purposes (with accompanying papers); to the Committee on Foreign Relations.

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

A letter from the Secretary of Health, Education, and Welfare transmitting a draft of proposed legislation to amend the Public Health Service Act, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, the Drug Abuse Office and Treatment Act of 1972, the Social Security Act, to revise and extend programs of health services, and for other purposes (with accompanying papers); jointly to the Committee on Labor and Public Welfare and the Committee on Finance.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the communication from the Department of Health, Education, and Welfare relating to the Health Services Amendments of 1975 be jointly referred to the Committees on Labor and Public Welfare and Finance.

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

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 133) to lower interest rates was referred to the Committee on Banking, Housing and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 622. A bill to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, and to implement United States obligations under international agreements to deal with shortage conditions (Rept. No. 94–26).

By Mr. METCALF, from the Committee on Interior and Insular Affairs, with amendments:

S. 7. A bill to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes (together with minority and additional views) (Rept. No. 94–28).

IMPLEMENTATION OF THE BUDGET ACT IN 1975—REPORT OF THE COMMITTEE ON THE BUDGET (REPT. NO. 94–27)

Mr. MUSKIE. Mr. President, the Senate Budget Committee has today filed a report, pursuant to section 906 of the Congressional Budget and Impoundment Control Act of 1974, to implement significant portions of the Budget Act for fiscal year 1976. The House Budget Committee has filed a substantially identical report in that body.

Against the background of a rapidly deteriorating economy, and numerous proposals advanced for Federal action to remedy it, the Congressional Budget and Impoundment Control Act assumes an even larger role than was originally contemplated when it was enacted scarcely 8 months ago. We have made substantial progress toward meeting that challenge. The Budget Committees in both Houses are now fully staffed. A Director has been appointed for the Congressional Budget Office, the functioning of which is essential to the success of this process. With this first year plan, we have embarked on implementation of the most significant budgetary reform Congress has enacted in this century. Our success will require the full cooperation of all Members and all committees. We are grateful for the support we have already received from the Members of this body, from the chairmen of its committees, and from the leadership on both sides of the aisle. We are confident of its continuation as we undertake to fulfill the mandate of the Budget Act.

The filing of these two reports implements basic provisions of the Budget Act in 1975. The House and the Senate Budget Committees will be reporting first concurrent resolutions on the budget by April 15. Congress will complete action on those resolutions by May 15. A second concurrent resolution on the budget will be reported by the Budget Committees and enacted by the Congress this coming fall.

The budget resolution reported April 15 will not deal in all the detail that subsequent resolutions in future years will involve. But in this year of severe economic distress, the Budget Committees have determined that, although not required by the act, our committees should help Congress devise a sound spending and taxing policy as the Federal Government strives to do its share to return the Nation to a healthy economic footing.

Numerous other provisions of the act will be implemented by this report. All these provisions are being implemented pursuant to discussions which began last fall between our committees and the chairmen and staffs of the House and Senate committees, and the leadership of both Houses.

We will be circulating this report as soon as it is available for distribution to the committees and to each Member of the Senate.

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

John T. Dunlop, of Massachusetts, to be Secretary of Labor.

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

CHANGE OF REFERENCE—S. 827

Mr. ROBERT C. BYRD. Mr. President, S. 827, a bill to amend the National Environmental Policy Act concerning environmental impact statements for Federal actions related to Outer Continental Shelf oil and gas lease was introduced on February 25. This bill was referred to the Public Works Committee. Inasmuch as the Committee on Interior and Insular Affairs has jurisdiction over matters concerning both the National Environmental Policy Act and the Outer Continental Shelf, those matters should have been referred to that committee. I have conferred with the chairman of the Public Works Committee and the Parliamentarian and they concur in this judgment.

Mr. President, on behalf of the Senator from Washington (Mr. JACKSON), I ask unanimous consent that S. 827 be rereferred to the Committee on Interior and Insular Affairs.

The PRESIDING OFFICER. Without objection, the Committee on Public Works will be discharged from further consideration of the bill, and the bill will be referred to the Committee on Interior and Insular Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. TOWER (for himself, Mr. BUCKLEY, Mr. FANNIN, Mr. HUMPHREY, Mr. LAXALT, Mr. THURMONT, and Mr. GARN):

S. 949. A bill to increase the corporate surtax exemption to $100,000. Referred to the Committee on Finance.

By Mr. DOLE:

S. 950. A bill to terminate the requirement for the prior approval of the export sales of agricultural commodities. Referred to the Committee on Agriculture and Foresty.

By Mr. BEALL:

S. 951. A bill to create a temporary program, as an emergency measure during the current period of high unemployment, in order to assure continued health care for unemployed persons and their families; and for this purpose to provide for continuation of coverage under employer programs of health insurance for their employees, and Federal financing from general revenues to meet the cost of such continued coverage. Referred to the Committee on Labor and Public Welfare.

By Mr. MONTOYA (for himself, Mr. RANDOLPH, Mr. BAYH, and Mr. MAGNUSON):

S. 952. A bill to provide States unable to meet the matching requirements for Federal-aid highway funds with moneys to cover Federal Highway Administration apportionments. Referred to the Committee on Public Works.

By Mr. STEVENSON:

S. 953. A bill to amend the Export Administration Act of 1969 to clarify and strengthen the authority of the Secretary of Commerce to take action in the case of restrictive trade practices or boycotts. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. WILLIAMS:

S. 954. A bill to suspend the duty on railroad and railway rolling stock exported for repairs or alterations on or before August 31, 1975. Referred to the Committee on Finance.

S. 955. A bill to authorize certain filling and construction in a portion of Upper New York Bay, Hudson County, New Jersey. Referred to the Committee on Public Works.

By Mr. HUGH SCOTT:

S. 956. A bill for the relief of Tak-Shul Chan. Referred to the Committee on the Judiciary.

over 7½ million citizens who could not find work, and that number is rising. Only last Thursday the Commerce Department reported that its index of leading economic indicators fell another 1.3 percent in January for the steepest 6-month decline since the Government began collecting the statistics after World War II. Some have been heartened by the recent release of information showing that the rate of inflation subsided substantially in January, but I cannot consider this good news when the primary cause of the lower rate was our deepening recession.

There is clearly a need for the Government to act to halt the slide of our economy, and helping the States meet matching requirements under the Federal-aid highway program is a step we can and should take immediately.

Earlier this month, President Ford announced that he would release $2 billion of the impounded highway funds. This action was a step in the right direction, although many State officials maintain that much more money is needed and can be utilized. However, there are many States which will find it difficult if not impossible to meet matching requirements and take advantage of the funds which have been released. The States are in this position due to declining gasoline tax revenues and other revenue losses caused by the recession. The administration has estimated that the release of $2 billion in Federal-aid highway funds will provide about 150,000 jobs in construction and related industries. But, this estimate will be quite hollow if the bulk of the funds are not used by the States because they are unable to come up with the matching requirements.

Unfortunately, the Office of Management and Budget has announced that it opposes any further aid to the States to meet their matching problems. Thus, as has happened so often in so many areas during the last few years, it is now up to Congress to provide the leadership necessary to take full advantage of our Federal highway program.

Mr. President, I do not believe we can allow a large portion of those 150,000 jobs promised by the President, or additional jobs provided by the further release of impounded funds, to be lost due to a lack of matching money. It is up to us to take prompt and decisive action. The times require no less.

The jobs provided through the highway program will not be makework. They will not be just raking or sweeping. Instead these jobs will result in extension and improvement of our highway system. The program will increase the safety of highway travel for our citizens. The benefits will be real, visible, and lasting.

The bill we introduce today is quite simple. It provides the Secretary of Transportation with authority to increase the Federal share for a highway project up to two-third of the State's share of the cost of the particular project. This would include projects under the Federal-aid primary, secondary, and urban systems as well as the Interstate System. The increase in the Federal share will be provided from future apportionments and will be repaid to the Federal Government in equal deductions from apportionments for fiscal year 1977 and 1978.

Though I personally would prefer to see the Federal share increased up to 100 percent of State matching needs, Senator MONTOYA and Senator RANDOLPH believe a two-third limit is desirable and more practical. I bow to their expertise as distinguished members of the Public Works Committee, and I believe that this bill as drafted will meet the basic needs of the States.

Moreover, this approach will not be costly and inflationary. There will be no loss to the Federal Government, other than interest, and the highway funds will be put to quick use now, when we badly need to provide jobs. The bill also provides a simple mechanism for repayment of the loans, which will place a minimal burden on the States and involve no out-of-pocket expenses to them.

Mr. President, it is clear that the people of this Nation expect their elected officials to take all possible steps to get our economy moving forward again. It is also quite clear that while not a panacea for our economic ills, the Federal-aid highway program is a weapon which can be helpful in our battle against recession. I hope that this body will support our bill to insure that this weapon is used to maximum benefit.

By Mr. STEVENSON:

S. 953. A bill to amend the Export Administration Act of 1969 to clarify and strengthen the authority of the Secretary of Commerce to take action in the case of restrictive trade practices or boycotts. Referred to the Committee on Banking, Housing and Urban Affairs.

THE ARAB BOYCOTT

Mr. STEVENSON. Mr. President, the United States has long had a policy of opposing foreign restrictive trade practices and boycotts against countries friendly to the United States. That policy is expressely set forth in the Export Administration Act of 1969. The act also makes it U.S. policy to encourage and request domestic concerns engaged in the export trade to refuse to take any action which has the effect of furthering or supporting such trade practices and boycotts. Nonetheless, recent disclosures of Arab boycott lists and discrimination in international transactions against firms with Jewish interests make it clear that U.S. policy has not been effectively implemented.

Boycotts and restrictive trade practices designed to support Arab policy are apparently being perpetrated with impunity against U.S. companies which have dealings with Israel. Thousands of U.S. firms appear on Arab boycott lists. There are also increasing reports of discrimination against U.S. financial and investment institutions with Jewish interests. A number of investment bankinghouses have apparently been excluded from financings involving Arab investment funds. Reports indicate that last year more than half of all U.S. firms which had been asked to comply with Arab restrictive trade practices or boycotts directed against Israel had complied. The U.S. Government, too, has apparently bowed to Arab demands by agreeing to exclude Jewish personnel from Army Corps of Engineers projects in Saudi Arabia. Such actions raise grave implications for an open international trading system, a nondiscriminatory U.S. economic system and the conduct of U.S. foreign policy.

One of the major deficiencies of existing law is its failure to make clear that export controls are intended to be used to counter foreign boycotts and restrictive trade practices. Under the Export Administration Act, both the President and the Secretary of Commerce have broad authority to implement all the policies of the act. Yet, despite the existence of foreign boycott and restrictive trade practices directed against countries friendly to the United States, neither the President nor the Secretary of Commerce has taken any action under that law to restrain such behavior. Indeed, in forms prepared for filing with the Department of Commerce under the Export Administration Act, U.S. companies are explicitly told that they "are not legally prohibited from taking any action—that has the effect of furthering or supporting—restrictive trade practices or boycotts." The same forms ask U.S. companies whether they have complied or intend to comply with requests to support a foreign boycott, but at the same time state that submission of such information "is not mandatory." Such statements leave no doubt in the minds of U.S. companies that U.S antiboycott policy carries a very small stick indeed. It is no wonder that most U.S. companies have gone along with Arab demands.

With the OPEC nations' rapid accumulation of monetary reserves and their willingness to use their new-found economic power for political purposes, the problem takes on added dimensions. Any doubt about the ability of the United States to respond effectively should be removed. The President should have clear and unambiguous authority to curtail economic transactions by U.S. concerns with countries which impose boycotts or engage in restrictive trade practices. Limitations on exports to, investments in, or any other economic transactions with such countries, can be an effective tool for advancing U.S. policy.

A second deficiency of present U.S. law is its failure to make it clear that U.S. policy against foreign boycotts and restrictive trade practices extends to discriminatory actions against U.S. companies. As phrased, the antiboycott provisions of the Export Administration Act are limited to boycotts or restrictive trade practices directed against "other countries." But such action, when directed against U.S. concerns, whether as part of a boycott against another country or independently on the basis of race or religion, should be equally repugnant to American policy.

Finally, the disclosure provisions of existing law require U.S. concerns to disclose only "requests for—information or the signing of agreements" which further or support a foreign boycott. But such

requests can take broader forms and involve substantially more subtle action than the mere furnishing of information or the signing of an agreement.

Moreover, it is essential that the Government know whether U.S. companies are in fact complying with requests for action which has the effect of supporting foreign boycotts or restrictive trade practices. Since Department of Commerce forms issued pursuant to existing law make it clear that U.S. firms need not supply information on whether they are complying or intend to comply with foreign boycott requests, information which is essential to effective implementation of the law is lost.

To remedy this situation and to reaffirm and strengthen American opposition to foreign boycotts and restrictive trade practices, I am introducing a bill which would amend the Export Administration Act to: a give the President express authority to counter foreign boycotts and restrictive trade practices through controls on U.S. exports, including the curtailment by any U.S. concern of exports to, investments in, or any other economic transactions with countries which impose boycotts or engage in restrictive trade praces; b. make it clear that boycotts or restrictive trade practices directed at U.S. concerns in their domestic operations are also contrary to U.S. policy; c. provide for disclosure of all requests for action of any kind which would further or support foreign boycotts or restrictive trade practices, and d. require disclosure of any intended compliance with foreign boycott requests.

Taken together, these provisions will make it clear that the United States has no intention of supinely submitting to foreign economic threats or racial or religious discrimination. They will greatly strengthen the ability of the United States to respond to such boycotts. And they provide the information necessary to effective implementation of U.S. policy.

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

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

S. 953

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

SECTION 1. (a) Section 3(5)(A) of the Export Administration Act of 1969, as amended (the "Act"), is further amended by inserting immediately after "against" the following: "United States concerns and".

(b) Section 3(5)(B) of the Act is further amended by inserting immediately after "against" the following: "United States concerns and".

