constitutional clauses protecting whites, Muzorewa needs the support of all 60 black parliament members now serving, as well as that of at least 18 whites to reach the 78 votes required for such legislation.

There is no real consensus on just how much change white Zimbabwe Rhodesians—the name itself reflects the level of the white influence—would be willing to accept in return for international recognition.

Some leading white politicians insist, for instance, that the removal of Smith from the government—something being demanded by Washington and London—would spark a massive "flight" among whites, thus crippling the economy.

As it is, whites continue to "take the gap," —the local slang expression for emmigrating—at an average of 1,000 a month, as they have done since late 1976 when Smith accepted the principle of majority rule.

It is the war more than the loss of their privileged status which is driving many to seek new homes overseas.

Virtually the entire white male population between 17 and 60 is subject to call-up in the territorial army. For men under 38, that means spending 120 days a year on active service in the bush.

An average of two white "troopies" die a day in the guerrilla war along with several more black soldiers, 15 or 20 insurgents and a dozen innocent African civilians.

Several white farmers each week also end up as statistics in the daily military communiques.

For those who survive, divorce is rampant, careers and businesses are often left in ruins, and alcoholism is a common danger.

"They have black rule, now let them fight," said one young man, bitter about his impending six-week tour in the bush. The burden of the six and a half year war has worn many whites down and is probably most responsible for the fact that even those among the remaining hard core whites continue to flee.

"If they're still calling us up in December," said a young husband expressing the attitude of many who want to stay but are tired of fighting, "I'm gapping it."

Yet for some, there is little alternative but to remain behind and "help make it work," as the orange and purple bumper stickers say.

"Some of us don't even have enough to buy a plane ticket, much less take anything out," said a white secretary, referring to the $3,000 emigration allowance.

"Unless they start shooting in the streets, we've got to stay." ●

SIG OLSON

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. VENTO. Mr. Speaker, in recent years the American people have recognized the complex interrelationship between man and his environment and the long lasting and often irreversible impact that man has on the environment. We have also became aware of the value of protecting our land as wilderness and other units of our conservation system for our own enjoyment and for the benefit of future generations. As a result we have witnessed such legislation as the Wilderness Act, the creation of many new parks, wild and scenic rivers and national scenic trails, the Boundary Waters Canoe Area Wilderness Act of 1978, and this year's House action on Alaska National Interest Lands. These actions will insure that one of our Nation's most important treasures, its land, is not lost.

These congressional actions are fairly recent events. They would not have been possible without the efforts of a few visionaries who recognized the need to set aside a few acres for our descendants and who worked toward that goal long before it became popular.

One such environmental pioneer is Sig Olson. Sig has dedicated his life to the protection of wilderness and to achieving a better understanding of man's role in his environment. His books have provided many with insight on those subjects and have helped to increase our country's environmental awareness. I urge my colleagues to read one of his works. They describe the joys of the experience in the wild and will reaffirm our need to protect and care for our environment.

At this time I would like to draw my colleagues' attention to a recent interview with Sig Olson. This article discusses Sig's life and his view of the future.

The article follows:

SIGURD OLSON'S CONTINUING LOVE AFFAIR WITH NATURE

(By Ben Kern)

ELY, MINN.—As Sigurd F. Olson, friendly, grinning, shakes your hand, you know that all is well with this wilderness habitue, now 80, author of sage and colorful chronicles.

No longer dean of the local college. No longer shepherding students on a biological or geological field trip. No longer packing, frying fish, paddling and nursemaiding greenhorns through the wilds.

He did that for years as a professional guide. The money helped at home.

He'll never forget the first article he sold to the magazine Field and Stream. "And they paid me 25 bucks. Wow! That was something. It paid the hospital costs of delivering our second son." (Today he and his wife, Elizabeth, have two great-grandchildren.)

No more striving to break into the writing world. He's an established author. Letters come in from across the nation. Readers even show up at his door.

Author of "The Singing Wilderness," "Listening Point," "The Lonely Land," "Runes of the North," "Open Horizons," "Wilderness Days," "The Hidden Forest," "Reflections From the North Country"—fresh, vivid, glowing.

Today, with his wife, he continues writing and communing with nature, sometimes through a broad picture window in their comfortable home on the edge of Ely, or again paddling around Burntside Lake from their log cabin.

From his autobiographical "Open Horizons" I knew much of his early struggles before I interviewed him in the Ely house looking out at the tall spruce and red pines, planted by the Olsons 50 years ago.

His love affairs with nature began in Wisconsin. His father, a Baptist minister, preached all over Wisconsin before he became "a sort of a bishop in charge of regional parishes," Olson said.

The boy Sigurd did farm work in northern Wisconsin among "the barrens, sandy glaciated ridges and outwash plains" in one of "the final remnants open for homesteading."

One of those remnants belonged to Soren and Kristine Urenholdt, natives of Denmark. They had eight children, one of whom was Elizabeth.

Farther north at Ashland, Wis., Olson attended high school and junior college, then went on to Madison, Wis., and the University of Wisconsin.

In the back of his mind always lay the love of wild country. From Madison he went north to teach high school agriculture at Nashwauk, Minn., where, camping out, he happened upon Al Kennedy, "one of the finest woodsmen" he had ever met.

Kennedy had a cabin in which a sack of wild rice, "parched like the Indians do it," hung from a rafter. Olson was delighted.

Kennedy: "Take a look at the lake country east of the Vermilion Range. Put a canoe in anywhere. Follow those lakes and rivers up to Hudson Bay. Or west toward Lake of the Woods . . . Flin Flon. . . . You'll never come back."

Olson was impressed.

"After three weeks of traveling some of the major routes . . . I knew I would follow those waterways for the rest of my life, not only in the Quetico-Superior, but far into the Canadian north," he recalls in "Open Horizons" (published by Alfred A. Knopf, New York, in 1969).

Studious, nevertheless, he returned to college, somehow to prepare himself for making a living near the back country. He took graduate work in geology and biology with one eye on a new junior college being established at Ely.

And he landed a good job—head of the biology department at Ely Junior College.

There followed the geology and biology field trips with his classes. They visited an old gold mine, with assays too low to warrant development. That was geology. For biology (see "Open Horizons").

"Budding shrubs and trees, fiddlehead ferns growing out of the black muck, mink we had seen, blue mayflowers, golden marsh marigold, and flaming stems of dogwood, the whole vast complex of the ecological system . . ."

Still, chafing under schedules and responsibilities, he listened to Kennedy, who invited him to a Flin Flon, Manitoba, gold rush. And then to see the country to the northwest. Olson was tempted, but:

"How could I leave Elizabeth and our two young sons and the home we had established, leave my friends and co-workers and embark on an expedition for a year or possibly two or three . . . see the far country I had dreamed about and make a fortune Al was sure we would? I was tempted."

Paddling alone, he arrived at an answer. This wouldn't be his only chance. There were many years ahead. He wanted to be a good wilderness guide. Spend summers in the bush working and getting the guides' feel of the land.

Eventually, he got to Flin Flon, the Northwest Territories, Yukon and a lot of other places.

He also worked through the school years and became dean of Ely Junior College (now Vermillion Community College).

In summer between college sessions he did a lot of guiding. It helped fatten his college pay of "a couple thousand a year, instead of the 15, 20 or 30 which I'd have gotten now."

We sat at a table by the wide window in the Ely house. I ventured: "Guiding must be a testing occupation."

"It is, but I loved it."

Did he do the cooking?

"The guide not only did all the cooking and all the routine around the camp, but he had to know how to take care of people . . . had to watch them like a hawk. Start early morning. Work until 10 at night. So much to do. So much to get ready. But I thought . . . doggone . . . it's a shame to take my guide's wages—I enjoyed myself so much."

The wages ran $6 to $8 a day—not per person, for the whole bunch. Sometimes they helped with the dishes.

His canoe ranged far and wide. "I've covered a good part of the Northwest Territories. The Yukon. Alaska—northern part."

He has also been in the high Sierras, Sherwood Forest in England and the Black Forest of Germany, where he experienced a storm that felt like the destruction of the world.

For Olson, storms have a special meaning.

From "Open Horizons": "Once during a violent midsummer storm, sky black as night . . . I lay there waiting for the wind to strike. It came in an all-enguifing roar through the high tops, and as the pine swayed, its roots moved, too. . . . There was a tremendous crash as one of the largest lost hold and fell, the ground shuddering . . . I knew fear and wonder and an inner exaltation . . . of being at one with the elements, the trees and all the wild forces they bow to."

But the storms weren't always exalting.

I reminded him of a storm he experienced among the spruce by the Hayes River near Hudson Bay.

"That was a cold, miserable trip," he recalled.

I asked him whether the elements, with man's help, might be taking us into a nuclear holocaust.

"It's a frightening thing," he said. "Living under a cloud of suspense. Never knowing what's going to happen. . . . This world won't be worth living in, even though the Russians don't expect to kill everyone in it and say they'll survive.

"We were lucky who were born during a period when we didn't have such terrific problems. I look at the young people today. . . . It's hard growing up in a period of such tensions . . . uncertainty. I wonder about my great grandchildren."

One of his sons, Sig Jr., and family recently had come visiting from Alaska, where Sig Jr. is in charge of wildlife habitat for the U.S. Forest Service.

What can they do for wildlife habitat in Alaska?

"They can protect it," Olson said. "Get the bulldozers out of there. And the miners and the prospectors. And the oil money. Invading the refuges."

Even without holocaust, will the environment survive?

There are encouraging signs, he said.

"There's a great growth in ecological understanding. Of the world we live in. Especially among young people. I see it when they come in here—their concern with the out-of-doors, all aspects of it.

"They've developed a greater sensitivity to beauty and the meaning of out-of-doors. That's encouraging to me.

"There seems to be a renaissance, a new feeling, regarding nature. It's come within the last generation or so. For a long time people didn't know what 'ecology' meant.

"Now these young people are aware of the ecological relationships, and it gives me a great deal of happiness and satisfaction.

"Some day these young people are going to be in positions of power. They'll be running the country. And with that background and feeling, they'll do things that weren't done by their predecessors. That's encouraging.

"So many kids come in here. Sit down in this room. Tell me their experiences. How much this country needs.

"They come from all over the country. They're up here to take a canoe trip, or with a camp."

They know him through his books. His correspondence is heavy.

Somehow, one looks to him for general wisdom. I asked him how he felt the world was coming along.

"I don't know exactly how to answer that. In one sense, the future looks pretty bleak. With our shortage of fossil fuels. It's encouraging to hear that Congress is going to appropriate some millions for solar research. It's high time.

"We're starting in awfully late. I've always said that America never moves until its back is against the wall. Until we have a crisis.

"Well, we have one, and we're beginning to react. It's late, but if we pour ourselves into it, put our tremendous expertise to work. . . . No one knows what could happen. It's encouraging in that respect."

He had praised the young people. What about their parents?

"We have become an urban civilization, but at the same time we're hungry to get back to the earth, get our feet on the ground.