SEC. 2. Section 4(b)(1) of the Act is further amended by striking out the next to the last sentence thereof and inserting in lieu thereof the following: "Such rules and regulations shall implement the provisions of section 3(5) of this Act, and require that any domestic concern which receives any request for information, for participation in agreements, or for the taking of any other action as specified in that section report the same to the Secretary of Commerce, together with any other information which the Secretary may require regarding such request and intended compliance therewith, for such action as the President may deem appropriate to carry out the policy of that section, including the curtailment by any U.S. concern of exports to, investments in, or any other economic transactions with countries which impose boycotts or engage in restrictive trade practices as specified in that section.

By Mr. WILLIAMS:

S. 955. A bill to authorize certain filling and construction in a portion of Upper New York Bay, Hudson County, N.J. Referred to the Committee on Public Works.

CAVEN POINT REDEVELOPMENT ACT

Mr. WILLIAMS. Mr. President, I am reintroducing the Caven Point Redevelopment Act today. This bill would declare the Caven Point portion of the Jersey City waterfront to be nonnavigable. The developable sections of this area are currently owned by Jersey City. It is only 4 feet under water, and it has never been used for navigational purposes in the past.

Clear title to this property is essential to the city's Liberty Harbor redevelopment program. Liberty Harbor is a 3,000-acre tract of land in Upper New York Bay. The site extends from the Jersey City-Bayonne line on the south to the Morris Canal Basin and Grand Street on the north, and from the New Jersey Turnpike Extension on the west to the U.S. Pierhead Line on the east. Over the years large portions of the site have been filled for use as railroad yards and for various shipping and warehousing functions. Today, however, much of the land lies vacant and abandoned. This largely vacant, abandoned, and underutilized acreage represents what is probably the most magnificent development opportunity presently available in the New York-New Jersey metropolitan region.

The site itself presents startling contrasts. The land is largely derelict, weed-covered, and abandoned. The railroads, which once made this site a major transportation link, are bankrupt and have largely ceased operations. Miles of shorefront are dotted with abandoned piers and wrecks. Nonetheless, this site stands at the core of the metropolitan region. To the east are the bustling harbor, Ellis Island, and the Statue of Liberty. To the west is the Jersey Turnpike Extension, with its direct linkages to the metropolitan highway network. To the south, on the water's edge, are new active container ports at Port Jersey. Just across the bay rise the spectacular towers of lower Manhattan.

The Redevelopment Plan for Jersey City includes the construction of new homes and apartments, and it provides for major new industrial and shipping activities as well. In addition, the State of New Jersey is developing Liberty State Park to the east of the proposed new residential communities. The park will greatly enhance public access to the waterfront and serve as a unique recreation resource for Jersey City as a whole.

Jersey City and its surrounding environs have literally served as a gateway for this country for centuries. In the 17th century the present site of Jersey City was a commercial focal point for the Dutch traders who settled Manhattan and for the settlers who began to bring their farm products to New York. In the 18th century the establishment of a new land route to Philadelphia made Paulus Hook a vital link between New York and the south and west. In the late 19th and early to mid 20th centuries, Ellis Island, merely a few hundred yards from Jersey City's waterfront, was the "Gateway to the New World" for more than 16 million immigrants to this country. In its peak year, 1,285,349 immigrants passed through Liberty Harbor and Ellis Island.

I am hopeful that this legislation will help to revitalize an area which is currently at the core of our eastern metropolitan region, and which has played a significant role in our Nation's history as well.

By Mr. MUSKIE (for himself, Mr. BROCK, and Mr. CHILES):

S. 957. A bill to amend the Intergovernmental Personnel Act of 1970 to provide more effective means to improve personnel administration in State and local governments; to correct certain inequities in the law; and to extend coverage under the law to the Trust Territory of the Pacific Islands. Referred to the Committee on Government Operations.

AMENDMENTS TO THE INTERGOVERNMENTAL PERSONNEL ACT OF 1970

Mr. MUSKIE. Mr. President, on behalf of myself and Senators BROCK and CHILES I introduce, for appropriate reference, a bill to amend the Intergovernmental Personnel Act of 1970.

This legislation contains essentially the same provisions included in S. 4135, introduced in the second session of the 93d Congress. The major difference between this bill and S. 4135 is the deletion of a provision in the latter bill to extend programs of the IPA to Indian tribal governments. I am pleased that this provision was included in the Indian Self-Determination Act of 1974 and, therefore, is no longer necessary.

The principal purpose of the amendments is to extend for 3 additional fiscal years, to October 1, 1978, the authority of the Civil Service Commission to make grants for up to 75 percent of the costs of programs and projects under the Intergovernmental Personnel Act. Under current law, the Federal share would be reduced to 50 percent on July 1, 1975.

Mr. President, I am convinced that the current state of our economy, which has put an unusual squeeze on every aspect of State and local budgets, more than adequately justifies extending the current 75–25 funding mix. Any reduction in the Federal share of the costs of intergovernmental personnel project grants would hit hardest at those governments which need the most help. At the present time, the pressing need for improving personnel administration in local governments accounts for about 62 percent of IPA grant outlays. Under a reduction to a 50–50 funding ratio these jurisdictions, in many cases, would have to abandon projects to further improve their personnel administration system, or else choose projects which could more easily be supported with a noncash participation. Other recent Federal assistance

a bill to amend the National School Lunch and Child Nutrition Acts in order to extend and revise the special food service program for children, and for other purposes.

S. 862

At the request or Mr. CHURCH, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 862, a bill to amend the Social Security Act to provide for the coverage of certain drugs under part A of the health insurance program established by title XVIII of such act.

S. 953

At the request of Mr. STEVENSON, the Senator from Connecticut (Mr. RIBICOFF) was added as a cosponsor of S. 953, a bill to amend the Export Administration Act of 1969.

S. 969

At the request of Mr. HARTKE, the Senator from North Dakota (Mr. BURDICK) was added as cosponsor of S. 969, a bill to amend chapter 34 of title 38, United States Code, to extend the basic educational assistance eligibility for veterans under chapter 34 and for certain dependents under chapter 35 from 36 to 45 months.

S. 969

Mr. HARTKE. Mr. President, yesterday when I introduced the bill S. 969, to amend chapter 34 of title 38, United States Code, to extend the basic educational assistance eligibility for veterans under chapter 34 and for certain dependents under chapter 35 from 36 to 45 months the distinguished senior Senator from Idaho (Mr. CHURCH) was to have been listed as one of the original cosponsors.

I ask unanimous consent that Senator CHURCH appear as one of the cosponsors of the bill, S. 969, as introduced yesterday, and that his name appear on the next printing of the bill.

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

SENATE JOINT RESOLUTION 40

At the request of Mr. WILLIAM L. SCOTT, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Joint Resolution 40, a joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools or jobs because of race, creed, or color.

SENATE RESOLUTION 48

At the request of Mr. SPARKMAN, the Senator from Arizona (Mr. FANNIN) was added as a cosponsor of Senate Resolution 48 urging continuing efforts in behalf of Americans missing in action in Southeast Asia.

SENATE RESOLUTION 94

At the request of Mr. HATFIELD, the Senator from Washington (Mr. MAGNUSON) was added as a cosponsor of Senate Resolution 94, relating to shipments to Cambodia under Public Law 480.

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. HOLLINGS, the Senator from Colorado (Mr. GARY W. HART) and the Senator from Wisconsin (Mr. NELSON) were added as cosponsors of Senate Concurrent Resolution 21, relating to the embargo against the shipment of arms to Pakistan and India.

SENATE RESOLUTION 101—SUBMISSION OF A RESOLUTION RELATING TO THE USE OF GOVERNMENT-OWNED PEANUTS

(Referred to the Committee on Agriculture and Forestry.)

Mr. TALMADGE submitted the following resolution:

S. RES. 101

Resolved, Whereas the United States is suffering from a severe economic recession, with a high rate of unemployment, and

Whereas the poor and the unemployed in the United States need substantial additional quantities of high quality protein, and

Whereas the recent World Food Conference estimated that almost a half a billion people suffer from malnutrition in the world today, and

Whereas a basic cause of malnutrition is protein deficiency, and

Whereas it is the commitment of the United States, as expressed in various statutes, including the Agricultural Trade Development and Assistance Act of 1954 (P.L. 480), to share our agricultural abundance with needy persons domestically and in other parts of the world, and

Whereas the Department of Agriculture has accumulated almost 400,000 tons of peanuts through its price support program, and

Whereas American peanuts represent an important source of high quality protein, and

Whereas peanuts are a perishable commodity, and

Whereas this valuable source of protein will be lost through spoilage unless soon utilized: Now, therefore, be it

Resolved, that it is the sense of the Senate that the Secretary of Agriculture immediately take steps to distribute excess peanut stocks in useful edible forms to needy persons at home and abroad under the domestic food assistance programs and the P.L. 480 program.

SENATE RESOLUTION 102—SUBMISSION OF A RESOLUTION DISAPPROVING PROPOSED DEFERRAL OF BUDGET AUTHORITY OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FUNDS

(Referred to the Committee on Commerce.)

Mr. MUSKIE. Mr. President, my colleague (Senator HATHAWAY) and I are today submitting a resolution to disapprove the President's deferral of National Oceanic and Atmospheric Administration funds. This deferral message, containing several items, adversely affects State programs across the country which are involved in the conservation and management of our marine resources.

Several problems presently confront the U.S. fishing industry. Aside from the difficulties involved in our general economic situation, the U.S. fishing industry must compete with heavily subsidized foreign fleets, which fish near—or even within—the present 12-mile economic zones. Faced with this situation, our fleets have found themselves at a competitive disadvantage, and offshore U.S. fishing stocks have been severely depleted. Now is not the time to cut back on our fisheries management programs; world food shortages and depletion of our fish stocks compel a renewed commitment to these programs.

The fishing industry is, of course, of great importance in the economy of the State of Maine. Two of the program cuts which are of particular interest are the deferral of fisheries research and development funds and anadromous conservation funds and the deferral of the sea grant program funds.

The amount deferred in research and development and conservation is only $600,000. But coming halfway through the fiscal year, this deferral has the impact of a 20 percent reduction in funds for my home State of Maine and other beneficiaries of the program. In Maine this means the loss of two full-time position, 3 summer research positions, as well as reductions in travel, equipment and maintenance, and laboratory supply funds. So this apparently small reduction is deceptive; it will result in irreversible cutbacks in personnel and termination of ongoing research and development projects.

In addition to this, the administration would reduce the sea grant programs this year by more than a million dollars. In Maine these funds are primarily used to carry out aquaculture programs—programs of fish farming—innovations which show such promise of developing new regional industries and revitalizing various segments of our fisheries. At a time which the position of the U.S. fishing industry has remained stable or declines, while domestic consumption of fish has increased dramatically over the past several years, we should be increasing our support of such management and conservation programs. At a minimum we must require that they be funded at the levels approved by Congress.

Mr. HATHAWAY. Mr. President, I take the floor today to submit, along with the senior Senator from Maine (Mr. MUSKIE) a resolution to disapprove the President's deferral of National Oceanic and Atmospheric Administration funds. This action by the President would defer allocation of authorized and appropriated funds to the many States which have ongoing projects to assist the fisheries industries. Spending would be curtailed by $6.8 million under this original deferral message.

The President is right in his thinking that some funds already appropriated by Congress should be deferred until the state of the economy regains its healthy hue. But I submit that he is terribly wrong in his action against the expenditure of NOAA's moneys.

A short time ago, I chaired hearings in my State on the subject of the fisheries industry in an effort to assess what benefits were being accorded our fisheries industries as small businesses. During those hearings the common theme expressed by our citizens who earn their living from the water was the glaring lack of attention and concern by the Federal Government for them. There are agencies to deal with small business and funds to assist many segments of the small business community. But there is very little in the way of Federal assist-

added as a cosponsor of S. 506, a bill to amend the Water Resources Planning Act to extend the authority for financial assistance to the States for water resources planning.

S. 551

At the request of Mr. DOMENICI, the Senator from Oregon (Mr. HATFIELD) was added as a consponsor of S. 551, a bill to provide for the recycling of used oil, and for other purposes.

S. 595

At the request of Mr. BARTLETT, the Senator from Kansas (Mr. DOLE), the Senators from Nebraska (Mr. HRUSKA and Mr. CURTIS), the Senator from Georgia (Mr. TALMADGE), and the Senator from New Mexico (Mr. MONTOYA), were added as cosponsors of S. 595, a bill to amend the Meat Import Act of 1964.

S. 624

At the request of Mr. THURMOND, the Senator from Tennessee (Mr. BROCK), the Senator from Florida (Mr. CHILES), the Senator from Utah (Mr. GARN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of the bill (S. 624) to prohibit any change in the status of any member of the uniformed services who is in a missing status under chapter 10 of title 37, United States Code, until the provisions of the Paris Peace Accord of January 27, 1973, have been fully complied with, and for other purposes.

S. 765

At the request of Mr. PERCY, the Senator from Connecticut (Mr. WEICKER) was added as a cosponsor of S. 765, a bill to reorganize the executive branch to establish a National Center for Productivity and Quality of Working Life, to provide for a review of the activities of all Federal agencies including implementation of all Federal laws, regulations, and policies which impede the productive performance and efficiency of the American economy; to encourage joint labor, industry, and Government efforts to improve national productivity and quality of working life; to establish a Federal policy with respect to continued productivity growth and improved utilization of human resources in the United States; and for other purposes.

S. 811

At the request of Mr. TUNNEY, the Senator from Maryland (Mr. MATHIAS), the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of the bill (S. 811) to amend the Horse Protection Act of 1970 to better effectuate its purposes.

S. 815

At the request of Mr. STAFFORD, the Senator from California (Mr. TUNNEY), the Senator from Delaware (Mr. BIDEN), the Senator from Vermont (Mr. LEAHY), the Senator from Maryland (Mr. MATHIAS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Indiana (Mr. BAYH), and the Senator from Maryland (Mr. BEALL) were added as cosponsors of S. 815, a bill to provide for the public disclosure of lobbying activities with respect to Congress and the executive branch, and for other purposes.