"Witness the enormous hegira of people leaving the cities every weekend. Just to get a good hold of the countryside, to get a different vista.

"And they wear themselves out doing it, especially if they have a flock of kids.

"Nevertheless, that one glimpse of the outside natural world is enough to lift their spirits, to give them something to satisfy that eternal quest within."

Speaking of the eternal quest, how did it all begin?

"Nobody has delved deeply enough into it to know exactly what happened. These ideas of exploding, recreating, the universe. . . .

"I like what Einstein said. Paraphrasing—'The more I look at the universe, the more I'm sure that there is some logical, reasonable power, and explanation, behind everything.'

"We've never figured it out, but the feeling that there is some great immutable power controlling the universe—and whatever happens—is enough for me.

"To me the beauty and magnificence of the universe means that there's got to be a God of some kind. There's got to be something. Everybody's got to have something like that."

Do you remember your first published work?

"Vividly. I was guiding up here in the early 1920s, and my brother Ken was a reporter on the Milwaukee Journal. He wrote to me: 'Say, why don't you write a story about your adventures? I'll see that it's published in the Milwaukee Journal.'

"Well, I thought that was great. I hadn't done any writing to speak of, but between canoe trips I did myself a story called 'Wilderness Canoe Trip' and sent it to Ken. Back from my next trip, couple of weeks later, here was a copy of the Milwaukee Journal. 'Wilderness Canoe Trip' by Sig Olson. Wow! I thought, 'Holy smokes! Imagine. I'm a writer!' I have a copy of the thing, and it's filled with more cliches and horrible stuff than you could ever imagine.

"From then on I tried to hit the outdoor magazines, and I had a terrible time. I'd try and try and try. It came, but very, very slowly. But for some reason I kept at it.

"Field and Stream was my first big breakthrough—a story called 'Fishing Jewelry.' It was about an old lumberjack who made fun of all my lures. He said, 'That stuff is just fishing jewelry. Go out and get some angleworms and fish like a man should.' "

With that boost, the writing career flourished. Brother Ken, I learned, had been my favorite journalism professor at the University of Minnesota and later headed the journalism school at Northwestern. He, too, wrote books—a journalism textbook and another on world affairs.

Elizabeth and Sigurd Olson's second son, Robert Keith, is also a writer.

"Bob was with the foreign service," Olson said. "Went all over the world."

A few years ago Bob Olson retired to a tree farm in Wisconsin. He's studying for a doctorate, and Sigurd Olson said, "he's written an article for the Atlantic Quarterly. Six thousand words. The whole thing will nearly cover an issue."

Admiring the Ely house, I asked Sigurd about its origins.

"We lived downtown, but the boys wanted to ski, so we moved out here."

They bought the house and added to it. Was it just the boys who wanted to ski?

No, Olson admitted: "I was one of the first cross-county skiers around here. I had a pair of skis from Finland. Still have them." There was an Olympic racer in the group, whose name escapes him.

"In the early days this was sort of a headquarters. There'd be a gang. In a race on the way to Burntside there was a big hill. A chap ahead of me fell at the bottom. I stopped, got out of my skis and went over. Thought he might have broken a leg. He jumped to his feet, got ahead of me, and I never caught up to him." Olson laughed. Usually, he said, he came in second.

Olson is a fishing and hunting conservationist who is happy with certain Boundary Waters Canoe Wilderness Area regulations restricting the use of boat motors in certain lakes.

This nettles many resorters and Ely businesspeople who cater to motorboating tourists.

I asked whether he feels uncomfortable going downtown among the motorboat partisons. His reply was prompt:

"No. I was downtown yesterday. Half a dozen oldtimers came up and greeted me. Gaily. Even though they know I'm on the opposite side of the fence.

"The time is coming when the canoeists will bring more revenue than the motorboaters. They'll discover this in due time. . . .

"Congress signed the bill last October. Creating a Boundary Waters Wilderness Area. Up to that time the Boundary Waters Canoe Area wasn't a wilderness.

"So, it was a good move. A good bill.

"Things have quieted down. Some will fight it to the last ditch. . . . But they've never been rude to me."

So life and time go on, and so does work. He's still working.

When Olsen was in high school in Ashland, the chamber of commerce sponsored a high school essay-writing contest. The subject: "The Purpose of the Chamber of Commerce."

"I didn't know anything about chamber of commerce. Couldn't care less," Olson recalled.

"But I wrote a little essay. By gosh I got first place. I must have been about a sophomore. All those other kids, more reputable than I, just a little kid—I won! A five-dollar gold piece.

"I haven't the slightest idea what I said about the chamber of commerce, but the whole thing appealed to something inside of me. Kindled something. Gave me a hint that some day maybe I could write something."

He could. And did.

And so today, at Ely, time still passes. And today, at 80, Sigurd Olson is working on a ninth book.

Tentative title: "The Time and the Place." ●

THE SOFT DRINK FRANCHISOR BILL

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. LUKEN. Mr. Speaker, it is an infrequent occurrence when there are about 300 cosponsors of a bill in the House. It is probably even more unusual when this same bill receives no action in committee.

This is the situation we are faced with concerning the bill, H.R. 3567, the Soft Drink Interbrand Competition Act introduced by our colleagues, Mr. HALL of Texas and Mr. MOLLOHAN of West Virginia. The fact is that this bill has received no action in the Monopolies Subcommittee of the House Judiciary Committee despite the overwhelming support of the House membership.

It is for this reason that I am writing to the chairman of the Monopolies Subcommittee and the Judiciary Committee, Mr. RODINO, and ask that he hold hearings immediately on this bill and the several others that have been referred to his subcommittee. As many of my colleagues know, action has already begun in the Senate where a similar bill has almost 80 cosponsors.

As the author of another bill on the same subject, H.R. 3573 and a cosponsor of H.R. 3567, I feel that this action by the Judiciary Committee is a first step to amend a wrong action taken by the Federal Trade Commission. These FTC decisions would have forced soft drink bottlers to offer an unlimited number of franchises in a given geographic area. The effect would have been utter chaos in the soft drink industry and would have done significant harm to the small businessmen who now are providing excellent service as soft drink franchisers.

These are the sort of bills that the American people expect the House to act on. We are all tired of the intervention into the private sector by uncontrolled Government agencies. The chief culprit in this is the Federal Trade Commission. The House must send a message to the Federal Trade Commission that these sort of interventionist regulations and rules must stop. Our free enterprise system will work much better with less regulation not more. This sort of regulation, promulgated by the FTC will reduce competition. It will allow for the major soft drink companies to take over the distribution of their product rather than leaving it with the small businessman.

This bill cries out for action and I will be contacting the chairman of the House Monopolies Subcommittee and the House Consumer Protection Finance Subcommittee in the hopes that action will begin shortly. A clear and impressive majority of House Members have spoken on this and action is necessary.●

ANOTHER APPROACH TO ENERGY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. OTTINGER. Mr. Speaker, recent reports, including the newly published Energy Future book written by professors at the Harvard Business School, have convinced me that the Congress must have a wholly new way of looking at energy production in the coming decade, and that is to promote the "production" of energy by saving it. This becomes even more important when one considers that virtually all of the major energy proposals pending in the Congress, particularly those promoting synthetic fuels, will not provide any meaningful energy supplies for at least a decade.

In short, we need to do something about energy—and about our people's economic well-being—in the short term. And, as Professors Yergin and Stobaugh, who authored the Harvard book have noted, the best short-term energy opportunity is conservation. "Indeed," they write, "conservation—not coal or nuclear energy—is the major alternative to imported oil. It could perhaps supply up to 40 percent of America's current energy usage * * *."

I am drafting legislation which is designed to help the American people meet their energy needs—while improving our lifestyles and protecting and creating jobs. Under the legislation I am preparing, Congress would establish a program the purpose of which would be to use existing institutions to assist all consumers of energy—industrial, commerical and individual—to enhance productivity and the utilization of renewable energy resources to back up oil.

I have today sent a memo to a wide variety of outside energy experts, seeking their comments and suggestions. I would like to request permission at this point to insert my memorandum in the RECORD, with the hope that my colleagues, too, will provide me with suggestions and comments.

The memorandum follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 30, 1979.

Memorandum to Whom It May Concern.
From Representative RICHARD L. OTTINGER.
Subject: Another look at energy production subsidies.

Virtually all of the energy proposals relating to production of new oil and gas, coal or synthetic fuels—including the proposals offered two weeks ago by President Carter—fail to address the real needs of real people for energy and some economic relief in the short term. In fact, no meaningful energy supplies would be produced by any of the proposed programs for at least a decade.

There is a building consensus, however, that there can be fast relief, in the form of improved energy efficiency and conservation measures which do *not* need to reduce our standard of living at all. By "mining buildings to produce oil and gas," as has been suggested by Bob Williams of Princeton and Mark Ross of the University of Michigan, estimates show that the Nation could save as much as four to six million barrels of oil equivalent a day—well before 1990. As Daniel Yergin, of the Kennedy School at Harvard, wrote recently, "If the United States were to make a serious commitment to conservation, it might well consume 30 to 40 percent less energy than it now does, *and still enjoy the same or an even higher standard of living.*" (emphasis supplied.) [1]

Most of the active energy proposals pending in the Congress involve massive Federal subsidies for traditional energy "production" and that means giving a lot of money to the energy industries (which already are doing quite well, according to second quarter earnings reports). What those subsidies do not do is provide any reasonable cost energy; indeed, not only will synthetic fuels be frightfully expensive by all accounts, but they won't even be available for at least 10 years!

I am preparing legislation which I am convinced will provide a valuable new way of looking at energy—from the energy consumer's standpoint rather than from the energy producer's standpoint. Rather than subsidizing big energy corporations to produce energy, we should be subsidizing consumers of energy—whoever they are. There really ought be nothing sacred about providing all the big Federal outlays to defense and energy; we should be providing financial assistance to improve efficiency and increase our reliance on renewable energy resources in all the consuming sectors—residential, commercial, industrial and transportation—as the best short-term way to decrease our reliance on imported oil. I am convinced that we can "get there from here" without dis-

[1] Stobaugh, Robert and Daniel Yergin, Energy Future, Random House (New York: 1979), p. 137.

comfort and, what's more, without massive outlays of Federal dollars.

My first proposal involves an amendment to the National Energy Act to require that electric and gas utilities undertake residential retrofit programs ranging from insulation to solarization. In addition to major conservation efforts obviating or slowing the need for new powerplant construction—which inevitably drives consumers' bills up—utility involvement will ease financing for consumers, assure quality work and provide maintenance, particularly for solar equipment.