S. 858

At the request of Mr. HANSEN, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 858, a bill to amend title 38, United States Code, to authorize a program of assistance to States for the establishment, expansion, improvement, and maintenance of cemeteries, for veterans.

S. 863

At the request of Mr. PEARSON, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of the bill (S. 863) the Local Rail Services Act of 1975.

S. 917

At the request of Mr. PEARSON, the Senator from Iowa (Mr. CLARK) was added as a cosponsor of the bill (S. 917) amending the Interstate Commerce Act to authorize the ICC to grant temporary operating authority to a carrier by railroad pending final determination by the Commission.

S. 944

At the request of Mr. GRAVEL, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of the bill (S. 944) to extend the amortization payments for construction and repair of the Snettisham hydroelectric power project.

S. 953

At the request of Mr. STEVENSON, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 953, a bill to amend the Export Administration Act of 1969.

S. 985

At the request of Mr. PELL, the Senator from Oregon (Mr. HATFIELD) and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 985, the Social Security Recipients Fairness Act.

S. 1003

At the request of Mr. PERCY, the Senator from South Dakota (Mr. ABOUREZK) was added as a cosponsor of S. 1003, a bill to name the synthetic gas pilot plant located in Rapid City, S. Dak., the "Karl E. Mundt Gasification Pilot Plant."

S. 1009

At the request of Mr. STONE, the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of the bill (S. 1009) to amend title 13 of the United States Code, to require the compilation of current data on total population between censuses and to require the use of such current data in the administration of Federal laws in which population is a factor.

SENATE JOINT RESOLUTION 4

At the request of Mr. INOUYE, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of Senate Joint Resolution 4, designating September 17 as Constitution Day.

SENATE JOINT RESOLUTION 15

At the request of Mr. WILLIAM L. SCOTT, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of Senate Joint Resolution 15, to authorize the request the President to issue a proclamation designating May 13 of each year as American Business Day.

SENATE JOINT RESOLUTION 44

At the request of Mr. GOLDWATER, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of Senate Joint Resolution 44, authorizing the President to proclaim September 28, 1975 as National Indian Day.

SENATE JOINT RESOLUTION 45

At the request of Mr. INOUYE, the Senator from Washington (Mr. MAGNUSON) was added as a cosponsor of Senate Joint Resolution 45, the Municipal Clerk's Week joint resolution.

SENATE JOINT RESOLUTION 46

Mr. HUGH SCOTT. Mr. President, last Wednesday when I introduced Senate Joint Resolution 46, a joint resolution authorizing and requesting the President to issue a proclamation designating October 5–11, 1975 as "Newspaper Week" the names of two cosponsors were inadvertently left off. Just to set the record straight. I would like to make note of the fact that the Senator from Idaho (Mr. MCCLURE) and the Senator from West Virginia (Mr. ROBERT C. BYRD) are original cosponsors of Senate Joint Resolution 46.

SENATE RESOLUTION 20

At the request of Mr. KENNEDY, the Senator from Colorado (Mr. HASKELL) and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of Senate Resolution 20, relating to the Vladivostok agreement and strategic arms control.

SENATE RESOLUTION 100

At the request of Mr. SCHWEIKER, the Senator from Delaware (Mr. BIDEN), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from New York (Mr. JAVITS), and the Senator from Missouri (Mr. SYMINGTON) were added as cosponsors of Senate Resolution 100, a resolution expressing the sense of the Senate with respect to discrimination in international commerce on religious, racial, or ethnic grounds.

SENATE RESOLUTION 109—SUBMISSION OF A RESOLUTION TO ESTABLISH A TEMPORARY SELECT COMMITTEE TO STUDY THE SENATE COMMITTEE SYSTEM

(Referred to the Committee on Rules and Administration.)

Mr. STEVENSON (for himself, Mr. BROCK, Mr. ABOUREZK, Mr. BAKER, Mr. BARTLETT, Mr. BEALL, Mr. BELLMON, Mr. BENTSEN, Mr. BIDEN, Mr. BROOKE, Mr. BUCKLEY, Mr. BUMPERS, Mr. CHILES, Mr. CLARK, Mr. CRANSTON, Mr. CULVER, Mr. DOLE, Mr. DOMENICI, Mr. FORD, Mr. GARN, Mr. GLENN, Mr. GRAVEL, Mr. GARY W. HART, Mr. PHILIP A. HART, Mr. HASKELL, Mr. HATHAWAY, Mr. HUMPHREY, Mr. HUDDLESTON, Mr. INOUYE, Mr. JAVITS, Mr. JOHNSTON, Mr. KENNEDY, Mr. LAXALT, Mr. LEAHY, Mr. MCCLURE, Mr. MCGOVERN,

of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended—

(1) by striking out section 214 (relating to expenses for household and dependent care services necessary for gainful employment), and

(2) by striking out the item relating to section 214 in the table of sections for such part.

(d) The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. ROBERT C. BYRD:

S. 1172. A bill to amend title VI of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a 10-year term for the appointment of the Director of the Federal Bureau of Investigation. Ordered placed on the calendar by unanimous consent.

Mr. ROBERT C. BYRD. Mr. President, this is a request that I have cleared with the distinguished Republican leader, the Senator from Pennsylvania (Mr. HUGH SCOTT) and with the Senator from Nebraska (Mr. HRUSKA), the ranking member on the Committee on the Judiciary, and with the chairman of the Committee on the Judiciary, the Senator from Mississippi (Mr. EASTLAND). I ask unanimous consent that a bill to amend title VI of the Omnibus Crime Control and Safe Streets Act of 1968, to provide for a 10-year term for the appointment of the Director of the Federal Bureau of Investigation, be placed on the calendar.

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

By Mr. CURTIS (for himself, Mr. HRUSKA, Mr. THURMOND, Mr. FANNIN, Mr. GOLDWATER, Mr. LAXALT, Mr. MCCLURE, and Mr. WILLIAM L. SCOTT):

S.J. Res. 55. A joint resolution proposing an amendment to the Constitution of the United States relative to the balancing of the budget.

(The remarks of Mr. CURTIS when he introduced the above resolution appear earlier in the RECORD.)

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 199

At the request of Mr. WEICKER, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of S. 199, a bill to amend the Internal Revenue Code of 1954 to restrict the authority for inspection of tax returns and the disclosure of information contained therein, and for other purposes.

S. 232

At the request of Mr. BURDICK, the Senator from Nebraska (Mr. HRUSKA) was added as a cosponsor of S. 232, a bill to amend the Internal Revenue Code of 1954 to provide that the tax on the amounts paid for communication services not apply to the amount of State and local taxes paid for such services.

S. 408

At the request of Mr. BROOKE, the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 408, to repeal exemptions in the antitrust laws relating to fair trade laws.

S. 451

At the request of Mr. BAYH, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 451, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of medicare for routine exfoliative cytology tests for the diagnosis of uterine cancer.

S. 522

At the request of Mr. JACKSON, the Senator from Michigan (Mr. HART) was added as a cosponsor of S. 522, the Indian Health Care Improvement Act.

S. 613

At the request of Mr. HATFIELD, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 613, a bill to prohibit the introduction into interstate commerce of nonreturnable beverage containers, and for other purposes.

S. 615

At the request of Mr. PROXMIRE, the Senator from Iowa (Mr. CLARK) was added as a cosponsor of S. 615, the limousine limitation bill.

S. 660

At the request of Mr. MONDALE, the Senator from Nevada (Mr. CANNON) was added as a cosponsor of S. 660, the Home Owners' Loan Act of 1975.

S. 673

At the request of Mr. Moss, the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 673, to establish an energy stamp program which will provide energy stamps to certain low-income households to help meet residential energy costs incurred by such households.

S. 740

At the request of Mr. JACKSON, the Senator from Missouri (Mr. EAGLETON) and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 740, a bill to establish a National Energy Production Board to assure early development of energy resources on the public domain and on other Federal lands and on the Outer Continental Shelf to overcome the dependence of the United States on foreign nations for energy supplies essential to national security, commerce, and a full-employment economy.

S. 811

At the request of Mr. TUNNEY, the Senator from Illinois (Mr. STEVENSON), the Senator from Indiana (Mr. HARTKE), and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of S. 811, a bill to amend the Horse Protection Act of 1970 to better effectuate its purposes.

S. 858

At the request of Mr. HANSEN, the Senator from North Dakota (Mr. YOUNG) was added as a cosponsor of the bill (S. 858) to amend title 38, United States Code, to authorize a program of assistance to States for the establishment, expansion, improvement and maintenance of cemeteries for veterans.

S. 880

At the request of Mr. MCGOVERN, the Senator from Minnesota (Mr. MONDALE) was added as a copsonsor of the bill (S. 880) to amend title 38 of the United States Code in order to provide service pension to certain veterans of World War I and pension to the widows of such veterans.

S. 953

At the request of Mr. STEVENSON, the Senator from Wisconsin (Mr. PROXMIRE) was added as a cosponsor of S. 953, a bill to amend the Export Administration Act of 1969.

S. 997

At the request of Mr. Moss, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 997, a bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of retail unit prices of consumer commodities, and for other purposes.

S. 1113

At the request of Mr. HATFIELD, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 1113, a bill to authorize the Secretary of the Interior to establish, on certain public lands of the United States, national petroleum reserves, the development of which needs to be regulated in a manner consistent with the total energy needs of the Nation, and for other purposes.

SENATE JOINT RESOLUTION 5

At the request of Mr. FONG, the Senator from Tennessee (Mr. BROCK), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Wyoming (Mr. HANSEN), were added as cosponsors of Senate Joint Resolution 5, to establish a National Commission on Social Security.

SENATE JOINT RESOLUTION 16

At the request of Mr. HARRY F. BYRD, JR., the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of Senate Joint Resolution 16, proposing an amendment to the Constitution of the United States with respect to the reconfirmation of judges after a term of 8 years.

SENATE JOINT RESOLUTION 39

At the request of Mr. DOLE, the Senator from Ohio (Mr. TAFT), the Senator from South Carolina (Mr. THURMOND), the Senator from Indiana (Mr. HARTKE), the Senator from Pennsylvania (Mr. HUGH SCOTT), and the Senator from South Dakota (Mr. MCGOVERN) were added as cosponsors of Senate Joint Resolution 39, to designate the week of March 17 to 23, 1975, as National Lead Poisoning Prevention Week.

SENATE JOINT RESOLUTION 51

At the request of Mr. STEVENSON, the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Vermont (Mr. LEAHY), and the Senator from South Dakota (Mr. MCGOVERN) were added as cosponsors of Senate Joint Resolution 51, to disapprove Export-Import Bank Financing of a nuclear reactor sale to South Korea.

SENATE JOINT RESOLUTION 5

At the request of Mr. DOLE, the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of Senate Con-

S. 474

At the request of Mr. HOLLINGS, the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 474, a bill relating to changes in status of members of the uniformed services who are in a missing-in-action status as a result of their military service in Indochina.

S. 506

At the request of Mr. CHURCH, the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 50, a bill to amend the Water Resources Planning Act to extend the authority for financial assistance to the States for water resources planning.

S. 585

At the request of Mr. CHILES, the Senator from Maryland (Mr. BEALL) was added as a cosponsor of S. 585, a bill to prohibit travel at Government expense outside the United States by Members of Congress who are not reelected to the succeeding Congress.

S. 673

At the request of Mr. MOSS, the Senator from Montana (Mr. METCALF) was added as a cosponsor of S. 673, to establish an energy stamp program which will provide energy stamps to certain low-income households to help meet residential energy costs incurred by such households.

S. 718

At the request of Mr. HOLLINGS, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 718, the U.S. Postal Service Amendments of 1975.

S. 858

At the request of Mr. HANSEN, the Senator from Florida (Mr. STONE) was added as a cosponsor of S. 858, a bill to amend title 38, United States Code, to authorize a program of assistance to States for the establishment, expansion, improvement, and maintenance of cemeteries for veterans.

S. 862

At the request of Mr. CHURCH, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 862, a bill to amend the Social Security Act to provide for the coverage of certain drugs under part A of the health insurance program established by title XVIII of such act.

S. 872

At the request of Mr. HATFIELD, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 872, a bill to amend title 39, United States Code, to provide that certain State conservation publications shall qualify for second-class mail rates.

S. 953

At the request of Mr. STEVENSON, the Senator from Florida (Mr. CHILES) and the Senator from Idaho (Mr. CHURCH) were added as cosponsors of S. 953, a bill to amend the Export Administration Act of 1969.

S. 969

At the request of Mr. HARTKE, the Senator from Minnesota (Mr. MONDALE), the Senator from Texas (Mr. TOWER), and the Senator from New Hampshire (Mr. MCINTYRE) were added as cosponsors of S. 969, a bill to amend chapter 34 of title 38, United States Code, to extend the basic educational assistance eligibility for veterans under chapter 34 and for certain dependents under chapter 35 from 36 to 45 months.

S. 998

At the request of Mr. MOSS, the Senator from Indiana (Mr. HARTKE), the Senator from New Jersey (Mr. CASE), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 998, a bill to amend title 44 United States Code, to strengthen the authority of the Administrator of General Services and National Archives and Records Service with respect to records management by Federal agencies, and for other purposes.

S. 1124

At his own request, the Senator from Pennsylvania (Mr. HUGH SCOTT) was added as a cosponsor of S. 1124, the Minority Small Business Investment Act.

S. 1177

At the request of Mr. MCGEE, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 1177, the postcard voter registration bill.

S. 1212

At the request of Mr. CRANSTON, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 1212, a bill to amend and extend section 312 of the Housing Act of 1964.

S. 1215

At the request of Mr. HARTKE, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from New York (Mr. JAVITS) were added as cosponsors of S. 1215, a bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes.

SENATE JOINT RESOLUTION 39

At the request of Mr. DOLE, the Senator from New York (Mr. JAVITS) was added as a cosponsor of Senate Joint Resolution 39, to designate the week of March 17 to 23, 1975, as "National Lead Poisoning Prevention Week."

SENATE JOINT RESOLUTION 44

At the request of Mr. GOLDWATER, the Senator from Nevada (Mr. CANNON) was added as a cosponsor of Senate Joint Resolution 44, a joint resolution authorizing the President to proclaim September 28, 1975, as "National Indian Day."

SENATE JOINT RESOLUTION 46

At the request of Mr. HUGH SCOTT, the Senator from Nevada (Mr. CANNON) was added as a cosponsor of Senate Joint Resolution 46, designating October 5–11, 1975, as "Newspaper Week."

SENATE JOINT RESOLUTION 51

At the request of Mr. STEVENSON, the Senator from California (Mr. TUNNEY) and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of Senate Joint Resolution 51, to disapprove financing of a nuclear reactor sale to South Korea.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. DOLE, the Senator from Lousiana (Mr. JOHNSTON) was added as a cosponsor of Senate Concurrent Resolution 5, to urge the President to establish a Council on the Missing in Action.

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. HOLLINGS, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of Senate Concurrent Resolution 21, expressing the sense of the Congress that the U.S. embargo against the shipment of arms to Pakistan and India should be reinstituted without delay.

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. BAYH, the Senator from New York (Mr. JAVITS) and the Senator from Maine (Mr. MUSKIE) were added as cosponsors to Senate Concurrent Resolution 24 a concurrent resolution expressing opposition to the imposition of a coinsurance requirement of 10 percent of the costs imposed above the initial deductible for inpatient hospital services with a $750 ceiling, and expressing opposition to increasing the deductible which is applicable with respect to physician services.

SENATE RESOLUTION 101

At the request of Mr. TALMADGE, the Senator from Alabama (Mr. ALLEN), the Senator from North Carolina (Mr. HELMS), and the Senator from Oklahoma (Mr. BELLMON) were added as cosponsors of Senate Resolution 101, relating to the use of Government-owned peanuts to combat malnutrition.

SENATE RESOLUTION 116—SUBMISSION OF A RESOLUTION TO ESTABLISH A TEMPORARY SELECT COMMITTEE ON REGULATORY COMMISSIONS AND THE U.S. ECONOMY

(Referred to the Committee on Government Operations.)

FEDERAL REGULATORY REFORM—AN URGENT NEED

Mr. HUMPHREY. Mr. President, today I am introducing a Senate resolution calling for the establishment of a Senate Select Committee To Study and Investigate the Regulatory Commissions of the U.S. Government.

Our regulatory system was consciously created to protect the public interest. Certainly, as market power has become increasingly concentrated in a handful of supersized corporations in many of our most important sectors, the need for effective regulation in the public interest has not diminished. In fact, it is perhaps more necessary today that at any time in our history. But, it must be effective and in the public interest. Today, all too often, it is not, and that is why we need reform.

In all too many cases the intended champions of the public interest have become the captured apologists of the special interest. There is no question but that the regulators must be liberated

By Mr. CHURCH (for himself, Mr. JACKSON, and Mr. FANNIN) (by request):

S. 1301. A bill to promote a more comprehensive national program of water resources research and technology development to reorganize certain functions in the Department of the Interior, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. WILLIAMS (for himself, Mr. RANDOLPH, Mr. KENNEDY, Mr. HARTKE, Mr. McGEE, Mr. SCHWEIKER, Mr. McGOVERN, Mr. HUMPHREY, Mr. METCALF, Mr. HATHAWAY, Mr. PELL, Mr. EAGLETON, Mr. RIBICOFF, Mr. TUNNEY, Mr. JACKSON, Mr. ABOUREZK, Mr. STAFFORD, Mr. GRAVEL, Mr. STEVENSON, Mr. MONDALE, Mr. PHILIP, A. HART, Mr. MUSKIE, Mr. GARY W. HART, Mr. MANSFIELD, Mr. BAYH, Mr. CASE, Mr. NELSON, Mr. CHURCH, Mr. CRANSTON, Mr. JAVITS, Mr. BROOKE, Mr. CLARK, Mr. BENTSEN, Mr. MAGNUSON, Mr. MOSS, Mr. GLENN, Mr. HASKELL, Mr. BUMPERS, Mr. MONTOYA, and Mr. BIDEN):

S. 1302. A bill to promote safety and health in the mining industry, to prevent recurring disasters in the mining industry, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. INOUYE (forhimself, Mr. PEARSON, Mr. ALLEN, Mr. BAYH, Mr. HUDDLESTON, Mr. METCALF, and Mr. STONE):

S. 1303. A bill to regulate the foreign commerce of the United States by providing means to assure full disclosure of significant foreign investment in the United States, and for other purposes. Referred, by unanimous consent, to the Committee on Commerce; and, if and when reported from that committee, to the Committee on Banking, Housing and Urban Affairs.

By Mr. BIDEN:

S. 1304. A bill to amend the Social Security Act to provide for immediate care services under titles XIV and XIX of such act. Referred to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. McGOVERN, and Mr. CASE):

S. 1305. A bill to amend the Agricultural Trade Development and Assistance Act of 1954 to prohibit the disposition of food to foreign countries under such act in any fiscal year unless the Secretary of Agriculture determines and certifies that all domestic feeding programs will be adequately provided with appropriate foods in such fiscal year. Referred to the Committee on Agriculture and Forestry.

By Mr. BARTLETT (for himself, Mr. McCLELLAN, Mr. CLARK, Mr. CULVER, Mr. DOLE, Mr. JOHNSTON, Mr. GARY W. HART, Mr. BUMPERS, Mr. HUMPHREY, Mr. LONG, Mr. TOWER, Mr. DOMENICI, and Mr. HRUSKA, and Mr. MONDALE):

S. 1306. A bill to authorize the Secretary of Transportation to make a loan of $100,000,000 to the Chicago, Rock Island, and Pacific Railroad Co. Referred to the Committee on Commerce.

By Mr. HELMS:

S. 1307. An original bill to amend the McIntyre-Stennis Act of 1962 to promote forestry research at private University Forestry Schools. Placed on calendar.

By Mr. ROTH:

S.J. Res. 64. A joint resolution proposing an amendment to the Constitution. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROXMIRE:

S. 1281. A bill to improve public understanding of the role of depository institutions in home financing. Referred to the Committee on Banking, Housing and Urban Affairs.

HOME MORTGAGE DISCLOSURE ACT OF 1975

Mr. PROXMIRE. Mr. President, today I am introducing the Home Mortgage Disclosure Act of 1975. This bill would require lending institutions to disclose to the public where they are obtaining their deposits and where they are making mortgage loans. The problem which this legislation addresses is one of the central problems of our time—the decay of America's great cities. Good housing policy is as much a matter of adequately maintaining the Nation's existing housing stock as building more houses.

But America's great metropolitan areas are in the peculiar position of having to build more and more new subdivisions on farm land 50 miles from the center of cities while public policy permits urban neighborhoods to decay.

The irony is that in many of our older cities, including Washington, Baltimore, Philadelphia, Milwaukee, and Chicago, there are hundreds of thousands of solidly built, older houses that could not be duplicated today except at a considerable cost. Saving and upgrading these houses requires a reliable source of credit to finance home improvements and to enable new families to own and occupy these homes.

Unfortunately, many lending institutions deny credit to these older urban neighborhoods especially when money is tight. People of all ethnic backgrounds suffer. Some institutions may shy away from black neighborhoods or neighborhoods that are changing from white to black. Some institutions may red-line older white ethnic neighborhoods. Some institutions may supply a disproportionate amount of credit to real estate speculators at the expense of owner occupants.

Here is how the redlining process often works. A prospective home buyer will approach a lending institution for a mortgage loan. His credit rating can be excellent, and the house can be in sound condition. But some lenders will reject the application because they don't like the neighborhood, and steer the buyer to the suburbs.

The bank will say that the area is a "declining neighborhood." Of course, that description by the bank turns into a self-fulfilling prophecy, because more than any other factor, denial of mortgage credit to homebuyers by lenders causes the neighborhood to decline. If, on the other hand, mortgages were available and homeowners continued to predominate in the community, the neighborhood would not decline.

Lenders, more than anybody else, have the power to determine which communities decline and which stabilize or revive. Unfortunately, in many areas the very lenders who deny credit to home buyers in older urban neighborhoods, will lend money in the very same neighborhood, sometimes on the very same house, to speculators or to absentee landlords. And that really makes the neighborhood decline. We permit all kinds of tax breaks for home ownership on the theory that pride of ownership creates stable neighborhoods, promotes proper maintenance of housing, and maintains property values. But that premise goes down the drain—and so do some fine old communities—when lenders decide a neighborhood is a poor risk.

In Milwuakee, for example, a report by the Housing Committee of the Westside Coalition found that several lending institutions would not even consider making loans in certain neighborhoods. the report indicated that these lenders often did not bother to inquire about the income or credit rating of the prospective borrower. According to the report, these lenders turned the inquiry down flatly on the basis of the neighborhood. Other lenders reportedly demanded shorter terms for payback and higher downpayment requirements. Then some of these same lenders turned around and lent mortgage money on these same presumably unmortgagable properties to absentee owners, according to the survey.

In Chicago, a broad coalition of citizens representing diverse racial and cultural backgrounds are negotiating with local lenders to keep mortgage money available in the city's middle class neighborhoods. Recently, Mayor Richard Daley, whose own neighborhood is red lined by many lenders, said that he shared the group's objectives, and he endorsed a city ordinance against redlining. The Chicago Housing Training and Information Center, which is headed by Mrs. Gail Cincotta, is hosting a national housing conference next month, and the subject will be redlining.

In Baltimore, a study by the city's department of housing and community development found that "the primary obstacle" to continued home ownership in the city was neighborhood discrimination by lenders. And here in the District of Columbia, preliminary data indicates that some lenders have virtually redlined the entire city, and other lenders are reluctant to loan money east of Rock Creek Park unless the buyer is a real estate professional.

There is a special irony involved when lending institutions begin restricting credit in an urban neighborhood. Some of these lending institutions draw much of their capital from small savers who live in these communities. The deposit window is always open, but the loan window is often closed. Or if it is open, it is open only if you can make a higher than usual down payment and settle for a shorter loan. No wonder people move to the suburbs.

Well, what is the remedy? I do not want to set up yet another bureaucracy to tell banks and savings and loan associations where to lend their money. I think a much better approach is to rely on the informed judgment of the residents of these communities where already many local citizens' groups have organized antiredlining campaigns, and to let the free market do the rest.

Knowledgeable citizens are likely to favor banks and savings and loan associations which do not discriminate against their communities. This is already happening in Chicago, Milwaukee, and other cities. In fact, in some areas, so-called green-lining campaigns have

and health program. Of particular interest to me in this regard is a unique mining industry in my State. Near Green River, Wyo., we have vast deposits of trona, a mineral used for the production of soda ash. The trona mining which is carried on by several separate companies in this area is vitally important to this Nation. Wyoming trona currently provides over 50 percent of the Nation's soda ash production, and expansion plans now being contemplated would raise this production to almost 75 percent of all of the soda ash produced in the United States.

This is, indeed, an important industry to my State, and the entire Nation, as well.

Mr. President, I wish to draw this matter to my colleagues' attention at this time because the trona mining operations in Wyoming are unique—they differ drastically, for instances, from coal mining. It naturally follows that health and safety regulation and standards governing trona mines must, therefore, be fundamentally different. For instance, trona is nonexplosive and nonflammable. In fact, trona is a fire retardant. Trona is nontoxic, while coal causes black lung. The trona beds are thick enough to avoid problems encountered in thin seam underground coal mining. And, finally, ignition hazards from methane gas are greatly reduced in trona mines due to the nonexplosive nature of the trona dust.

Mr. President, we must, therefore, direct our attention to these and other fundamental differences as this omnibus mine safety legislation is being formulated. Failure to do so would most certainly result in cumbersome and unworkable regulations from the viewpoint of management, and even more importantly, a diminished safety and health record within this industry. Statistics reveal that disabling injury frequency rates for trona underground mines is substantially below—even miniscule—in comparison with the frequency rates in other nonmetallic, metal, and coal mines. The trona companies in Wyoming, however do not regard their present safety record as a resting place and have set their goal to achieve an even greater safety and health record in the years ahead.

Mr. President, I met with several representatives of the trona industry from Wyoming regarding pending mine safety legislation. During this meeting we discussed the many reservations and objections which these representatives had to the proposed Federal Mine Safety and Health Act of 1973, the forerunner of the bill which is being introduced today. This meeting was very productive for me and provided a great deal of insight into some of the problems which we are going to encounter in formulating this legislation. I am, therefore, pleased that the distinguished chairman of the Senate Committee on Labor and Public Welfare has given me his assurance that representatives of the Wyoming trona industry will be given full opportunity to present their views at the committee hearings on this legislation. Furthermore, the trona mining representatives have extended an invitation to members of the Subcommittee on Labor or their staff people to visit the trona mining operation in Wyoming. Indeed, I hope that this can be arranged so that there will be a healthy exchange of viewpoints and a firsthand observation by members of the committee of this unique mining operation in southwest Wyoming.

By Mr. INOUYE (for himself, Mr. PEARSON, Mr. ALLEN, Mr. BAYH, Mr. HUDDLESTON, Mr. METCALF, and Mr. STONE):

S. 1303. A bill to regulate the foreign commerce of the United States by providing means to assure full disclosure of significant foreign investment in the United States, and for other purposes. Referred, by unanimous consent, to the Committee on Commerce; and, if and when reported from that committee, to the Committee on Banking, Housing and Urban Affairs.

Mr. INOUYE. Mr. President, I am introducing today for appropriate reference the Foreign Investment Disclosure Act of 1975. Joining me as cosponsors are Senators JAMES PEARSON, ranking minority member of the Commerce Committee, JAMES ALLEN, BIRCH BAYH, WALTER HUDDLESTON, LEE METCALF, and RICHARD STONE.