Under my second proposal, Congress would authorize a program designed to attract private capital for investments in energy efficiency, building retrofits, industrial retooling, production of energy from waste, etc. The vehicle for the program would be a corporation with all the usual power given such an entity, including the possibility of issuing bonds or notes. Any capital so raised would then be moved out through existing banking institutions (both commercial banks and savings and loans) to be lent at a subsidized interest rate—say 6.50 percent—to persons borrowing to improve energy efficiency or to increase the use of renewables. The Federal commitment would amount only to the difference between the interest paid to the investor and the rate at which the ultimate borrower would obtain his/her loan. If, as an example, $10 billion in capital were raised at 11 percent, the interest for one year (not compounded, for simplicity's sake) would be $1.1 billion, with the Government owing half, or $550 million. Relative to some of the numbers circulating for synthetic fuels, that seems a very low figure, indeed.

On the borrower's side, let us assume that a homeowner learns that $1,700 in retrofitting his/her home would reduce energy consumption by 50%—which is well established as being achievable. With heating oil at $1.00 per gallon and a consumption of 1,350 gallons for the season, the current bill for our homeowner is $112.50 per month for heating oil. If the $1,700 is borrowed at 6 per cent for 20 years and consumption is halved, then the monthly bill is reduced to $56.25, with an added $12.18 for monthly payments of interest and principle on the loan. In the end, the $1,700 investment, including the loan, means our homeowner would be paying $68.43 per month for heating, or 39% less than before the investment.

Similar gains could be achieved in the industrial, commercial and transportation sectors, with savings running into the millions of dollars. Under my program subsidized interest loans would be available to these sectors either for improved efficiency in manufacturing processes or, for that matter, to assist in retooling to make more efficient products, where those products are, themselves, energy users, such as toasters, other appliances, automobiles and the like.

The legislation will be refined to assure that some of the capital available through the issuance of bonds and notes will be made available to all four of the consuming sectors on a basis that makes sense—both in energy-saving terms and in terms of meeting other important social goals, such as economic stability and preservation (and additional creation) of jobs.

Numerous individuals in industry, finance, labor, consumer and environmental groups have been most helpful in making suggestions for the program I have outlined here. In preparing this memorandum, I am hoping for the widest possible comment, criticism, suggestion for alteration, improvement, etc. on the concept. I would appreciate any comments you might have.

I am convinced the United States can make meaningful reductions in its reliance on imported oil, and that we can do so while saving money and living as well as, if not better than, we now do.●

VERMONTERS VOICE OPINIONS ON KEY ISSUES IN CONGRESS

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. JEFFORDS. Mr. Speaker, this spring I mailed to all Vermont households a questionnaire seeking public opinion on major issues before Congress. Responses were returned, in time for tabulation, by 10,095 Vermonters. The general issues covered were the economy, energy, national health insurance, and RARE II wilderness designations in Vermont.

The results have now been tabulated, and I would like to share them with my colleagues. Although the numbers speak for themselves, there are a couple of conclusions to be drawn which, I believe, should be emphasized.

First, there is a virtual consensus in my State that the Federal budget should be balanced; if not right away, as soon as feasible. My constituents clearly believe that waste is pervasive in virtually all aspects of the Federal budget, and most believe substantial savings can be made without sacrificing necessary or valuable programs.

Second, on the issue of energy, Vermonters believe this country must take firm and decisive action to develop domestic energy sources such as wood, hydro, solar, and coal. The overwhelming majority does not support decontrol of oil prices, with or without a windfall profits tax. A large majority also believes that caution must be exercised in the licensing of new nuclear fission plants.

The questionnaire results follow:

QUESTIONNAIRE

1. The economy. Please check the statements with which you generally agree. You may check more than one.

A. Congress should balance the budget this year, even if that means eliminating or significantly cutting back services which are now provided. 34.6 percent.

B. Congress should cut costs by making programs more efficient, moving toward a balanced budget as soon as possible but without significantly injuring worthwhile programs. 70 percent.

C. Military spending should be reduced by Congress. 42.1 percent.

D. Military spending should be increased by Congress. 27.9 percent.

E. Spending for domestic programs should be reduced by Congress. 49.7 percent.

F. Spending for domestic programs should be increased by Congress. 19.1 percent.

G. The government should exert more control over business. 27.7 percent.

H. The government should exert less control over business. 51.9 percent.

2. Energy. In dealing with our energy problems, which of the following steps should we take? You may check more than one.

A. Remove price controls on oil to discourage use and encourage additional production, without a windfall profits tax. 11.8 percent.

B. Remove price controls on oil, taxing half of the windfall profits and allowing the oil companies to keep the other half to encourage production, as the President has proposed. 23 percent.

C. Keep price controls on oil, and provide more incentives and assistance for alternative energy sources such as wood, hydro, solar, and coal. 69.1 percent.

D. Speed up licensing of new nuclear fission power plants. 21 percent.

E. Slow down licensing of new nuclear plants, and assess the problems. 63.4 percent.

3. Health. Which of the following statements closest to your opinion on National Health Insurance? Check only one.

A. The government should provide mandatory, comprehnsive health insurance, to assure the medical needs of all Americans are met. 20.2 percent.

B. The government should provide "catastrophic" health coverage to assure families will not face bankruptcy due to illness or injury. 43.9 percent.

C. The government should not play any increased role in providing health insurance coverage. 26.4 percent.

4. Wilderness. The arguments in Vermont's current wilderness controversy are summarized elsewhere in this newsletter. Which of the following statements is closest to your opinion? Check only one.

A. No additional areas of the Green Mountain National Forest should be designated as wilderness. 28.8 percent.

B. Only one of the six regions that were considered should be designated as wilderness. (The Breadloaf area is reportedly being considered.) 11.7 percent.

C. Two or more of the areas of the Green Mountain National Forest should be designated as wilderness. 52.1 percent.●

PLANS TO MODIFY THE CONBOY LAKE WILDLIFE REFUGE IN WASHINGTON STATE

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. McCORMACK. Mr. Speaker, today I am introducing a bill designed to redress unjust action by the U.S. Fish and Wildlife Service in its development of the Conboy Lake National Wildlife Refuge in the Fourth District of Washington State. There is substantial evidence to demonstrate that the Fish and Wildlife Service's development of this particular refuge is ill-advised and without significant merit, and when weighed against the human hardships it will create, should be halted.

Conboy Lake National Wildlife Refuge was approved in 1964 by the Migratory Bird Conservation Commission, pursuant to the Migratory Bird Conservation Act of 1922. Its original size was to have been 10,245 acres; it was subsequently reduced to its current proposed size of 9,266 acres.

The Fish and Wildlife Service has acquired through purchase 5,516 acres and through condemnation 1,215 acres. Condemnation action began in 1971 and has been upheld twice by the Ninth Circuit Court of Appeals, San Francisco, with Fish and Wildlife to take possession November 1, 1979.

In 1967–68 the GAO conducted an investigation of the acquisition of migratory waterfowl refuges by the U.S. Fish and Wildlife Service which included an examination of Conboy Lake. Several of the findings were not favorable to the agency's proposed acquisition of land at Conboy Lake:

First. Even though Fish and Wildlife expected to attract 39 percent fewer waterfowl than they considered the refuge capable of handling, their original acreage requirements were not modified. With 10,500 acres, the refuge could have supported 5.1 million use-days per year, yet the Service projected a requirement for only 3.3 million use-days per year. When this was noted, Fish and Wildlife informed GAO that they planned to reduce the refuge size by 2,300 acres, but it was subsequently reduced by only 1,000 acres.

Second. Approximately 37 percent of the refuge are lands not necessary for the function of the refuge as recommended by the Fish and Wildlife ascertainment biologist. The cost of acquiring these lands would amount to 41 percent of the total cost.

Third. In the wetlands inventory taken in April 1954, Conboy Lake was not recognized as of high or moderate value to waterfowl. This 1954 report included 90 percent of all significant wetlands in the State, and the remaining 10 percent equaled 25,000 acres of marginal habitat in higher mountainous areas.

Fourth. In 1961 the Pacific flyway representative recognized the marginal value of Conboy Lake when, using a numerical rating format to establish priority sites for refuges, he rated Conboy the lowest of 86 sites within the flyway because of unfavorable biological and administrative characteristics. On a scale of 0–41 biological characteristics, Conboy rated 7.

While one of the primary purposes of the Fish and Wildlife Service in establishing the refuge was to attract waterfowl away from crops on private lands, the rating for this factor was 0. Further, tract appraisal reports show that the 10,500-acre site contains only 144 acres of water and marsh.

Fifth. In 1963, the Region I Land Acquisition Review Committee ranked Conboy Lake low, due to its location between the existing Toppenish and Ridgefield refuges, and the then-planned development at Umatilla.

In its 1964 presentation to the Migratory Bird Conservation Commission, the Fish and Wildlife Service stated the following reasons for establishing the refuge:

(1) To facilitate the orderly expenditure of duck stamp funds;

(2) To take advantage of the willingness of land owners to sell; and

(3) To provide an additional refuge site in Washington.

The Fish and Wildlife Service did not disclose to the Commission:

First. That there were other areas of higher value to waterfowl not yet acquired in the flyway.

Second. The basis used by the Service in determining that the refuge was required to satisfy the needs of waterfowl.

Third. The fact that an additional 4,200 acres recommended for purchase were biologically unessential for the refuge.

The negative economic impact of the proposed refuge on the area is substantial. For example, 715 head of cattle have been displaced from the land already purchased by the Service; an additional 325 head have been displaced from the condemned lands; and another 500 head will be displaced from the remaining lands to be acquired. At approximately $600 per head, this represents a loss of $924,000 value. An additional 60 milk cows were displaced. At $800 per head, this is an additional $48,000. In just one category—value of livestock—establishment of the refuge means a loss of close to $1 million in assets to the area.

Additionally, the Klickitat County Commissioners have expressed concern that the amount the county will receive in "in-lieu-of-taxes" funds will be substantially less than the revenues which would be generated from property taxes under the current assessed value of the land involved.

The personal hardships created for the three families involved in the condemnation proceedings cannot be minimized. The Kreps family, represented by Mr. and Mrs. Bill Giersch, will lose 333 acres through condemnation already completed, and an additional 400 acres which are within the proposed boundary of the refuge; Mrs. Agnes Miller will lose 657 acres, which is her entire ranch, including her home; and Mr. Wally Davis will lose 225 acres, one portion of his ranch holdings.

It is difficult for me to understand, Mr. Speaker, how an agency can justify continuing development of a project of marginal value for wildlife enhancement in the face of this kind of adverse impact on people who have made their homes and living in this area for years.

The House Interior Appropriations Committee has already seen fit in its report of July 18, 1979, to delete any funds for operation of the Conboy Lake National Wildlife Refuge in fiscal year 1980. This action will halt development of the refuge, but, the Fish and Wildlife Service is moving forward with its plans to take the condemned property and evict the three families. That is why the matter is of some urgency, Mr. Speaker.