This bill is being introduced at a time of rising concern about foreign investment in the United States. This concern has been compounded by events of the last year, during which time member nations of the Organization of Petroleum Exporting Countries—OPEC—quadrupled prices and began to accumulate large monetary surpluses. These surpluses were estimated to be approximately $60 billion in 1974 and may peak at $200 to $250 billion by the end of the decade. This range, while still large, is a great reduction in the earlier estimates and should, I believe, ease some of the anxiety which accompanied initial reports of vast pools of investible funds.

Much of the discussion about foreign investment in the United States has been unsophisticated and emotional and has focused too closely on absolute figures, with inadequate attention given to questioning the potential impact of foreign investment in the United States and the implications of the policy we are currently following. Today I would like to discuss the background of foreign investment in the United States, the policy we are currently pursuing, and the reasons why this bill is needed, notwithstanding the position of the administration and some members of the financial community.

The bill is based in part on S. 3955, which former Senator Metzenbaum introduced in the last Congress. He has worked diligently on this subject, and his contribution is gratefully acknowledged.

BACKGROUND

The Department of Commerce is the agency currently responsible for collecting information on foreign investment in the United States, a function it discharges through the Bureau of Economic Analysis, under authority of the Bretton Woods Agreement Act. Additional information on foreign investment is provided by the Department of the Treasury, which keeps track of capital flows. Other agencies collect information, but this data is not systematically kept or analyzed. Nor is this data easily obtainable by Congress or the public.

Long-term investment is divided for analytical purposes into direct and portfolio investment. Direct investment is defined as investment which is made with the actual or potential objective of obtaining a voice in management, while portfolio investment is considered investment made simply for the sake of financial yields. In practice, however, the distinction between the two is arbitrary, and an investment officially categorized as "portfolio" may be direct and vice-versa.

Although the definition is somewhat arbitrary, it does focus on an important concept; namely, that we should be considered not with simple financing but rather with control of corporations. It matters less where capital originated than how the investor uses his investment.

Assuming for the sake of argument that this distinction accurately reflects the division of direct and portfolio investments in the United States, according to Department of Commerce figures at the end of 1973 the book value of foreign direct investments in this country totaled $17.75 billion, while portfolio investment totaled approximately $37 billion. Comparable figures for U.S. investment abroad were $107 billion and $25 billion. Thus although the total U.S. long-term investment abroad is substantially larger than foreign investment in the United States, the difference is by no means as large as suggested simply by comparing the figures for direct investment.

Second, it cannot be emphasized too strongly that the figures on foreign investment in the United States are acknowledged by the administration to be inadequate. Yet they are freely used by some individuals to buttress their case proving the small amount of foreign investment in the United States. Private estimates of foreign direct investment have ranged up to twice the amount estimated by the Commerce Department. Moreover, the portfolio figure is based on a study conducted in 1949, and the Treasury Department concedes it is only an informed estimate. The Commerce figure is based on a 1959 benchmark study, which is similarly outdated.

Finally the Commerce figures omit major investment activities such as real estate. As my colleagues from California, Florida, and the Midwest will attest, this omission is of critical importance because of the large amount of land purchases in these areas. We need well-funded, Government-supported analyses and oversight on a continuing basis. This information simply does not exist, as anyone who works on this topic knows. I believe that this proposed legislation will help to end this crucial information gap.

Under authority of the Foreign Investment Study Act of 1974, which I intro-

duced in the last Congress, the Treasury and Commerce Departments will conduct benchmark studies of foreign investment in the United States using 1974 as the benchmark year. Some of the deficiencies noted above will be corrected, but since the study will only be a one-shot project, our data collection facilities could again become outmoded and make another Study Act imperative in the future.

As a result of the inadequacy of raw statistical data, we in fact know little about the way foreign firms operate in the United States and their motivations for investment here. While some of this analysis is required by the Foreign Investment Study Act, much research about the effects of foreign investment in the United States and the operations of foreign-dominated firms here remains to be done.

Some opponents of disclosure and restrictions have resorted to comparing the size of foreign direct investments to annual domestic investment, book value of domestic plant and equipment, and other figures which are of marginal or totally irrelevant significance. They do themselves and Congress a disservice, for this specious exercise does not address itself to the serious questions which confront us as we analyze the activities of foreign investors in crucial sectors of the economy.

Foreign investment in the United States is an old phenomenon and assisted in the building of many industrial enterprises such as the railroads. Some firms such as Shell, Nestlé, and Phillips are so well known that few Americans are aware of their foreign origin.

Historically foreign investment played an important role in the development of certain American industries, and it can continue to make a positive contribution to our economy. It has been contended by some that the United States will soon face a capital shortage, and foreign investment can help to meet this gap in our capital resources.

Until 1973 foreign investment grew modestly, but as a result of the devaluation of the dollar, the stock market decline, and the growth of multinational activity abroad, foreign investment in that year spurted. The accompanying tables which I ask unanimous consent to have printed in the RECORD provide some descriptive statistics for the period 1950–73.

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

TABLE 1.—FOREIGN DIRECT INVESTMENTS IN THE UNITED STATES, VALUE BY COUNTRY OF ORIGIN

[In millions of dollars]

	Total	Canada	United Kingdom	Netherlands	Switzerland	Germany	Japan	Other
1950	3,391	1,029	1,168	334	348	(1)	(1)	512
1955	5,076	1,542	1,749	613	522	(1)	(1)	650
1960	6,910	1,934	2,248	947	773	103	88	817
1965	8,797	2,388	2,852	1,304	940	209	118	986
1970	13,270	3,117	4,127	2,151	1,545	280	219	1,421
1971	13,655	3,339	4,438	2,125	1,537	771	—230	1,575
1972	14,263	3,422	4,621	2,357	1,567	845	—129	1,581
1973	17,748	4,003	5,437	2,550	1,825	768	307	2,858

(1) Included in other.

TABLE 2.—FOREIGN DIRECT INVESTMENTS IN THE UNITED STATES, VALUE BY INDUSTRY

[In millions of dollars]

	Total	Petroleum	Manufacturing	Trade	Insurance and other finance	Other
1950	3,391	405	1,138	(1)	1,065	784
1955	5,076	853	1,759	(1)	1,499	965
1960	6,910	1,238	2,611	634	1,810	617
1965	8,797	1,750	3,478	748	2,169	692
1970	13,270	2,992	6,140	994	2,256	888
1971	13,655	3,113	6,755	512	2,352	923
1972	14,263	3,234	7,228	511	2,437	853
1973	17,748	4,425	8,418	948	2,716	1,244

(1) Included in other.

Mr. INOUYE. Mr. President, although figures for 1974 will not be available until August, the pace of foreign investment in 1974 remained high. The Treasury Department estimates that foreign direct investment in the first three-quarters of the year was approximately $2.9 billion, a figure which may have been distorted because of ownership changes in the oil industry.

There is little evidence that foreign investment has had a negative impact on the United States. There have been some cases in which the effects may have not been positive, particularly in the real estate development area, where some speculation may have overridden market or environmental needs. By and large, however, foreign investment has played a positive role in our economy, and we should not adopt further limitations on inward capital flow without strong justification for the action.

It is for these two reasons the need for capital and the lack of substantial evidence on the negative effects of foreign investment—that I oppose current legislation to restrict foreign capital. Such restrictions are premature and could have the effect of terminating the benefits we now enjoy from reverse investment.

The demand for immediate limitations is understandable. Although the shift of surplus reserves to the OPEC nations, principally the Arab states, is unprecedented, the once enormous projections have been reduced to a size which the world monetary system can probably handle. The latest U.S. estimates for the surplus accumulation are for a peak of $200 to $250 billion by the end of the decade. At least one responsible estimate is even lower.

Unfortunately some of the opposition to foreign investment in the United States appears to be motivated by anti-Arab sentiment. While the potential for disruption of certain segments of the American economy through investment does exist, Arab investors thus far have limited their activities and have acted prudently—like other foreign investors. Last year, by Treasury estimates, less than $1 billion of OPEC money was invested in corporate equities and real estate. The bulk of it went into Government notes and securities. Moreover, Arab leaders have repeatedly assured the U.S. Government that they do not intend to purchase control of major U.S. industrial corporations, which they have neither the expertise nor will to run. In short, I think we must dispel the fear of Arab investors, while at the same time remain aware that their funds can have a destabilizing effect if misused.

Today we live in a world in which the United States plays a diminishing economic role. While still the world's premier economic power, our ability to control—much less influence—events has seriously deteriorated. Although most of the world is in serious financial straits, many of our industrial competitors will recover much faster than we.

Structural changes in the world economy have resulted in making the United States much more vulnerable to international economic turmoil and open to the operations of foreign multinational corporations. Foreign investment in the United States is not a freak phenomenon but rather evidence that this country is firmly a part of the international system and no longer in firm control of its economic destiny.

Events in the economic sphere have a habit of overtaking our expectations. It is for this reason that we cannot wait for the results of the Foreign Investment Study Act to be finalized before acting. Further delay will only make the establishment of monitoring and disclosure procedures more difficult and allow those who oppose reporting to obfuscate issue and block action.

PRESENT U.S. POLICY AND RECENT DEVELOPMENTS

The present U.S. policy with respect to foreign direct investments is to extend to them "national treatment," that is, to treat them the same as domestic investments once they are made. We neither discourage nor encourage foreign investments although some individual State agencies may offer incentives to locate facilities in their States. Current U.S. restrictions on foreign investments are few in number, and they are generally acknowledged by most nations as being in areas which are of legitimate concern to sovereign countries.

The administration, under the aegis of the Council on International Economic Policy and the Office of Management and Budget, recently completed a major review of U.S. Government data collection programs and requirements in compliance with a provision in the 1974 Foreign Investment Study Act. Information gathered pursuant to this project is still being analyzed and will be published shortly by CIEP. Preliminary findings about the data gathering programs are most interesting.

First. The study has confirmed that while many agencies engage in data collection, no single agency either coordinates, compiles or discloses to the public a comprehensive, overall picture of foreign investment in the United States.

Second. Most information collected is a byproduct of other activities carried out pursuant to enabling legislation. Very little is collected with the specific intention of learning more about the foreign investment.

Third. Policies on the dissemination of data to the public and other Government agencies differ from agency to agency, with no consistent practice on disclosures.

Fourth. Information gathered is something of limited value and even where more detailed is often kept confidential.

Fifth. Identification of the "beneficial owner" is often requested by the collecting agency, but it is usually provided by the reported only when such information is known and available to him, and the definitions of beneficial owner are inconsistent.

Sixth. Most information on foreign investment is collected only after an investment is already made. There are only a few requirements for prior notification.

Seventh. Although various agencies do monitor or restrict the control of particular companies or industries, there is no uniformity in the definition of "control."

Finally, there is little information collected with respect to foreign investment in real estate in the United States.

The administration also undertook a review of governmental policy toward foreign investment in the United States. The basic conclusion of this review was a reaffirmation of the traditional commitment to free capital markets and opposition to the enactment of any additional restrictions except where absolutely necessary on national security grounds or to protect an essential national interest.

Existing laws, regulations, and practices were considered adequate by the inter-agency task force. However, the administration implicitly recognized weaknesses in its data collection procedures by proposing the following changes:

First. It would establish a new high-level interagency committee to serve as the focal point within the executive branch for insuring that foreign investments are consistent with the national interest and to report to the President's Economic Policy Board.

Second. A new office to serve that committee and all other parts of the Government will monitor foreign investment and produce analyses.

Third. The new office is to centralize and improve the gathering of information on foreign investment and its dissemination to appropriate parts of the Government.

Fourth. New procedures will be negotiated with principal foreign governmental investors for advance consultation with the U.S. Government on prospective major direct investments in the United States.

No details on these plans have been released nor does the Congress have a timetable for the implementation of these changes.

FOREIGN INVESTMENT DISCLOSURE ACT

I concur with the general thrust of our current policy, but I believe that my agreement still leaves room for a variety of different positions vis-a-vis the procedures we should establish. The bill which my colleagues and I are introducing today in no way undermines this Nation's commitment to unimpeded capital flows. However, it does uphold the public's right to know about the activities of foreign investors in the United States and to encourage public discussion about our policy on foreign investment.

The Foreign Investment Disclosure Act of 1975 would create a Foreign Investment Administration within the Department of Commerce headed by a Director appointed by the President with the advice and consent of the Senate. The Secretary of Commerce would be authorized to promulgate rules and regulations requiring persons having information on foreign investments to keep records and reports on such investments.

He would be further authorized to establish procedures for the submission by foreign investors of investments in U.S. companies whose equity security is publicly traded if the foreign investors owns, directly or indirectly, 5 percent or more of such securities. This floor might be lowered if he has reason to believe that two or more foreign investors have acted in concert or if the investment is in a strategic industry.

Reports of foreign investment in U.S. companies whose stock is not publicly traded on a national securities exchange would be required if the investment is 10 percent or more and the total assets of such company are $3 million or more. Moreover, reports must be filed if foreign investments are made in the form of loans, long-term contracts or ownership of assets or interests in property if the substantial effect of such investment is to give or could be to give the investor a predominant influence on management or operation or results in ownership or control of more than $1 million in property.

Reports would be required of any foreign investment in real property with a fair market value in excess of $50,000, with the Secretary having the authority to waive this requirement for owners of property with a fair market value up to $250,000 if the real estate in question is strictly for personal use and contains no exploitable resource. This provision is designed only to monitor investments in agricultural land, land containing natural resources such as timber, and raw land capable of being developed for commercial use.

Finally reports would be required of foreign investments in U.S. Government or agency securities, notes, certificates of deposit, or other marketable instruments exceeding $1 million per issue. This provision has been included because of our concern about the potential impact of short-term capital flows into the United States. Such short-term investments could affect interest rates and the money supply and have other unpredictable effects. To the extent that this category of investments does not relate directly to U.S. business enterprises, it differs from the other types of investments. However, the sheer volume of short-term securities purchases should be of interest and concern to the Congress, and I believe that this area also needs monitoring.