The bill which I am introducing today would permit the Fish and Wildlife Service to maintain a refuge of reasonable size—the 5,516 acres which it has acquired by purchase, and to acquire real property by exchange in order to make that parcel contiguous. But it would force the Fish and Wildlife Service to return any real property acquired by condemnation—land which is excess to the needs of the refuge anyway—to the owner or owners from whom such property was acquired, upon payment by such owners of the amount, if any, paid by the United States as compensation for such property. In the interests of justice, I hope that the Congress can act quickly on this legislation.●

A CLOSE LOOK AT OUR SYNTHETIC FUELS STRATEGY

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. HAMMERSCHMIDT. Mr. Speaker, as we prepare to consider the various energy proposals that might help lead the United States out of the wilderness of energy dependence, which could amount in dollars and impact to the largest single peacetime government initiative in U.S. history, I feel it is indeed appropriate to closely scrutinize these measures. This article by John Berry from the July 29th Washington Post sets out some interesting thoughts on the matter.

[From the Washington Post, July 29, 1979]

GOAL MAY PROVE ELUSIVE, COST TOO HIGH

(By John M. Berry)

President Carter and the Congress are fast committing the nation to a massive, expensive, risky new program to develop energy alternatives to imported oil.

The appeal is undeniable, for the goal is nothing less than to free America from the dictates of an avaricious world oil cartel that is using the "oil weapon" not just to extract dollars but foreign policy concessions as well.

But there is a real chance that the goal will prove elusive and the costs extraordinarily high, not just in government spending, but also in the form of higher inflation, added pollution, decreased nonenergy investment by business and at least a temporarily lower standard of living for many Americans.

Opposition to some parts of the program has been overwhelmed by the sudden political need to respond to the long lines at gasoline stations and rapidly rising prices at the pump. Now, however, skeptics are emerging even in Congress. They are wondering out loud whether the nation may not be leaping unawares into the synthetic fuels production plans that are the heart of the new program.

Administration officials acknowledge the uncertainties, but say enough is known to push ahead. "There are no substitutes to imported oil other than the range of production alternatives we've proposed," says one.

Today, the Washington Post begins a series of occasional articles that will explore the costs, the risks and the benefits of this mammoth commitment of national purpose for the decade of the 1980s.

The first article deals with coal liquification—the process of turning part of the nation's abundant coal deposits into liquid fuel, either crude oil, a form of alcohol called methanol, or directly into gasoline. Five groups of companies with five different processes each claim to be able to do the job—if the government somehow will help to finance a $2 billion commercial-scale plant turning out 50,000 barrels of fuel each day.

No plant of that size using any of the five processes exists. The largest in the United States produces only about 150 barrels a day. There is a 20,000-barrel-a-day plant in South Africa that uses one of the processes to produce gasoline, and a larger plant under construction there will produce an estimated 120,000 barrels daily.

All of the synthetic fuels, like coal liquifaction, involve changing a source of energy from one form to another. All of them are expensive, with only oil shale likely to cost little more than oil at current prices.

Because something has never been done is hardly a sign that it cannot be, of course. But doing something for the first time, and in a great hurry, can lead to some unpleasant surprises, particularly in terms of costs.

President Carter put the cost of his program at $142 billion over 10 years, but that estimate is not really based on costs at all. Rather it is simply a figure close to the minimum amount of money the administration calculates its proposed windfall tax on domestic crude oil will bring in. "Any reduction in the receipts . . . will require reductions in these program levels," said a footnote to the While House fact sheet describing the program.

At this point, anybody's figures probably should be taken with a grain of salt. As a recent Rand Corp. study for the Department of Energy put it, "Estimates of capital costs of pioneer energy process plants have been poor predictors of actual capital costs."

Early estimates, even adjusted for inflation, "have routinely understated definitive-design or ultimate costs by more than 100 percent for oil shale, coal gasification and liquefaction (liquids), tar sands, solid waste and nuclear fuel reprocessing plants," the study warned.

Anyone can recall story after story about weapons systems cost overruns. Yet the Rand study concluded that, on average, the actual cost of weapons systems was much closer to original estimates than the actual cost of energy process plants to original estimates. First-of-a-kind plants always cost far more than expected, and building them on a tight schedule—as will have to happen to meet Carter's 1990 goals—"can cause both higher cost and poor system performance," the study concluded.

Building the plants—most of which will have to be located in relatively remote parts of Montana, Wyoming, Colorado and North Dakota—may strain the nation's supply of skilled construction manpower. Construction wages could soar, adding sharply to the costs not just of the plants themselves but also other projects such as chemical plants and oil refineries. Production of some of the equipment needed in the plants also could means that other types of process plants might have to do without.

All that could add to inflation generally.

Nevertheless, Carter has earmarked $90 billion with which to spur production of the energy alternatives. About half of the remaining $50 billion is supposed to be used to help low-income families bear the burden of higher energy costs. More than $16 billion will be used for mass transit and some as yet unspecified program to increase automobile mileage efficiency. The remainder is destined to aid utilities in switching power plants from oil to coal, to speed energy conservation measures in residential and commercial buildings, and to give new incentives to use of solar energy.

Little of the $90 billion would be used directly by the government to construct the coal, oil shale and "biomass"—a catch-all phrase covering organic materials ranging from wood chips to corn to garbage—conversion plants. A new Energy Security Corp. is supposed to use a combination of loans, loan guarantees, price guarantees and purchase agreements to entice private industry to build the 30 to 40 plants with 50,000-barrel-a-day outputs needed to meet Carter's goal.

Even a $2 billion each, that's $60 billion to $80 billion. If the Rand study is right, the total could be far more. In addition, the continuing cost to the government as a result of its price or purchase guarantees could run into the billions of dollars every year once a plant starts operating.

Outgoing Energy Secretary James Schlesinger predicted last week, "It will be a hard struggle to get the Energy Security Corp. passed on Capitol Hill." Other administration officials are resigned to the fact that Congress will be making major changes in the ESC proposal. Those officials are worried that Congress may try to tie the new group's hands and require specific appropriations for the guarantees extended each plant.

Ironically, if the Organization of Petroleum Exporting Countries imposes big oil price increases in coming years, it will swell receipts from the windfall tax—unless Congress fails to make it permanent, as it well may do—and reduce any future outlays as a result of price and purchase guarantees.

In short, no one knows what the costs of Carter's program will turn out to be.

No one knows, either, what the environmental bill will add up to in the end.

A DOE study released July 12 found that only 41 counties in the entire country have coal reserves adequate to supply a 100,000-barrel-a-day plant for 25 years, with enough water resources within 50 miles, and with sufficient room under present federal air quality standards that the plants could be built.

Most of the sites are in the West where water is already in short supply, obtaining enough rights to water use for the plants probably would mean buying large blocks of ranch and farm land whose owners now control those rights.

The coal and oil shale supplying the plants would come largely from surface mines in semi-arid areas in which reclamation is still highly uncertain.

And most of the counties have only very small populations that might be overwhelmed by the influx of workers needed to build and operate the plants. Including workers, employes of support facilities and their families, a 100,000-barrel-a-day plant would mean a 20,500-person increase in population, the DOE study said. Some of the 41 counties have populations as low as 1,000 people.

To cope with the population influx associated with a single 50,000-barrel-a-day plant, the added community facilities could cost more than $70 million.

Beyond that sort of impact, the range of unanswered environmental questions is still enormous. The same DOE study cautioned:

The accelerated commercialization schedule (set by Carter) may require that the first commercial plants be constructed before environmental concerns are assessed fully.

If problems exist, the number of these first commercial plants in specific locales can lead to an increased risk that a primary health standard will be violated.

Small laboratory and pilot plant facilities may fail to indicate pollution problems that would surface in the larger scale of a commercial operation.

Carter is counting on displaying 500,000 to 1 million barrels of oil imports with such gas, which is locked so tightly in rocks that they generally must be fractured in some way before the gas will flow in any quantity. The gas dissolved in deep reservoirs of brine along the Texas and Louisiana coasts also falls into this category, but that gas carries with it far more uncertainties than that held tightly in the Devonian shales of West Virginia.

All of the energy alternatives—liquids from coal, "natural" gas from coal, oil shale, gasohol, garbage, wood, wind, geothermal, heavy oil and tar sands, and solar—will be covered in the articles to come. Some of the questions raised will be answered. Some will not be, because for them there are as yet no answers.●

THE MARRIAGE TAX—AN EXAMPLE OF THE HARM IT CAUSES

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. McCORMACK. Mr. Speaker, I recently received a letter from a gentleman who worked for the Internal Revenue for nearly 30 years before retiring. He now aids individuals in the preparation of their tax returns. He commented on my bill to eliminate the so-called marriage penalty tax. As the Members know there have been repeated calls for repeal of this unfair tax. The accompanying illustration shows how the marriage penalty tax effects a real-life middle-income couple.

The letter says, in part, ". . . your bill on not taxing couples more than singles is excellent. I recently had a case where the couple stated that they shouldn't have gotten married because it cost them $1,138."

He went on to illustrate:

MARRIED COUPLE

(1978 Rates/Standard Deduction)

His income: $17,983.62.
Her income: $14,148.20.
His tax if single: $3348.
Her tax if single: $2227.
Single tax total: $5575.
Tax paid as a married couple, joint return: $6713.
Extra tax paid due to marriage (In other words, Marriage Penalty Tax). $1138.●

MRS. CECIL (TOOTIE) McCLUEY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. SKELTON. Mr. Speaker, Missouri State Representative Jerry Burch wrote a guest editorial about Mrs. Cecil (Tootie) McCluey, who recently passed away. She was truly a fine person, one who made our democracy work. The editorial from the Nevada Daily Mail is as follows:

[From the Nevada (Mo.) Daily Mail, July 24, 1979]

TOOTIE McCLUEY

(EDITOR'S NOTE: The following editorial was written by State Representative Jerry Burch at the invitation of the Nevada Daily Mail)

"Tootie" McCluey was a delight to everyone who knew her, and to a politician she was a pearl indeed. So when Mrs. Cecil McCluey died on June 28, I shared with her friends and neighbors at Lamar a sense of loss, a sad feeling that there is an empty place that will never quite be filled again.

When I set out to run for state representative last summer, I was looking for someone to help me in Lamar and Barton County. Almost the first one suggested was Tootie McCluey. It was a great day for me when she ushered me into her kitchen and poured me a cup of coffee.

"You're not the first politician to sit at that table and talk about campaigning," she said.

She ticked off some names: Symington, Litton, Eagleton, Randall, Kirkpatrick and—of course—Harry Truman. If she worked as hard for them as she did for me it is no wonder they were elected.

I never will forget that scorcher of a day last September when Lamar's annual Free Fair came to its climax with a parade around the square. There was Tootie, sweat streaming down her face and arms, blowing up campaign balloons and handing them out to the kids who came to our booth. You couldn't have hired anyone to work that hard or so enthusiastically.

She was a big woman, the widow of the owner and operator of Lamar's rather legendary and now extinct broom factory. One of the strongest remembrances of her in Lamar is that if she decided something needed doing it got done. Particularly in Lamar's Fourth Ward.

Tootie created a ruckus in the Fourth Ward Democratic Caucus last winter, and it

was probably one of the few times she had any political ambitions for herself. She wanted to be the ward's Democratic committeewoman. She complained that nominations were closed improperly before names could be submitted from the floor. She persisted until she won her point. The caucus had to be reconvened. But she did not get elected.

Although much involved, Tootie did not get hyped up about pet causes or political issues. No one ever worked harder and I have hardly ever been more obligated to anyone, but there was always the feeling that Tootie would never ask me to vote for or against a bill, would never ask for a job or for a personal favor. She never did!

So why did Tootie get involved? Why did she love to have politicians in her kitchen? Probably because she felt the best way she could discharge her obligation to vote intelligently was to get involved with the people who were running and got elected.

On our bicentennial Independence Day—on Sunday the Fourth of July, 1976—Jerry Litton gave the sermon at Independence Boulevard Christian Church in Kansas City. Here is just a little bit of what he said:

"Some are suggesting that politicians are not addressing the issues. But I think the people are wanting to look deeper than issues. They want to know the people behind those issues. I think they want to know the man, the woman, the candidate, the public official. They want to know how they feel about others. They want to know whether or not they are believers. Are they Christians? Do they believe? How do they feel toward their fellow man?

"Somehow we've lost faith in our God and our country, and it's making it very difficult for a free system and a free society to work. For a free system and a free society and a democracy to function, people must believe. People must want to follow, since they are not forced to follow. The fact that our people have not wanted to follow the past few years has weakened the basic structure of our democracy."

I came to look upon Tootie McCluey as one who dared to follow. Once she had determined which Democrats were worthy of her loyalty, whether they were believers, how they felt toward others—once she knew them and they satisfied her—she was not distracted by issues or what might be in it for her. With a lot more like her, we would not have to have doubts about our democracy working.●

JUSTICE DEPARTMENT'S EFFORTS LAGGING AGAINST WHITE-COLLAR CRIME

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. CONYERS. Mr. Speaker, for the past 2 years, the Subcommittee on Crime has been conducting oversight regarding the capabilities of the U.S. Department of Justice to detect, investigate, and prosecute corporate and white-collar crime. In an insightful article by Philip Taubman, the New York Times recently analyzed this subject in a lengthy front page article appearing on Sunday, July 15, 1979. As chairman of the Subcommittee on Crime, and as one who has undertaken a comprehensive analysis of the resources devoted by the Department of Justice to combat corporate crime, I found this article to be particularly significant and valuable, appearing as it did on the eve of the appointment of Benjamin Civiletti to be our new Attorney General. I commend this article to the attention of all of my colleagues in the House:

U.S. ATTACK ON CORPORATE CRIME YIELDS HANDFUL OF CASES IN 2 YEARS

(By Philip Taubman)

WASHINGTON, July 14.—The Justice Department has developed only a handful of criminal cases against major corporations in the two years since the Carter Administration promised to crack down on corporate and white-collar crime.

Government experts estimate that violations of antitrust, tax, fraud, bribery, pollution and other Federal laws by the nation's thousand largest corporations cost the economy billions of dollars a year.

But the Justice Department still lacks the manpower, the expertise and, in some cases, the motivation to conduct successful criminal investigations and prosecutions against major corporations or their top executives, according to a score of current and former Justice officials and corporation lawyers.

Harold R. Tyler Jr., a former Federal district judge and Deputy Attorney General in the Ford Administration, said, "The Justice Department doesn't even know the magnitude of what it's missing in terms of corporate crime. It was a very serious problem for the Government when I was there, and it still is."

Top officials of the department say that its efforts against white-collar crime in general and corporate crime in particular have intensified.

"I'm pleased with the progress we've made in recent years," said Deputy Attorney General Benjamin R. Civiletti. "We now have more emphasis on fighting white-collar crime than in the history of the United States, and we've undertaken more sophisticated prosecutions than ever before."

Most officials, however, while agreeing that the Justice Department is trying harder, say that the effort is having minimal success against the enormous obstacles involved in investigating and prosecution major corporations.

One top Justice Department official said, "It's just a lot easier for us to pick on the small guy" because the major companies, with their extensive resources and complex operations, require an extensive commitment of investigative time and expertise, both of which are in short supply.

RECORDS OF VARIOUS AGENCIES

An examination of Government records showed the following:

In the last two years, Internal Revenue Service investigations led to 3,360 indictments for criminal violations of Federal tax laws. Nine involved major corporations. The I.R.S. devoted 2.5 percent of its investigative time last year to major corporations, which it defines as those with assets of $250 million or more.

The Securities and Exchange Commission has referred 420 cases involving questionable domestic and foreign corporate payments by major corporations to the Justice Department in recent years. Ten have resulted in guilty pleas and 30 are under investigation, according to officials in the fraud section of the Justice Department. The rest have been dropped. No corporate executives have been prosecuted individually, although many were named in the S.E.C. files.

Of 23 criminal antitrust cases brought by the Justice Department this year, three involved major corporations.

Though the Department of Energy estimates that fraudulent oil transactions run into the billions of dollars every year, the one major oil company charged with such a transaction was able to plea bargain for a modest fine because the Justice Department, according to Congressional critics, delayed an investigation until the statute of limitations had almost run out.

In the half-decade since major air and water pollution laws were enacted, the Environmental Protection Agency has referred about 130 criminal cases to the Justice Department for prosecution. Half a dozen have involved major corporations. The Government has filed criminal charges against one, Allied Chemical, which pleaded no contest three years ago to charges that it dumped large quantities of the toxic chemical Kepone into the James River in Virginia. The case arose when about 80 people became ill. "We're just not set up to handle these kinds of cases, and our record is awful," said an official in the land and natural resources division of the Justice Department.

OTHER SOURCES OF DELAY

Present and former Government officials say that in some cases, a snail's pace by regulatory agencies or other problems not directly related to law enforcement have brought about the limited record of criminal prosecutions against major corporations. In the pollution area, for example, they note, regulations for toxic waste disposal have only recently been drafted.

There is little argument about the cost of white-collar crime. The Joint Economic Committee of Congress estimates that such crime costs the United States economy $44 billion a year; crimes against property cost about $4 billion.

If the costs associated with antitrust price-fixing and fraud against Government programs are included, the total annual cost of white-collar crime exceeds $200 billion, according to Government estimates.

Experts say that while crimes committed by the 1,200 major corporations listed by the I.R.S. account for only part of the total cost, that part runs into billions of dollars a year.

SEVERITY OF PROBLEM ACKNOWLEDGED

President Carter and Attorney General Griffin B. Bell have frequently acknowledged the severity of corporate and white-collar crime in speeches and policy pronouncements. Last year Mr. Carter said, "Powerful white collar criminals cheat consumers of millions of dollars. Too often these big-shot crooks escape the consequences of their acts."

Mr. Bell has increased the staff of the Justice Department's fraud section and is creating special economic crime enforcement units in 27 United States Attorneys' offices.

But the emphasis and effort, Justice officials said, have yet to solve the myriad problems that the Government encounters when it tackles a major corporation in a criminal case. From detection to prosecution, these cases confront the Government with a nearly immobilizing web of problems, some inherent, others created by the Government itself.

These problems fall into three main categories: problems produced by policy, problems of investigation, and problems of prosecution.

POLICY AND GOALS CLASH

While combating white-collar crime is called a high priority goal in the Carter Administration, specific policy within enforcement agencies does not make major corporations a leading target for investigation.

In the fraud section, for example, one of the main centers for investigating corporate wrongdoing, "our first priority was going after fraud in welfare, Medicare, Medicaid and other Federal programs," said Richard Beckler, chief of the fraud section until he left last month to enter private practice.

The tax division of the Justice Department is handicapped by the enforcement policy of the I.R.S., which, according to Thomas J. Clancy, director of criminal investigations,

tries to spread its enforcement net as widely as possible to create a deterrent.

That policy left corporations, which paid 16 percent of the taxes collected by the Federal Government last year, subject to less than five percent of the I.R.S.'s investigative time. "Most of the cases referred to the tax division by the I.R.S. are against doctors, lawyers and other owners of a sole-proprietorship business," said Cono R. Namorato, once a revenue service agent and, until recently, Deputy Assistant Attorney General in the tax division.

ANOTHER SERIES OF OBSTACLES

When it does investigate a major corporation, the Justice Department faces another series of obstacles.

"One of our biggest problems is lack of investigative resources," said Robert B. Fiske Jr., United States Attorney for the Southern District of New York.

In the case of the Federal Bureau of Investigation, the Government's main source of investigative manpower, the difficulty is lack of training to unravel economic crimes. "This is an area that has only recently received emphasis at the F.B.I.," said Mr. Fiske. "The bureau is taking steps to recruit and train people in this area, but it takes time. You can't take a group of agents who have investigated street crimes for years and turn them into financial experts overnight."

The Federal investigators who do have such expertise, the agents of the I.R.S., are unavailable to help with non-tax criminal cases because of a provision in the 1976 Tax Reform Act. To protect the privacy of third-party financial records, such as tax information and bank records, the law forbids the I.R.S. to share its findings with other criminal investigators without a court order.

"The I.R.S. can't even tell us whom they're investigating, much less work with us," said Mr. Fiske.

HUGE MOUNDS OF EVIDENCE

Manpower shortages are compounded by the volume of documentary evidence produced in most cases involving major corporations. "The amount of paper is staggering," said Andrea S. Ordin, United States Attorney for the Central District of California, which includes Los Angeles.

Mrs. Ordin cited a case in her district in which half a million pages of documents were collected as part of an investigation into alleged bribery of an Alaskan telephone official by two California-based companies that are subsidiaries of Japanese corporations.

"It can take weeks of following the paper trail before we even know if there is a case worth pursuing," Mrs. Ordin said.

The combination of extensive documentary evidence and limited investigative manpower appears to account for the Justice Department's conduct in the fraudulent oil transfer case. Two years ago, executives of the Continental Oil Company, the nation's ninth largest oil corporation, voluntarily told the Government about an alleged scheme within the company to circumvent price controls on the sale of crude oil.

When the Federal Energy Administration eventually referred the case to the Justice Department, it was assigned for three months to an attorney in the fraud section, Gerald P. Egan, who was then deeply involved in prosecuting a land fraud case in Florida. "I was in trial," recalled Mr. Egan, "and I just didn't have time to work on the Conoco case."

Representative John Conyers, chairman of the House subcommittee on crime, has charged that the Government neglected the case until the statute of limitations had nearly run out, forcing the Justice Department to settle for a plea bargain and modest fine in the end. Officials say the case was handled as expeditiously as possible.

The 60 lawyers assigned to criminal tax cases must review about 2,400 cases a year. "The load is brutal," said a tax division official. "We're missing good cases against big corporations because we lack the manpower." Tax division requests for increased staff in the criminal section have been turned down by the attorney general's office the last two years.

"ALL-OUT GLOBAL WAR" IN COURT

The difficulties encountered in investigations are often eclipsed by problems that develop once a corporate crime case moves to court. Here, according to lawyers for both the Government and large corporations, the Government can be outmanned, outgunned and outmaneuvered in many ways.