Reports on acquisitions made after enactment of this act will be due 10 days after the acquisition, while reports on existing investments must be made 90 days following enactment. The Secretary of Commerce will be required to publish a quarterly report containing, among other things, the names of companies in which the investments were made, the transactions which were required to be reported, extent of foreign investment, analyses of trends and developments, and related information. An annual summary of investment activity is also required.

The Secretary is also authorized, after hearings and consultations, to issue nonbinding guidelines and policy statements with respect to foreign investments. It is the intention of this provision to lodge within the Secretary the authority to clarify U.S. policy and to resolve ambiguous questions on the appropriateness of certain types of investment.

The administration is also authorized to collect information from other Government agencies and to disseminate data to them. However, to protect certain types of business information, access to information not required to be published will be limited, and the confidentiality of reporters who furnish additional information will be protected.

Willful violations of the act will be punishable by a fine not exceeding $10,000 for each infraction and, in the case of natural persons, a jail sentence not exceeding 1 year. The Secretary will have authority to seek a mandatory injunction to compel compliance with the act. Failure to comply could also result in the suspension of a foreign investor's voting rights in a stock or, in the case of a loan agreement or long-term contract, a prohibition on the exercise of any provision regarding management or operational rights in the company.

As I noted above, I believe that this legislation is vitally needed and eminently reasonable, balancing the public's interest in learning more about the activities of foreign multinational corporations and foreign individuals in this country with the need to attract foreign capital to this country. Our commitment to this latter objective is embodied in the declaration of policy in which we stress that nothing in this act is intended to restrain or deter foreign investment in the United States or to discriminate against any particular foreign investors.

In spite of the reasonableness of this legislation, I anticipate that there will be objections to the bill from the administration and certain members of the financial community. Therefore, I would like to discuss briefly why I believe this bill is necessary even though changes in

the monitoring program are being contemplated by the Administration.

First. This bill clarifies beyond a doubt the right of the public and Congress to have access to detailed information on foreign investment and investors. I noted with interest that the representative of the Treasury Department who testified on S. 425 made no reference in his statement to the role of Congress in setting policy in this area. Apparently none of the changes envisioned by the administration provide for Congress or the public to have ready access to information gathered pursuant to these monitoring changes. If the public's uneasiness about foreign investment is to be stilled, it must have accurate, detailed and current information—none of which exists today. Data gathered and maintained at the Executive level, hemmed in by claims of privilege and confidentiality, will not satisfy this requirement.

Second. The bill institutionalizes the monitoring and disclosure process and provides the statutory underpinning for the establishment of an office. As an executive creation, the office planned by the administration can be dismantled at any time without congressional approval or disapproval regardless of Congress views on the need for further action. Furthermore, the act would help to clarify responsibilities, avoid bureaucratic contentions, and expedite establishment of the monitoring mechanism.

Third. It is highly questionable under what statutory authority the proposed executive level office would operate. The Bretton Woods Agreement Act designated the Department of Commerce to collect balance of payments information. Data on foreign investment in this country has been a byproduct of this process and is not specifically authorized to be gathered. Collection of statistics strictly concerned with foreign investment in the United States should be clearly, unambiguously authorized to prevent legal disputes and to remove obstacles by those who wish to conceal this information from Congress and the public.

Fourth. The act will provide opportunities for congressional oversight and make the Director answerable to Congress for the administration's activities.

Those who oppose reporting and monitoring often express their fear that such actions might trigger retaliatory action by other nations. This contention is entirely groundless since most nations have already enacted strict limitations on foreign investment. Canada, which is entering phase two of its regulatory program, is a prime example. Even the Federal Republic of Germany, which has traditionally maintained the same attitude as we, is in the process of changing its policies as a result of the Kuwaiti investment in Daimler.

Mr. President, I believe strongly in this bill and urge its enactment. At a time when the American public is deeply suspicious of governmental processes because of their secrecy, often with justification, this is the minimum program. Unless we act—and act expeditiously—we would rightly deserve some of the blame for failing to resolve an important issue in our national economic life.

Mr. President, I ask unanimous consent that this measure be referred to the Committee on Commerce; and if and when reported from that committee, that it be referred to the Committee on Banking, Housing and Urban Affairs.

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

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

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

S. 1303

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 "Foreign Investment Disclosure Act of 1975".

DECLARATION OF POLICY

SEC. 2. (a) The Congress finds and declares that—

(1) Foreign investment in the United States has increased in recent years.

(2) Such investment could significantly affect the economy of the United States.

(3) Large monetary reserves and capital accumulations exist in many oil exporting nations and other foreign countries and these reserves and accumulations may be invested in this Nation.

(4) The potential consequences of foreign investment, particularly on a massive scale, cannot be calculated because the Federal Government lacks sufficient information on foreign investment and its actual or possible effect on the national security, commerce, employment, inflation, and the general welfare.

(5) Federal agencies responsible for the collection of data on foreign investment do not maintain adequate programs for the gathering and analysis of sufficient detailed data and information on such foreign investment and planned investment and lack sufficient authority to collect information sufficient to enable the Congress to formulate and enact a reasoned and comprehensive policy with respect to such investment.

(b) It is therefore the purpose of the congress in this Act to—

(1) require foreign investors and their agents to make public disclosure of their identities and the identities of their principals;

(2) discover and disclose the nature and scope of all significant foreign investment in the United States; and

(3) direct the Secretary of Commerce to analyze such investments and planned investments and make recommendations with respect to foreign investment policy.

(c) Nothing in this Act is intended to restrain or deter foreign investment in the United States or to discriminate against any particular foreign investors.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "Administration" means the Foreign Investment Administration, established by this Act;

(2) "foreign investment" means the ownership or control, by ownership of stock or other securities, by contractual commitments or otherwise, by any foreign investor, of all or part of a United States company or property which is located wholly or substantially in the United States;

(3) "foreign investor" means—

(A) a foreign government, agency, or instrumentality thereof;

(B) an international agency or organization, as defined by the Secretary;

(C) a natural person who is not a citizen of the United States;

(D) a company other than a United States company;

(E) any person who, directly or indirectly, is owned or controlled by or acting as agent or trustee, for one or more such government agencies, organizations, or persons; or

(F) two or more persons acting in concert for the purpose of acquiring, holding, voting, or disposing of securities or for the purpose of acquiring, holding, or disposing of property, at least one of whom is a person described in any of the preceding subparagraphs of this paragraph;

(4) "person" includes any government or agency or instrumentality thereof;

(5) "property" means any real or personal property and any other thing of value, including the right to acquire or control any real or personal property;

(6) "Secretary" means the Secretary of Commerce, or his delegate;

(7) "United States company" means any corporation, syndicate, partnership or other business unit organized in one of the United States, the Canal Zone, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, or any other possession of the United States.

FOREIGN INVESTMENT ADMINISTRATION

SEC. 4. (a) There is established in the Department of Commerce an agency to be known as the Foreign Investment Administration. The Secretary shall carry out the provisions of this Act through the Foreign Investment Administration and shall supervise the Director of such Administration.

(b) The agency shall be administered and supervised by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall receive compensation at the rate now and hereafter prescribed for offices and positions at level V of the Executive Schedule (5 U.S.C. 5316).

(c) The Director shall appoint a Deputy Director who shall serve as Acting Director during any period of absence or incapacity of the Director and who shall carry out any duties delegated or assigned to him by the Director. The Deputy Director shall receive compensation at a rate now and hereafter prescribed for offices and positions at level of GS–18 on the General Schedule (5 U.S.C. 5332).

(d) The Director may procure the temporary or intermittent services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code. Persons so employed shall receive compensation at a rate to be fixed by the Agency, but not in excess of the maximum amount payable under such section. While away from his home or regular place of business and engaged in the performance of services for the Administration, any such person may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for persons in the Government services employed intermittently.

(e) The Secretary is authorized, after investigation, to transfer the whole or part of the functions of any office subject to his jurisdiction to the Administration, upon the preparation of a reorganization plan for the making of the reorganization as to which he has made findings and which he includes in the plan, and upon the submission of such plan to Congress together with a declaration that such reorganization is necessary or appropriate to further the purpose of this Act: Provided, that such reorganization plan shall not become effective if either House of Congress within sixty days after the date of transmittal passes a resolution stating in substance that such House does not favor the reorganization plan.

ADMINISTRATIVE POWERS

SEC. 5. The Administration is authorized—

(1) to issue such rules and regulations,

in accordance with section 553 of title 5, United States Code, as it deems necessary and appropriate to carry out the provisions of this Act;

(2) to the extent necessary or appropriate to the policy of this Act, to acquire and maintain property (real, personal, or mixed, tangible, or intangible, or any interest herein) by purchase, lease, condemnation, or in any other lawful manner, to sell, lease, or otherwise dispose of such property in any manner; and to construct, operate, lease, and maintain buildings, facilities or other improvements on such property;

(3) to accept gifts or donations or services, money or property in any form;

(4) to enter into contracts or other arrangements or modifications thereof, with any person, any department or agency of the United States, and any State government or political subdivision thereof;

(5) to make advance, progress, or other payments which the Director deems necessary or appropriate to further the policy of this Act;

(6) to hold such hearings and to conduct investigations at such times and places as the Director determines to be appropriate;

(7) to propose, in the discretion of the Director, additional programs in furtherance of the policy of this Act to the Committee on Commerce of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives without prior submission, review, or clearance of any other agency or officer of the United States; and

(8) to take such other action as may be necessary to carry out the provisions of this Act.

FOREIGN INVESTMENT DISCLOSURE

SEC. 6. (a) The Secretary may require any person subject to the jurisdiction of the United States to maintain a full and accurate record of any information (including journals or other books of original entry, minute books, stock transfer records, list of shareholders or financial statements) germane to the purpose of this Act, and to furnish under oath, in the form of a report or otherwise, such information as the Secretary may determine may be necessary to enable him to carry out his responsibilities under this Act. The information which may be required shall not be limited to holdings or transaction but shall include any information necessary to the Secretary's functions under this Act in the possession of such person, from whatever source derived, concerning foreign direct investment and foreign portfolio investment by any person whatsoever.

(b)(1) The Secretary shall, by regulation, order, or otherwise, establish procedures which require the maintenance of records and the submission of reports by foreign investors, and by such other persons as he determines to be appropriate with respect to—

(A) any foreign investment in a United States company whose equity security is publicly traded on a national securities exchange or otherwise in the United States if, after such investment, the foreign investor owns or controls, directly or indirectly as the beneficial owner, 5 per centum or more of the equity securities of such company, except that the Secretary may by regulation establish a lower percentage of ownership requirement consistent with the purposes of this Act—

(i) if he has reason to believe that two or more foreign investors have acted in concert, or may act in concert in the future, to acquire an aggregate of 5 per centum or more of such companies; or

(ii) in other circumstances where the importance of an industry, or the highly dispersed ownership of a given industry or company makes it advisable to establish a lower percentage requirement in order to fulfill the objectives of this Act.

(B) any foreign investment in the United States company whose stock is not publicly traded on a national securities exchange or otherwise in the United States, if—

(i) after such investment 10 per centum or more of the equity securities of such company is owned or controlled, directly or indirectly as the beneficial owner, by the foreign investor; and

(ii) at the time of such investment the total assets of such company have a value of $3,000,000 or more.

(C) any foreign investment in the United States, including but not limited to loans, long-term contracts, and the ownership of property or interests in property which the Secretary determines, on the basis of objective economic and other criteria, shall be subject to the recordkeeping and reporting requirements under this subsection, if the substantial effect of such investment is—

(i) to give or could be to give the foreign investor a predominant influence on the management or operation of a United States company described in paragraph (A) or (B) of this subsection; or

(ii) to result in the ownership or control by a foreign investor of more than $1,000,000 in property in the United States except that the Secretary may establish a lower figure if he determines that a lower figure is necessary to identify significant foreign investments in the United States.

(D) any foreign investment in the United States in real property with a fair market value in excess of $50,000, except that the Secretary may waive this requirement if, after review, he determines that such property is intended solely for personal use and contains no exploitable natural resources and if such investment does not exceed $250,000.

(E) any foreign investment in United States government or agency securities, notes, certificates of deposit or other marketable instruments exceeding $1,000,000 per issue.

(2) The records and reports required under this section shall include but not be limited to—

(A) the name or names of the foreign investors involved;

(B) the nationality or citizenship and residence of the foreign investor or investors;

(C) the country or countries with which any agency or other organization which is a foreign investor is affiliated or organized;

(D) the extent of the ownership or control which is exercisable by such foreign investor, including—

(i) the details of any loan agreement, long-term contract, or sale of assets; and

(ii) the number of shares beneficially owned, including the number of shares to which there is a right to acquire, directly or indirectly, by such foreign investor and by each member of the group of such investors;

(3) Any report required under this section with respect to an acquisition made after enactment of this Act shall be submitted not later than ten days following the date of the acquisition. Reports required under this section with respect to existing foreign investments in the United States shall be submitted to the Administration not later than 90 days following enactment of this Act.

(c) The Secretary is further authorized to issue such rules and regulations as he deems appropriate in accordance with the purpose of this Act to require any United States company which knows or has reason to know of a foreign investor in that company qualifying under subsection (b) of this section to report such investment to the Administration.

(d) The Secretary shall publish a quarterly report on the nature and scope of foreign investment in the United States during the quarter covered by the report. Such report shall include, but not be limited to, a listing of transactions whose disclosure is required by this Act, the names of United States companies in which foreign investments covered by this Act have been made and the extent of such investments, the Secretary's assessment of any significant trends, on an industry by industry basis and in the aggregate, of foreign investment in the United States during such quarter, and such other information he deems appropriate, but it shall not include any information whose disclosure would cause competitive injury to the foreign investor or the United States company. The first report shall be due 90 days after enactment of this Act and shall be issued quarterly thereafter.