"Any criminal case is war," said Mr. Ferguson of the tax division. "A criminal case against a major corporation is all-out global war. Corporations use every weapon they can afford, and they can afford a lot.

The major weapon is expert defense counsel. While the Government often goes to court with young, inexperienced lawyers, according to Justice Department officials, companies in trouble can hire such Washington lawyers as Judah Best, Arthur F. Mathews and Herbert J. Miller, who have years of experience handling corporate cases and who can frustrate the Government at every turn, say lawyers in Government and in the private sector.

In litigation of a case involving illegal tax havens, for example, defense attorneys, invoking the Freedom of Information Act, asked for an index of thousands of pieces of documentary evidence collected by the Government. It took 30 Government lawyers and investigators six weeks to prepare the index, according to Mr. Ferguson.

TRACING RESPONSIBILITY DIFFICULT

Pinning responsibility on specific corporate executives is another obstacle. "When you get into a big corporation, with multiple levels of supervision, it is hard to trace responsibility for misconduct," said Mr. Namorato.

The complexity of corporate cases also causes problems. Richard Blumenthal, United States Attorney for Connecticut, said, "The applicable laws in corporate cases are frequently the most complex, producing cases that are difficult to reduce to issues a jury can easily grasp."

When legal strategy fails, corporations can try using political leverage.

Given these problems in dealing with corporate crime, the Justice Department often finds a plea bargain an attractive compromise. Though department officials say they prefer to push for trial and conviction, the record shows a preponderance of plea bargains in corporate cases.

ATTRACTIVENESS OF A PLEA

"You almost go for a plea bargain unconsciously because of all the problems," said Mr. Namorato. "Given the choice between setting on a plea up front versus going to trial for six months and ending up with a hung jury, the average Government prosecutor would take the plea."

Frequently, records show, plea bargains include a substantial reduction in charges. In some cases involving felony violations, the Government has accepted a guilty plea on misdemeanor charges.●

THE DRAFT—A DIFFICULT CHOICE

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. McCLOSKEY. Mr. Speaker, the difficult choice between a nonworkable All Volunteer Army and returning to the draft could not have been more poignantly stated than in a letter I received recently from the wife of a career army staff sergeant following a published discussion of the issue between our colleague from Ohio, Mr. SEIBERLING and myself.

The letter follows:

STOW, OHIO.

DEAR REPRESENTATIVE MCCLOSKEY: The Akron Beacon Journal published your feelings on the future of the Draft and I felt compelled to write to you because although I am against the Draft I know that it is probably the only solution for the Armed Services.

My husband is a Staff Sgt. in the U.S. Army with 14 years of service. I have seen the Army up close in the 11 years we have been married.

Everything you mentioned as being wrong with the Volunteer Army is in fact true. Today's Army is made up of minority groups. They are people who don't want to work but want to draw a paycheck, of unemployables, of misfits and social outcasts. Nobody who can get a job as a civilian goes into the low paid Army.

In 1974 the pay was pretty good. Now, with inflation the past five years, I have to work to keep the bill collectors from our door and I can no longer afford to go with my husband as he is transferred from one place to another. We moved five times in the last ten years and each time it cost us more out of our own pocket for expenses that were not covered by moving allowances.

We returned from a tour of duty in Germany a year ago and what I saw there scared me a lot. On any given day of any given week, we could not have put 50% of our troops into combat. Drugs and alcohol are used on duty and officers and NCO's look the other way. In fact the Army actually encourages the use of alcohol and never is a Company party or picnic held that alcoholic beverages are not the central attraction. The Army could even be accused of pushing alcohol.

Drugs were a terrific problem when we were there. One barracks on one of the compounds was well known for its daily OD requiring an ambulance from the dispensary.

My husband is "old Army" and a Vietnam veteran. He likes the Army the way it use to be. He doesn't understand "Today's Army". We have seen a lot of 10–12 year men get out because they wouldn't have their families around the situations that exist at bases today.

I can confirm your belief that the Military is greatly out of shape and would be slaughtered just like the Divisions sent against North Korea at the beginning of the war. It scares the life out of me that my husband would have to lead and depend on the men in his company. They would be worthless.

I hate the idea of the Draft. I won't let my daughter go, I will personally take her to Canada first and unless the Army changes drastically my son will not go either.

The Military use to put homosexuals of both sexes out of the service as undesirable. They no longer do this. I will not have my children forced to be exposed to things they and not old enough to handle or worldly enough to be able to know what they are getting exposed to.

My children are being raised as middle class, well educated children. You cannot say the Army is composed of middle class, well educated people. It's more like lower class illiterate. If given the free choice now even at their age they would not choose to live in Watts over the suburban neighborhood we live in and for which I work to keep us in.

As much as I hate it, Draft is probably the only solution but things must change when the Draft resumes. Homosexuals must not be forced together with our children. The

Army's attitude about alcohol must take a 360° turn and a campaign to discourage drinking taken up. Stress on physical and mental fitness must be the order of the day, not how many drinks it takes to put the Sgt. under the table and who is the Company Macho drinker. Pay has to improve. A Family cannot live on today's pay. You are asking people to voluntarily live on the poverty line, how can you in good conscience force them to live that way. A man feels a failure if he cannot give his wife and children the things they need. He then drinks and the family eventually breaks up. This is good for society?

Careful planning must go along with any resumption of the Military Draft.

Sincerely,

ELIZABETH MCCULLEY.

[From the Akron Beacon Journal, June 25, 1979]

COMPULSORY NATIONAL SERVICE: A CURE OR A CURSE?

IT'S VITAL WE BE PREPARED

(By PAUL N. MCCLOSKEY, JR.)

The bill for a National Youth Service System is predicated on several basic premises.

First, the all-volunteer force concept is too expensive. We cannot afford to increase our manpower share of the defense budget above the present 55 percent in order to attract more volunteers. To do so, against the Soviet manpower percentage of only 23, would be to court disaster over the next two decades.

Any additional manpower expeditures should be at the staff non-commissioned officer levels and to attract re-enlistments, not new recruit. The key to this bill is the reduction of pay for junior enlisted personnel with less than two years of service back to subsistence levels.

Second, the all-volunteer force concept is not providing a combat ready army. The reserve and National Guard forces are not combat-ready. No one, even in the Defense Department, denies this admitted failure of the all-volunteer force concept.

In the event of a major war, the Selective Service System could not be reactivated quickly enough to deliver the additional 650,000 personnel required.

In December for the first time the Air Force was unable to meet its enlistment quotas with reasonably qualified applicants, a problem which has plagued the Army and Marine Corps for some time. For the last quarter of 1978, the percentage of qualified recruits for all of the four armed services dropped below established goals. The Air Force met only 95 percent of its quota, the Army 93 percent, the Marines 86 percent and the Navy 85 percent.

The Army has just asked for standby reinstitution of the Selective Service System, and a recent General Accounting Office report recommends this action as well.

These problems threaten our constitutional responsibility for the national defense. We are sorely in need of a system of military recruitment that can provide essential manpower. At the same time, we are failing to utilize a vast reservoir of the nation's youth to meet social, economic and environmental needs.

Combat readiness in 1979 means the readiness to go into combat on 24 hours' notice. It requires the physical fitness to run 10 miles at a stretch, training in the desert and jungles in the summer, and in arctic areas in the winter. How many reasonable young men and women today are going to volunteer to be combat-ready given the pursuit-of-happiness options otherwise available on all sides?

The whole purpose of the armed services of the next 20 years is hopefully not to fight, but to constantly be ready to fight. Combat readiness is a deterrent to foreign adventurism, unreadiness is an invitation to such adventurism.

Combat service requires a minimum of six months' basic combat training; it requires a minimum of six months' hard physical preparation. We are not in the situation, as in World Wars I and II, where oceans protected our ability to organize and train expeditionary forces, or, as in Vietnam, where circumstances permitted a gradual buildup against a poorly equipped indigenous force, essentially without airpower, tanks or naval support.

The early days of the Korean War provide a much more pertinent lesson. There, the sudden attack of the North Koreans forced President Truman to commit troops into combat who were neither physically in shape nor trained for the terrain and weather they encountered.

Four U.S. divisions, fat and comfortable from garrison duty in Japan, were originally no match for hard, tough North Korean soldiers. Many young U.S. soldiers were killed or captured as a direct result of their nonreadiness. The crack First Marine Division was not ready for the weather conditions it encountered at the Chosen Reservoir.

I was one of the first reserve officers to finally reach the battlefront, seven months after the initial attack, when we finally began to turn the tide. It was the reserves who turned the tide, but I stress again that it took six months at the very least to prepare those reserves to have even a minimum chance of survival.

To be combat ready, the training must come very close to combat conditions. It must sometimes be even more arduous than combat.

It is this disparity between the pleasures of present civilian life and the nature of combat training which should convince all of us that we are not going to get enough reasonable young men and women to volunteer to be combat ready.

Congress' responsibility

A combat ready army is perhaps the first responsibility of the Congress. We should never forget that the primary purpose behind our own Constitution was to give the power to the Congress to raise an army and provide for a navy.

We were not at war in 1787 when the Constitutional Convention convened, but it was clear that the independence earned in eight years of war against Great Britain was about to be lost unless the Congress was given power to protect the national security, a power lacking under the original Articles of Confederation. And that power was not one to be entrusted to the executive branch.

I trust the Defense Department's current statements that "the all-volunteer Army is working" about as much as I trusted their seven years of statements that we were "winning" in Vietnam.

Third, if for the above reasons a draft of U.S. citizens is inevitable, it is best that the armed forces of the United States represent a cross-section of the nation, from every walk of life and from every economic and intelligence level.

One of the tragedies of Vietnam was the heavy burden placed on minorities as a result of the congressionally imposed exemption for college students. With perhaps 21 percent of the U.S. population either black or Mexican-American, some 44 percent of the combat casualties were borne by those two minorities.

The same would be true today, since the Army's combat units contain an even more disproportionate share of minorities than they did during the Vietnam War. Recent recruiting scandals give credence to the suggestion that the poor and the poorly educated are much more subject to the blandishments of a recruiting team than are the white, well-educated and well-to-do.

A sense of obligation

Fourth, if the draft is indeed inevitable, at a time when perhaps only one out of six is needed—4.3 million young people turn 18 each year and 700,000 are needed—would it not be fair to ask all young people to accept the concept of a duty to the country?

It is my feeling that today's youth are not opposed to national service, they may well oppose the use of conscription to support undeclared wars such as Vietnam, but the young idealists who opposed Vietnam in 1969 were the same type of individuals who volunteered to serve in the Canadian Armed Forces in 1939, before the United States entered the war against Germany.

Duty, honor, country and a sense of obligation to serve the nation and mankind are very much a part of the ethic of today's youth.

Providing 700,000 men and women for the regular forces and a similar number for the reserves (may require) only one out of three young Americans for this national necessity. But this also involves a division of burden.