(e) The Secretary shall issue an annual report to the Congress no later than 90 days after the end of each year on foreign investment in the United States. Such report shall include, but not be limited to, the nature and scope of foreign investment in the United States during the previous year; the industries and economic sectors in which significant foreign investment occurred; a list of major United States companies in which significant foreign investment occurred; an identification of the geographical regions, to the extent practicable, where significant foreign investment was made; an analysis of the economic impact of foreign investment in the United States during the previous year, including the effects of such investment on the United States balance of payments, balance of trade, employment, and economic competitiveness; a summary of significant actions taken by the United States Government to improve and consolidate programs, rules, and regulations relating to foreign investment in the United States; a list of policy changes or recommendations issued by the Secretary; and such other factors as the Secretary deems relevant and appropriate.

GUIDELINES

SEC. 7. The Secretary is authorized, after such hearings and consultations with other agencies and individuals as he deems necessary and appropriate, to issue periodically statements pertaining to United States polices on foreign investments in the United States companies and property. Such statements shall contain recommendations and guidelines on foreign investments in United States companies or industries which are determined to be important for reasons of national security, foreign policy, or economic security. Such statements shall be printed in the Federal Register and be made available for distribution through the Administration.

USE OF INFORMATION

SEC. 8. (a). The Administration may secure from any agency of the United States any information relating to foreign investment in the United States necessary to enable it to carry out its duties under this Act. Upon request of the Director, each such department or agency is authorized to furnish such information to the Administration on a reimbursable basis or otherwise. The Administration may also supply information obtained under this section to other Federal agencies and to foreign governments as deemed appropriate by the Director except as otherwise provided in this Act.

(b) The provisions of section 1905 of title 18, United States Code, shall apply to the Administration, its officers and employees, with respect to information obtained under this section or in any other manner. The Administration shall not release, without written permission of the person to whom it relates, any information described in section 552(b) of title 5, United States Code. In addition to the Secretary, the only individuals who may have access to information obtained under this Act but not required to be published are those sworn employees, including consultants, of the Department of Commerce designated by the Secretary.

(c) Except for a proceeding under section 9(b) of this Act, no report or constituent part thereof may be produced for any Federal judicial or administrative proceeding. No agency of the United States or employee

thereof may compel the Secretary or the Director or any person which maintained or furnished any report under section 6(a) or 6(b) to submit any such report or constituent part thereof to that agency or any other agency of the United States.

(d) Nothing in this Act shall be construed to require or to authorize the Secretary to publish or make available to any other person or organization in any manner except as herein authorized information which, if disclosed, would encourage speculation or cause competitive injury to the foreign investor or United States company.

ENFORCEMENT

SEC. 9. (a). Whoever willfully fails to furnish any information required pursuant to the authority of this Act, whether required to be furnished in the form of a report or otherwise, or to comply with any rule, regulation, order, or instruction promulgated pursuant to the authority of this Act may be assessed a civil penalty not exceeding $10,000 for each infraction on a proceeding brought under subsection (b) of this section.

(b) Whenever it appears to the Secretary that any person has failed to furnish any information required pursuant to the provisions of this Act, whether required to be furnished in form of a report or otherwise, or has failed to comply with any rule, regulation, order, or instruction promulgated pursuant to the authority of this Act, he may in his discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, seeking a "mandatory" injunction commanding such person to comply with such rule, regulation, order, or instruction, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond, and such person shall also be subject to the civil penalty provided in subsection (a) of this section.

(c) In any case in which the Secretary determines that any foreign investor has made an investment subject to the requirements of section 6(b) and that such person has failed to comply with the provisions of such section, after such notice and opportunity for hearing as he determines to be appropriate, he may bring an action in the proper United States district court seeking the suspension of any and all voting rights of the securities until such time as the foreign investor or his agent complies with the provisions of this Act or such securities are sold. If the court determine that the company's financial condition requires the exercise of voting rights, it may authorize the Secretary to exercise such rights. In the case of a loan or long-term contractual agreements, the Secretary may bring an action in the proper United States district court to prohibit the exercise of any provision of such loan agreement or contract with respect to management or operational rights until the foreign investor or his agent complies with the provisions of this Act or until such loan or contract agreement terminates.

(d) Whoever willfully fails to submit any information required pursuant to this Act, whether required to be furnished in the form of a report or otherwise, or willfully violates any rule, regulation, order or instruction promulgated pursuant to the authority of this Act shall, upon conviction be fined not more than $10,000 or, if a natural person, may be imprisoned for not more than one year or both, and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

(e) The Secretary or his duly authorized agent shall have authority, for any purpose related to this Act, to sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths. Witnesses summoned under the provisions of this section shall be paid the same fees and mileage as are paid to witnesses in the courts of the United States. In case of refusal to obey a subpena served upon any person under the provisions of this section, the Secretary or his delegate, may request the Attorney General to seek the aid of the United States district court for any district in which such person is found to compel that person, after notice, to appear and give testimony, or to appear and produce the documents before the agency.

AUTHORIZATION FOR APPROPRIATION

SEC. 10. There is authorized to be appropriated sums as may be necessary to carry out the provisions of this Act.

Mr. BAYH. Mr. President, it is my pleasure to join with Senator INOUYE in introducing the Foreign Investment Disclosure Act of 1975.

In recent months, there have been varied estimates regarding the amounts of wealth which will shift to the oil producing nations as a result of the fivefold increase in world oil prices. Early projections showed that the OPEC nations would accumulate reserves of $650 billion by 1980 and $1.2 trillion by 1985. More recently, experts have forecast a smaller surplus of $300 billion in 1985. Though these estimates are quite different, Mr. President, it is clear that even those on the low end show that the producing nations are and will continue amassing financial resource with unprecedented speed.

It is also clear that a large amount of that new-found wealth will flow into the United States. There is no way to know for sure what the investments by the oil producing nations in the United States amounted to last year, but from estimates I have seen, it is reasonable to believe that investment was in the $13 to $16 billion range. Such investment will grow rapidly in the years to come.

Mr. President, foreign investment in the United States is extremely important. It provides badly needed capital to our financial markets and return petrodollars to our shores. In the past, the absence of restrictions on foreign investment has made our country extremely attractive to foreign investors. We must carefully guard against any action which would significantly discourage investment from abroad. At the same time, Mr. President, with such a rapid shift in the world's wealth and with the expectation of massive new foreign investment in this country, we cannot take a business-as-usual attitude.

We are going to see foreign holdings in America grow to an amount which far exceeds anything we have experienced in the past. It is not difficult to imagine situations in which large foreign interests in American businesses could have a profound effect upon our national security and economic well-being. Further, influence or control in corporate affairs could result in inimical, discriminatory practices which are wholly incompatible with the American way of life.

At present, Mr. President, there is no systematic means for the Government, or for that matter any other institution or person, to gather and compile information regarding foreign investment in the United States. We have no way of knowing the size of such investment, in what sectors of the economy it is concentrated or what trends it is following.

While it is very important, Mr. President, that we keep America attractive to foreign investment, I believe it would be foolhardy to ignore recent world events and to continue operating in the dark regarding foreign interests in our economy. We must make certain that our Government is carefully monitoring the influx of foreign capital, in order that prompt action can be taken should dangers develop.

The bill we are introducing today would set up a mechanism for keeping records on foreign investments and would insure that Congress, the executive branch, and the public are well informed about these matters. It will remove the blindfold, so we can see clearly any problems which confront us.

Our bill would establish a Foreign Investment Administration within the Department of Commerce. It would be the duty of the adminstration to collect and analyze information on foreign investment in the United States.

The act would require any foreign investments in a company, whose stock is publicly traded, which resulted in a 5 percent direct or indirect ownership interest to be reported to the administration. Investments in privately held companies which resulted in a 10-percent ownership interest would also be reported as would investments in real property and in U.S. Government securities which exceeded $50,000 and $1 million, respectively. Further, there would be reporting requirements on any investment in a U.S. company, such as a loan or long-term contract, which would tend to give the foreign investor substantial influence in the management of the company. The required report would include details relating to the investment and the name and nationality of the investor.

On a quarterly basis, the Secretary of Commerce would publish a report which would include information regarding aggregate foreign investment in the United States, trends in such investment, and a list of transactions which had been disclosed under the reporting requirements. The Secretary would also make an annual report which would analyze in detail all aspects of the previous year's foreign investment and include the Secretary's recommendations for policy in the area of foreign investment. In matters of policy, the Secretary further would be authorized to make recommendations at any time which would be published in the Federal Register.

Mr. President, I believe passage of this bill is a necessity if we are to act wisely in the face of massive investment by foreign interests in the United States. It does not propose unreasonable restrictions, and is, in fact, far less burdensome to investors than laws in force in many other western countries. It will provide us the means to become and stay currently informed on foreign investment in our country so that we can prevent economic power from being em-

ployed from within this Nation by foreign interests to our detriment. I hope that my colleagues will consider the bill carefully.

By Mr. BIDEN:

S. 1304. A bill to amend the Social Security Act to provide for immediate care services under titles XVIII and XIX of such act. Referred to the Committee on Finance.

Mr. BIDEN. Mr. President, increasing national attention is being given to the pressing need to improve the means of treating medical cases requiring immediate care. The legislation I am introducing which would extend medicare and medicaid reimbursement to cover the special institutional costs of immediate care services provided by qualified facilities other than hospitals—which already receive reimbursement—would contribute to both an improvement in the availability and quality of care and an increase in the equity of the reimbursement provisions.

Currently, medicare and medicaid reimbursement for the institutional fee of immediate care services under titles XVIII and XIX of the Social Security Act may only be made when the services have been rendered in a provider hospital or a qualified emergency hospital. The inadequacy of the law is that it focuses upon the context in which the care is provided rather than emphasizing the principal factor—the capability of providing quality care regardless of context.

Secretary Weinberger's remarks at the meeting of the American Health Congress in Chicago on August 21, 1973, underscore the shortcomings of the medicare and medicaid legislation which encourages doctors to put patients in high cost hospitals rather than treat them as out-patients. This generalization certainly extends to immediate care services as well. Since only hospitals are eligible for reimbursement of the special institutional costs of their immediate care services, the law discriminates against other facilities which are equally qualified to perform particular immediate care services and often better able to deliver such services.

It should also be noted that with regard to medicaid coverage of the immediate care services provided in nonhospital facilities, the administration in its 1974 budget message promised proposed legislation "requiring States under medicaid to reimburse free-standing clinics for covered outpatient services." Consistent with the specific purpose of my proposal, the legislation I am introducing would only require coverage in the State plan of immediate care services provided by free-standing facilities.

The foregoing statements by the administration support my contention that the time has come for the legislation I offering. Let us look, however, at the ncrete circumstances which demonrate the importance of these amendments to the medicare and medicaid law.

With the growing number of cases requiring immediate medical care and the rising expectations of our citizens to receive immediate attention, our hospital emergency rooms have become overburdened and frequently unprofitable. The Senate Labor and Public Welfare Committee's report accompanying the Emergency Medical Services Systems Act of 1973 (S. 2410) outlines the problem:

> Increasing concern is being expressed throughout the Nation regarding the heavy demands made upon a major element of any emergency medical system—the hospital emergency room. Hospital emergency rooms are increasingly called upon to provide outpatient care for the community. The position paper prepared by the American College of Emergency Physicians in 1972 reported there has been over a 600% increase in the number of emergency visits in some hospitals in the last 25 years. Nationally the average is an increase of 10% a year. Last year there were approximately 50 million visits to emergency rooms.
>
> In the critically underserved neighborhoods of densely populated urban areas, emergency medical services should more accurately be termed primary health services. Here the distinction between emergency medical care and primary health care is very difficult to determine.
>
> This increased community reliance on the services of the emergency room has overburdened its resources and has vastly compounded the difficulties of providing effective critical care to the emergency victim.

In my State, for example, until the last few years the primary source of immediate medical care in the populous northern county was the central-city hospital's emergency room. A survey by the comprehensive health planning council, the 314b agency for the county, revealed that approximately 25 percent—90,000—of the county's population, however, is concentrated in an area which is more than 30 minutes from the central-city hospital's emergency room. Thus, a large and increasing concentration of population was isolated from a provider of immediate medical care.

Responding to these circumstances a so-called free-standing emergency medical facility developed to serve the area. This facility and another facility which recently replaced the original facility have both met stringent licensing regulations established by the State of Delaware and fulfill the guidelines of the National Blue Cross Association as specified in the requirements of the Blue Cross and Blue Shield of Delaware—intermediary of titles XVIII and XIX for Delaware—for Blue Cross reimbursement of covered services rendered to plan subscribers.

Despite the encouragement and support of State and local officials, Blue Cross and Blue Shield recognition, and community interest, these facilities have been financially hampered by the exclusive provisions of the medicare and medicaid law which deny them reimbursement for the institutional fee their specialized immediate care services entail. Since the facilities cannot obtain reimbursement from the Federal Government for services which would be covered if they had been performed in a hospital, the facilities must turn to the medicare and medicaid patients themselves—the aged and the poor—for repayment to maintain solvency. Thus the patient who thought he or she had health care coverage discovers that the coverage is available only if one receives the services from a particular class of the facilities qualified to offer the services. Under circumstances requiring immediate medical care, however, the patient does not have the opportunity to shop around for a facility which is eligible for medicare and medicaid reimbursement for its patients. Instead, the individual is taken, as he or she should be, to the nearest facility equipped to treat the case.

The narrow limitations of the current law have generated ill-will between the facility and the patients who are being asked to pay for services which is provided in a hospital emergency room would be paid by medicare and medicaid. The result is the bills go unpaid and the facility loses its solvency.

My position based on what I believe to be both sound medical advice and simple equity is that if a facility is qualified to treat cases requiring immediate medical care, it should receive reimbursement on the same terms as a hospital for the specialized services provided. A recent statement by the former Executive Director of the local comprehensive health planning council, Mr. Clifford Foster, summarizes the case in favor of reimbursement.