The active combat forces require at least two years of service. The ready reserve can well do with six months of full-time service and 5½ years of active reserve duty.

Why not also recognize a sense of duty for national service for everyone?

It is on this premise that a spirit of idealistic service has always characterized the best of our young people that the national youth service concept is based.

LIBERTY WOULD BE THE LOSER IF CONSCRIPTION FORCES WIN

(By JOHN F. SEIBERLING)

Compulsory inductions into the armed forces of the United States ended in December 1972. Six months later, with certain exceptions, the authority of the President to order inductions also expired.

Yet today, less than six years after the end of the draft, and with our nation at peace, we are once again hearing a rising chorus of calls for a resumption of compulsory military service.

I was recently asked if I thought a consensus exists in Congress for a return to the draft. In my opinion, such a consensus does not exist, but a few members of the House and Senate are doing their best to create one.

The current debate on the draft revolves around three issues: compulsory registration of young men (and, perhaps, of young women) with the Selective Service System; the draft itself; and so-called "universal national service."

The House Armed Services Committee recently approved an amendment to the annual Defense Department authorization bill (HR 4040) which, if enacted, will require all males turning 18 on or after Jan. 1, 1981, to register beginning in 1981.

The Senate Armed Services Committee has held hearings on whether to follow the same approach. Thus the first step has been taken in a campaign to revive the draft.

Let's take a look at some of the claims used to support proposals for registration, the draft and universal service, and the facts which, in my view, clearly refute them.

Registration

Besides requiring registration of all 18-year-old males, the committee's amendment would require the President to prepare a plan for reforming the Selective Service System, including such issues as drafting women and whether to register people in person or by culling names from school records, driver registration and other sources, after waiving application of the Privacy Act.

All registered persons would be required to notify the Selective Service whenever they change address, plan to leave the country or, in some cases, change jobs. It is unclear when, if ever, these reporting requirements would cease.

Historically, amendments or extensions of draft laws have been brought up as separate legislation—never before as part of a defense authorization. Certainly, an issue of such far-reaching implications should be handled separately.

Yet, after only limited hearings, the committee casually tacked the registration amendment on to the regular annual Department of Defense authorization bill.

What justification is offered for this unprecedented handling of such an unfair approach to a serious invasion of the privacy of a future generation of young Americans?

Supporters of peacetime draft registration claim that the Selective Service is incapable of meeting the Defense Department emergency manpower mobilization timetable, raising doubts that draftees could be delivered quickly enough in the event of a nonnuclear war (presumably in western Europe).

Yet the Selective Service System has said repeatedly that it can develop the capability to meet the mobilization timetable.

Acting Director Robert Shuck recently said his agency "is firmly convinced that we can develop and demonstrate a capability to register and deliver inductees within 30 days," without peacetime registration.

The Congressional Budget Office, in a November 1978 report, concluded that the Selective Service, with a small increase in funds and without peacetime registration is capable of delivering the first inductee in 25 days—five days ahead of the Pentagon's requested schedule. That brings us to the draft itself—the ultimate purpose of registration.

The draft

Supporters of the draft say the all-volunteer force isn't working—that it has failed to provide sufficient numbers of capable, intelligent men and women to meet the needs of a peacetime defense.

I find it strange indeed that some members of Congress argue that the volunteer force isn't working in the face of a comprehensive Defense Department report ("America's Volunteers," Dec. 31, 1978) which concludes that the volunteer force "has provided the military services with a full-strength active force of a quality equal to or superior to that achieved under the draft."

The same report goes on to say that, since the end of the draft, the active forces have remained within 1.5 percent of their congressionally authorized levels (in fact, by the end of last year they actually exceeded their planned manpower levels).

It further states that the quality of those serving on active duty has "not declined as popularly believed but has markedly and steadily improved since the end of the draft"; that retention of enlisted personnel has increased and is well above pre-Vietnam levels; and that disciplinary problems have declined. The Defense Department itself opposes a return to the draft, concluding that the "draft is not necessary."

Draft advocates also charge that we are facing a crucial shortage of personnel in the reserve force. They argue that a limited draft of 200,000 young people each year would solve the manpower problems in the reserves. The Defense Department estimates that the cost of such a limited draft would be $785 million a year (or $3,925 for each person inducted).

One would think it would be less costly to provide more incentives to encourage volunteers for the reserves.

A recently released report from the General Accounting Office concludes that "nearly 25 percent of the Army's deployable reserve has no assigned missions during the first six months following mobilization."

The report suggests that maintaining "unnecessary and unsupportable units in the reserves . . . is a misapplication of scarce resources and a burden to the management structure."

The Defense Department says that a "draft focused solely on the selected reserve or the Individual Ready Reserve" would involve practical difficulties. A selected reserve draft . . . could undermine community support for the reserves. An IRR draft would require that personnel with as little as 12 weeks of training be available for combat duty within 30 days of mobilization for a period of six years following this training.

"It is unclear whether such individuals could achieve and retain the necessary skills and physical conditioning with so little training."

The Defense Department concludes that "program changes being tested and implemented for the reserves . . . should be given a chance to work."

Since the evidence suggests that a limited draft would do little to solve the alleged problems of the reserves, it seems to me that we should at least give the Defense Department a chance to find more desirable alternatives.

Universal service

Promoters of so-called "universal national service" claim that by requiring every young man and woman to perform some type of national service the inherently discriminatory aspects of the draft will be eliminated. Moreover, they claim that universal service proposals are voluntary in the sense that they offer a number of choices, thus eliminating the coercive elements of the draft.

Under universal service, as exemplified by two bills introduced in the House, every young man and woman (except conscientious objectors) would be required to register with a National Service Board, to choose either civilian or military service (or participate in a lottery like that near the end of the Vietnam War), and be required to serve for from one to two years. The alternative, should one decline to register, would be up to two years in jail.

If there is doubt about the constitutionality of a peacetime military draft, there can be little doubt that a non-military draft in peacetime is unconstitutional—involuntary servitude, pure and simple, with no national defense need to peg it on.

Cost estimates of universal service range from $12 billion to $23 billion, according to the Department of Defense. A huge new bureaucracy would have to be created to assign all the "draftees" to their chosen jobs and make sure they performed them. At a time when Congress is subjecting every federal program to intense fiscal scrutiny, and cutting back even basic human services, promotion of universal national service is either unrealistic or unconscionable—or both.

The debate on Selective Service registration, the draft, and universal service will probably continue for some time. Those involved would do well to reflect on the words of the 13th Amendment to the Constitution: "Neither slavery nor involuntary servitude, except as punishment for a crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

This unequivocal prohibition can be overridden only by the imperatives of national survival—when nothing short of compulsory service will suffice.

Yet the military hasn't even begun to demonstrate that its actual or anticipated manpower problems cannot be solved with better personnel management, more energetic recruiting, more women recruits, higher enlistment bonuses, and improvement of other benefits. On the contrary, the available facts show that registration and the draft are not necessary at this time.

This is not a partisan issue or a question of whether you favor or oppose increases in the defense budget.

The matter was well put by Congressman Ron Paul, a very conseravtive Republican from Texas, when he said:

"In today's world, we don't need an armed force of green kids to defend our country. Not to mention the cost inefficiency of spending billions to train one-nitch soldiers . . . using an authoritarian method such as the draft demeans our armed forces and our Constitution. It is a sign of military and societal weakness, not strength."

The ultimate in government intervention in people's lives is the draft, whether for military or civilian purposes. To accept a peacetime draft or registration is to accept the permanent regimentation of America's youth.

It strikes at the very heart of the American concept of personal liberty and a free way of life. The only justification for either registration or the draft is a clear necessity from the standpoint of national defense.

The burden of establishing the necessity should always be on those who would impose such a drastic curtailment of individual liberty. Its advocates have failed to meet that burden.●

AIRBAGS AND OPINION POLLS

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 1979

● Mr. VAN DEERLIN. Mr. Speaker, I chaired the Subcommittee on Consumer Protection and Finance during the 94th Congress.

I became convinced, during the course of exhaustive hearings, that airbags in all automobiles would significantly reduce the carnage on our highways. This slaughter is a national disgrace and, for many families, a great personal tragedy.

However, I felt there might be reluctance on the part of motorists to passive restraint systems. But public attitudes have matured. Five separate polls, the results of which follow, show that the public wants better crash protection.

A great number of well-respected groups also support airbags, and I have also included a list of the National Committee for Automotive Crash Protection. These groups will oppose the Dingell anti-airbag amendment.

Since I think action on auto safety is long overdue, I will oppose the amendment as well.

The material follows:

PUBLIC ATTITUDES TOWARD AUTOMATIC CRASH PROTECTION SYSTEMS

ABC NEWS-HARRIS SURVEY

January 1979—"Despite the public's reluctance toward more government spending, there are some federal programs, mainly those concerning health and safety, in which Americans would like to see the government make a more vigorous effort. These include programs dealing with auto safety." Some 86 percent of those surveyed felt that the federal government is "moving too slow" or at "just the right pace" in efforts to make automobiles more safe. More than half (51 percent) said the federal government is moving "too slow," while 35 percent said the pace is "just right."

PETER D. HART RESEARCH ASSOCIATES

May 1978—(for the U.S. Department of Transportation)—58 percent favor the automatic protection standard. Of those surveyed, 35 percent would choose an air bag at $350 extra, while 37 percent would choose

an automatic belt even if there were no price difference. The public rates air bags above automatic or active belt systems for their safety protection, comfort, ease of use and appearance.

HARRIS AND ASSOCIATES

March 1978—(for Amtrak)—By 83 percent, auto safety is the most important improvement needed in the U.S. transportation systems (similar results were obtained in the Hart survey). For trips over 100 miles, 56 percent of those polled said they would choose the auto. Sixty-three percent said the government should spend more money to improve auto safety.

THE GALLUP POLL

July 1977—Although most drivers fail to use their seat belts—and overwhelmingly oppose laws that would fine a person for failing to do so—they nevertheless vote in favor of automatic protection in cars in the form of air bags. Some 46 percent of those surveyed favored requiring automakers to install air bags in cars. The standard allows for automatic belts as well as air bags, but this issue was not raised in the survey.

YANKELOVICH SURVEY

September 1976—(for Motor Vehicle Manufacturers Association)—Of the 62 percent who knew what an air bag is, 35 percent said they would pay $100 or more for one. Of that 62 percent group, 76 percent said they perceived at least one or more benefits from air bags.

NATIONAL COMMITTEE FOR AUTOMOBILE CRASH PROTECTION
LIST OF MEMBERS

Allstate Insurance Companies.
American Academy of Pediatrics.
American Association of Physical Medicine and Rehabilitation.
American Coalition of Citizens with Disabilities.
American Congress of Rehabilitation Medicine.
American Family Insurance Group.
American Insurance Association.
American Nurses Association, Division on Medical Surgical Practice.
American Public Health Association.
American Trauma Society.
Amica Mutual Insurance Company.
Association of Massachusetts Consumers.
The Atlantic Companies.
Automobile Club of Missouri.
Automobile Owners Action Council.
Susan P. Baker, Associate Professor, Johns Hopkins School of Hygiene and Public Health.
Cal Farm Life Insurance Company.
Center for Auto Safety.
Center for Concerned Engineering.
Center for Independent Living.
Chubb & Son, Inc.
Colonial Penn Insurance Company.
Commercial Union Assurance Companies.
Congress Watch.
Craig Hospital, Denver, Colorado.
Crum & Forster Insurance Companies.
Disability Rights Center.
Employers Insurance of Wausau.
Epilepsy Foundation of America.
Farmers Insurance Exchange.
Government Employees Insurance Company.
Harleysville Insurance.
The Hartford Insurance Group.
International Association of Chiefs of Police.
League Insurance Group.
Liberty Mutual Insurance Company.
Maryland Institute for Emergency Medical Services.
Mid-Atlantic Emergency Medical Services Council.
Ralph Nader, Attorney.
National Association of Emergency Medical Technicians.
National Association of Independent Insurers.
National Association of Mutual Insurance Companies.
National Association of Professional Insurance Agents.
National Consumers League.
National Safety Council.
National Spinal Cord Injury Foundation.
Nationwide Insurance Company.
Norte Vista Medical Center., Hobbs, New Mexico.
Ohio Farmers Insurance Company.
Physicians for Auto Safety.
Physicians National Housestaff Association.
Prudential Insurance Company of America.
Prudential Property & Casualty Insurance Company.
Safeco Insurance Company of America.
Saint Paul Fire & Marine Insurance Company.
State Farm Insurance Companies.
S. Lynn Sutcliffe, Attorney.
Travelers Insurance Companies.
United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW).
United Services Automobile Association.
Wisconsin Consumers League.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, July 31, 1979, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED
AUGUST 1

9:00 a.m.
Governmental Affairs
To hold hearings on S. 930, to restrict free Federal employee parking.
3302 Dirksen Building

9:30 a.m.
Environment and Public Works
Business meeting on pending committee business.
4200 Dirksen Building

Labor and Human Resources
Business meeting, to resume consideration of S. 446, to provide legal protection to the employment rights of handicapped citizens.
4232 Dirksen Building

*Labor and Human Resources
Health and Scientific Research Subcommittee
To hold hearings on S. 568, to promote the advancement of women in scientific, professional, and technical careers.
2228 Dirksen Building

10:00 a.m.
Armed Services
To continue hearings on the military implications of the SALT II Treaty.
318 Russell Building

Banking, Housing, and Urban Affairs
Business meeting, to continue markup of S. 524, 581, 730, 932 (as passed the House), 1377, and 1409, all of which provide for the development, production, and financial assistance of energy resources programs.
5302 Dirksen Building

Budget
Business meeting, to continue markup of the second concurrent resolution on the Congressional budget for fiscal year 1980.
6202 Dirksen Building

Energy and Natural Resources
Business meeting on pending calendar business.
3110 Dirksen Building

Finance
To resume consideration of proposed Internal Revenue Service procedures on tax-exempt schools, pertaining to the deduction of certain charitable contributions and IRS collection procedures.
2221 Dirksen Building

Foreign Relations
To continue hearings, in closed session, on the SALT II Treaty.
S-116, Capitol

Joint Economic
To hold hearings to examine the proposal to establish a regulatory budget relating to the need for a cost effectiveness requirement for major government regulations.
1202 Dirksen Building

11:00 a.m.
Judiciary
Constitution Subcommittee
Business meeting, to consider S. 10, authorizing the Department of Justice to initiate suit to enforce constitutional rights to institutionalized persons.
5110 Dirksen Building

1:30 p.m.
Conferees
On S. 237, to clarify and expand jurisdiction of U.S. magistrates and improve access to the Federal courts.
S-207, Capitol

2:30 p.m.
Governmental Affairs
To continue hearings on S. 930, to restrict free Federal employee parking.
3302 Dirksen Building

3:00 p.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To resume oversight hearings on the management and implementation of hazardous waste programs under the Resource, Conservation, and Recovery Act, 1976.
1224 Dirksen Building

Select on Ethics
To hold an open and closed business meeting.
EF-100, Capitol

4:00 p.m.
Conferees
On S. 544, to revise and extend, through fiscal year 1982, programs administered under the Public Health Service Act.
H-139, Capitol

AUGUST 2

8:30 a.m.

Veterans' Affairs

To hold hearings on S. 1518, to allow for the disclosure of certain information by the Veterans' Administration to consumer reporting agencies in order to make assessments in cases of outstanding debts.

457 Russell Building

9:00 a.m.

Foreign Relations

To continue hearings on the SALT II Treaty.

318 Russell Building

9:30 a.m.

Select on Small Business

To hold hearings on small business and innovation.

424 Russell Building

10:00 a.m.

Banking, Housing, and Urban Affairs

Business meeting, to continue markup of S. 524, 581, 730, 932 (as passed the House), 1377, and 1409, all of which provide for the development, production, and financial assistance of energy resources programs.

5302 Dirksen Building

Budget

Business meeting, to continue markup of the second concurrent resolution on the congressional budget for fiscal year 1980.

6202 Dirksen Building

Energy and Natural Resources

Business meeting on pending calendar business.

3110 Dirksen Building

Governmental Affairs

Civil Service and General Services Subcommittee

To hold hearings on S. 1340, to provide for closer comparability between Federal and non-Federal employee compensation relating to the President's proposed program to reform the Civil Service System.

3302 Dirksen Building

Select on Indian Affairs

To hold oversight hearings on the activities of the Indian Health Service, Department of Health, Education, and Welfare.

5110 Dirksen Building

Joint Economic

International Economics Subcommittee

To hold hearings to examine the scope of U.S. export policy.

S-207, Capitol

10:30 a.m.

Judiciary

To hold hearings to examine the policy and intent of a statutory charter which defines the investigative authority and responsibilities in matters under the jurisdiction of the FBI.

2228 Dirksen Building

2:30 p.m.

Conferees

On H.R. 3875, to amend and extend through fiscal year 1980 certain Federal laws relating to housing, community and neighborhood development and preservation programs.

H-137, Capitol

AUGUST 3

10:00 a.m.

Budget

Business meeting, to continue markup of the second concurrent resolution on the congressional budget for fiscal year 1980.

6202 Dirksen Building

Judiciary

To resume hearings on S. 1246, to protect against the growth of a monopoly power among major petroleum companies, and to encourage oil companies to invest profits back into oil exploration, research, and development.

2228 Dirksen Building

Select on Indian Affairs

Business meeting, to mark up S. 751, to provide for the relocation and resettlement of the Navajo and Hopi Indians.

357 Russell Building

Joint Economic

To hold hearings on the employment-unemployment situation for July.

6226 Dirksen Building

SEPTEMBER 6

9:30 a.m.

Labor and Human Resources

Health and Scientific Research Subcommittee

To resume hearings on S. 568, to promote the advancement of women in scientific, professional, and technical careers.

4232 Dirksen Building

SEPTEMBER 10

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings on S. 1581 and 1582, bills authorizing funds through fiscal year 1990 for airport development aid programs under the Airport Airway Act, 1970.

235 Russell Building

SEPTEMBER 11

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To continue hearings on S. 1581 and 1582, bills authorizing funds through fiscal year 1990 for airport development aid programs under the Airport Airway Act, 1970.

235 Russell Building

SEPTEMBER 12

9:00 a.m.

Veterans' Affairs

To hold hearings on S. 759, to provide for the right of the United States to recover the costs of hospital nursing home or outpatient medical care furnished by the Veterans' Administration to veterans for non-service-connected disabilities to the extent that they have health insurance or similar contracts.

457 Russell Building

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To continue hearings on S. 1581 and 1582, bills authorizing funds through fiscal year 1990 for airport development aid programs under the Airport Airway Act, 1979.

235 Russell Building

SEPTEMBER 13

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To continue hearings on S. 1581 and 1582, bills authorizing funds through fiscal year 1990 for airport development aid programs under the Airport Airway Act, 1970.

235 Russell Building

SEPTEMBER 18

9:30 a.m.

Labor and Human Resources

To hold hearings on S. 1486, to exempt family farms and nonhazardous small businesses from the Occupational Safety and Health Act of 1970.

4232 Dirksen Building

10:00 a.m.

Commerce, Science, and Transportation

Merchant Marine and Tourism Subcommittee

To hold hearings on S. 1460, 1462, and 1463, bills to facilitate and streamline the implementation of the regulatory part of U.S. maritime policy.

235 Russell Building

SEPTEMBER 19

9:30 a.m.

Labor and Human Resources

To continue hearings on S. 1486, to exempt family farms and nonhazardous small businesses from the Occupational Safety and Health Act of 1970.

4232 Dirksen Building

Veterans' Affairs

To hold hearings on S. 1523 and H.R. 4015, bills to provide the capability of maintaining health care and medical services for the elderly under the Veterans' Administration.

5110 Dirksen Building

10:00 a.m.

Commerce, Science, and Transportation

Merchant Marine and Tourism Subcommittee

To continue hearings on S. 1460, 1462, and 1463, bills to facilitate and streamline the implementation of the regulatory part of U.S. maritime policy.

235 Russell Building

SEPTEMBER 20

10:00 a.m.

Commerce, Science, and Transportation

Merchant Marine and Tourism Subcommittee

To continue hearings on S. 1460, 1462, and 1463, bills to facilitate and streamline the implementation of the regulatory part of U.S. maritime policy.

235 Russell Building

SEPTEMBER 25

11:00 a.m.

Veterans' Affairs

To resume hearings on fiscal year 1980 legislative recommendations for veterans' programs.

5110 Dirksen Building

OCTOBER 1

9:30 a.m.

Labor and Human Resources

Handicapped Subcommittee

To resume oversight hearings on the implementation of the Education for All Handicapped Children Act of 1975 (P.L. 94-142).

4232 Dirksen Building

OCTOBER 3

9:30 a.m.

Labor and Human Resources

Handicapped Subcommittee

To resume oversight hearings on the implementation of the Education for All

Handicapped Children Act of 1975 (P.L. 94-142).

4232 Dirksen Building

OCTOBER 10

9:30 a.m.

Labor and Human Resources
Handicapped Subcommittee
To resume oversight hearings on the implementation of the Education for All Handicapped Children Act of 1975 (P.L. 94-142).

4232 Dirksen Building

CANCELLATIONS

AUGUST 1

10:00 a.m.

Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1300, proposed International Air Transportation Competition Act.

235 Russell Building

Governmental Affairs
To continue joint oversight hearings with the Subcommittee on Energy, Nuclear Proliferation, and Federal Services, on the activities of the Department of Energy.

3302 Dirksen Building

AUGUST 2

10:00 a.m.

Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on S. 1300, proposed International Air Transportation Competition Act.

235 Russell Building