> The Health Planning Council, Inc. of New Castle County, Delaware, the B agency under comprehensive health planning, has worked hard and long to establish outreach programs away from hospitals, free-standing in nature and delivering services where the action is. We are attempting to follow through on the priorities set by the Secretary of HEW in ascertaining the gaps in service and the needs of the people in the area for which we are responsible for health planning. It is impossible for any agency to set up shop today and deliver health services unless they are certified to receive reimbursement from both Title XVIII and Title XIX moneys. With the increasing caseload of the programs, it is imperative that these type facilities, if they have adequate coverage adequate quality of care and deliver such care at a reasonable price, should be reimbursement for freestanding facilities in Delaware is an albatross around the necks of we planners in encouraging organizations to set up such facilities.

Mr. President, this bill would neither expand the kinds of services medicare and medicaid cover nor lower the standards a facility would have to meet for the provision of immediate medical care—the standards for an immediate care facility in the amendment are comparable to those for a provider hospital. Although my legislation would not directly encourage the development of nonhospital immediate care facilities, it would enable such facilities to obtain equity for themselves and their patients and thus maintain a source of services which will be able to provide the life-saving stabilization of serious emergency cases for subsequent transfer to a hospital and fully treat the less critical cases and thereby avoid unnecessary high-cost hospital emergency room treatment and free the hospitals to provide the highly specialized emergency medical services and intensive care for which they are uniquely equipped. Therefore, I foresee enactment of my proposal leading to the

improved provision of immediate medical care at lower cost—the twin goals for which we should strive.

I ask unanimous consent that the text of my bill and an explanation be printed in the RECORD.

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

S. 1304

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1861(e) of the Social Security Act is amended by inserting, immediately before the last sentence thereof, the following: "The term 'hospital' also includes an immediate care facility (as defined in subsection (aa)), but only with respect to immediate care facility services (as defined in subsection (bb)), and payment under this title with respect to such services provided by such a facility shall be made subject to the same terms and conditions as those applicable with respect to the payment under this title for similar services provided by an institution which meets the requirements specified in clauses (1) through (9) of the first sentence of this subsection.".

(b) Section 1861 of such Act is amended by adding at the end thereof the following new subsections:

"Immediate Care Facility

"(aa) The term 'immediate care facility' means a public or nonprofit private institution which—

"(1) is primarily engaged in providing, by or under care services for the diagnosis, treatment, and care, of injured, disabled, or sick persons;

"(2) maintains clinical records on all patients;

"(3) provides twenty-four-hour nursing service with a licensed practical nurse or a registered professional nurse on duty at all times;

"(4) has a physician in attendance at all times;

"(5) in the case of an institution in any State in which the State or applicable local law provides for the licensing of institutions of this nature, (A) is licensed pursuant to such law or (B) is approved, by the agency of such State or locality responsible for licensing of such institutions, as meeting the standards established for such licensing;

"(6) has in effect a written transfer agreement with one or more hospitals having agreements in effect under section 1866, under which any patient of such institution who requires other than immediate care facility services will be transferred to such a hospital at the earliest practicable time (which shall not be later than twenty-four hours after such patient is admitted to such institution);

"(7) has in effect a policy under which any patient who is provided services by the institution will, within twenty-four hours after he is admitted to such institution for services, be discharged or transferred to a hospital;

"(8) has in effect an overall plan and budget that meets the requirements of subsection (z); and

"(9) meets such other requirements as the Secretary finds necessary in the interest of the health and safety of the individuals who are furnished services in the institution.

"Immediate Care Facility Services

"(bb) The term 'immediate care facility services' means services, furnished to an individual by an immediate care facility, which—

"(1) is primarily engaged in providing, by or under the supervision of physicians, to outpatients immediate care services for the diagnosis, treatment, and care, of injured, disabled, or sick persons;

"(2) maintains clinical records on all patients;

"(3) provides twenty-four-hour nursing service with a licensed practical nurse or a registered professional nurse on duty at all times;

"(4) has a physician in attendance at all times;

"(5) in the case of an institution in any State in which the State or applicable local law provides for the licensing of institutions of this nature, (A) is licensed pursuant to such law or (B) is approved, by the agency of such State or locality responsible for licensing of such institutions, as meeting the standards established for such licensing;

"(6) has in effect a written transfer agreement with one or more hospitals having agreements in effect under section 1866, under which any patient of such institution who requires other than immediate care facility services will be transferred to such a hospital at the earliest practicable time (which shall not be later than twenty-four hours after such patient is admitted to such institution);

"(7) has in effect a policy under which any patient who is provided services by the institution will, within twenty-four hours after he is admitted to such institution for services, be discharged or transferred to a hospital;

"(1) are of a type which such facility is authorized to provide, and

"(2) are for a medical condition requiring immediate medical attention.".

(c) The amendments made by subsections (a) and (b) shall be effective in the case of services furnished on and after the first day of the first calendar month which commences more than thirty days after the date of enactment of this Act.

SEC. 2. (a) Section 1905(a) of the Social Security Act is amended by adding after clause (17) thereof the following new clause:

"(18) immediate care facility services (as defined in section 1861(bb)) which are furnished in an immediate care facility (as defined in section 1861(aa));"

(b) Section 1902(a)(13) of such Act is amended—

(1) in subparagraph (B) thereof, by inserting "clause (18) and" immediately after "care and services listed in",

(2) in subparagraph (C)(i) thereof, by inserting "clause (18) and" immediately after "care and services listed in", and

(3) in subparagraph (C)(ii) thereof, by inserting "clause (18) and" immediately after "care and services listed in".

(c) The amendments made by this section shall become effective July 1, 1974.

EXPLANATION OF BIDEN BILL

WHAT IT MEANS

Provides Medicare and Medicaid coverage for the institutional costs of the specialized medical services of facilities treating cases requiring immediate medical care;

Makes a facility eligible for reimbursement if it meets medical standards comparable to those required of a hospital emergency room; and

Bases the reimbursement on the same coverage of services and reimbursement procedure (Part A, reasonable cost) as a hospital emergency room.

NOTE.—The amendment does not establish a new benefit. It simply enables qualified facilities other than hospitals to receive reimbursement for the same services for which hospitals currently receive reimbursement. It thereby would ensure Medicare and Medicaid beneficiaries of coverage in all facilities qualified to perform immediate care services.

WHAT IT WOULD COST

A 1971 Blue Cross-Blue Shield survey (the best available data source) indicates that at that time there were 23 identifiable free-standing facilities (facilities existing apart from hospitals) of which 14 provide immediate medical treatment. One free-standing immediate care facility which would be eligible under the amendment is in my state of Delaware.

Since the amendment would not establish a new benefit but instead only extend the present reimbursement provisions to a few additional qualified facilities, the Congressional Reference Service analysts have estimated that the cost to the Federal Government resulting from enactment of the amendment would be nominal.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 144

At the request of Mr. MCCLURE, the Senator from Connecticut (Mr. WEICKER), the Senator from Vermont (Mr. STAFFORD), the Senator from Arizona (Mr. FANNIN), the Senator from Georgia (Mr. TALMADGE), the Senator from Utah (Mr. GARN), and the Senator from Nevada (Mr. CANNON) were added as cosponsors of S. 144, a bill to prohibit the banning of lead shot for hunting.

S. 277

At the request of Mr. TOWER, the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 277, a bill to amend title II of the Social Security Act to eliminate the special dependency requirements for entitlement to husband's and widower's insurance benefits, so that benefits for husbands and widowers will be payable on the same basis as benefits for wives and widows.

S. 506

At the request of Mr. CHURCH, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 506, a bill to amend the Water Resources Planning Act to extend the authority for financial assistance to the States for water resources planning.

S. 893

At the request of Mr. PASTORE, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 893, a bill to amend certain provisions of the Communications Act of 1934 to provide long-term financing for the Corporation for Public Broadcasting, and for other purposes.

S. 953

At the request of Mr. STEVENSON, the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 953, a bill to amend the Export Administration Act of 1969.

S. 998

At the request of Mr. MOSS, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 998, a bill to amend title 44, United States Code, to strengthen the authority of the Administrator of General Services and National Archives and Records Service with respect to records management by Federal agencies, and for other purposes.

invitation to participate and students are lining up a variety of other speakers. One of the "biggies" in the plan is to have Close Up participants be "staff." And that's a tremendous challenge! That is if they are to measure up to the staff members who guided our group in Washington. You're terrific! Thanks for a wonderful program, thanks for sharing your knowledge and thanks for all the personal considerations you showed us.

VIOLET WALSH and Girls,
St. James Major High.

FEBRUARY 10, 1975.

Miss SUSI BALDWIN,
Program Administrator, Close Up
Washington, D.C.

DEAR SUSI: Its been one week, just seven days, since I've returned to Miami and the regular routine. I can truly say, Miami will never be as spectacular as Washington. Close Up has affected a change in my ideas and opinions of what Washington politics are all about.

It is difficult to express how one feels after such an experience. I could list many adjectives and superlatives to describe the Close Up Program and your staff. For me, it was you and your staff that made the noticeable difference . . . the personal interest you showed in the students, always being there when needed and the untiring efforts to make the Miami I experience the best possible.

To say "thank you", doesn't seem enough for everything you all did. Most of all, I am appreciative of your patience with us film makers. Please share this letter with your most remarkable and outstanding staff, and particularly extend my appreciation to Adam Maier for his valuable guidance and assistance throughout the week.

May your enthusiasm continue to be contagious and your blessings many fold.

Very best always,

DAVID G. DENAULT,
Broadcast Services, Department of Public Information.

MARCH 13, 1974.

Mr. STEVE A. JANGER,
Close-Up Program,
Washington, D.C.

DEAR MR. JANGER: As a principal of a school which has participated in the Close-Up Program for four years, I want you to know how much we appreciate the program. This year's program was especially rewarding. The time spent in Washington was exciting, stimulating, and enjoyable for teachers and students alike.

Your grants to needy students and to teachers from each private and public school in our area (as well as in many other areas of the United States) has made a real difference in the way teachers and students feel about their government and about each other. All had an unforgettable experience, obtaining knowledge and understanding through observing the government in action and discussing problems with governmental leaders and with a capable, dedicated Close-Up staff.

We appreciate your having Nan Dupont on the Board of Close-Up. She has helped promote the program in our school and in this area.

We hope to continue being a part of the Close-Up Program because it has helped provide better teaching in our school and has encouraged student interest in government, changing attitudes of many students from a negative to a positive approach.

Sincerely yours,

DAVID S. MCLURE.

Mrs. JOAN JOHNSON,
Executive Assistant, the Martha Holden Jennings Foundation, Cleveland, Ohio:

This letter comes with deepest expressions of gratitude to you for helping to make possible the beautiful experience for many of our students who participated in the Close-Up in Government Program in Washington. I do want to thank you for providing the opportunity for students to see government at close range, to talk with senators, representatives and even the President. These experiences they will long remember.

I had a chance to mingle in an informal way with the students. I must tell you how very edified I was with their conduct, their ability to stand up for what they believe, and the way in which they were able to articulate their questions and responses to speakers whose occasionally provocative statements would have deterred a weaker audience. I daresay that the political science classes in some schools will be refreshingly enlivened by students who are permitted to share their experiences with their classmates. Believe me, there is great hope for America in our young people.

In addition to seeing government at work, students were given the opportunity to absorb some of the culture of Washington. Visits to the Smithsonian, the art gallery were new for most of the students. Some were fortunate to be able to view the special archaeological exhibit from the Peoples Republic of China.

The last evening of our week with Close-Up a banquet was held. Students were given the opportunity to publicly express their gratitude of the Close-Up Staff. I jotted down many of the comments which the students made. They are included with this letter. I think if I could sum up one idea which repeated itself it is this: Students have faith in government. Government is run by real people who have real concerns and the good of the country at heart. The process takes time, but the process does work and we have the power to make it work.

My personal thanks to you for making this opportunity available to our students and teachers.

Cordially,

Sister MARY LOYOLA, S.C.,
Social Science Consultant.

MARCH 18, 1974.

CLOSE UP FOUNDATION,
Washington, D.C.

DEAR SIR: I guess there will never be another week spent in my teaching career that I will consider as worthwhile and as enjoyable as my week in Washington, D.C. with the Close Up Program. Thank you for giving me the opportunity to participate in this program. The twelve students who participated have come back to Humble High School and have spread so much good information about Close Up that I wonder if we'll have any students left in school when we go back next year.

Not only did students have an opportunity to see government-in-action, but they were able to make so many friends and meet students of different cultural backgrounds and with different ideas. This is something that many of my students would have never had the opportunity to do.

If there is ever anything that I can do personally or that Humble High School can do for the Close Up Program, please call on us. We all appreciate what Close Up is doing and, we hope, continues to do.

Sincerely,

ANNE FONTENOT,
Teacher Coordinator, Humble High School, Houston, T.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 200

At the request of Mr. PERCY, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 200, the Consumer Protection Act of 1975.

S. 520

At the request of Mr. JACKSON, the Senator from Pennsylvania (Mr. HUGH SCOTT) was added as a cosponsor of S. 520, the eastern wilderness bill.

S. 667

At the request of Mr. MONDALE, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 660, the Home Owners' Loan Act of 1975.

S. 667

At the request of Mr. BEALL, the Senator from Alaska (Mr. GRAVEL) and the Senator from Michigan (Mr. PHILIP A. HART) were added as cosponsors of S. 667, a bill to amend the Internal Revenue Code of 1954 to encourage the preservation and rehabilitation of historic buildings and structures and the rehabilitation of other property, and for other purposes.

S. 755

At the request of Mr. BURDICK, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 755, the postal supervisors bill.

S. 850

At the request of Mr. MCGOVERN, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 850, a bill to amend the National School Lunch and Child Nutrition Acts in order to extend and revise the special food service program for children, the special supplemental food program, and the school breakfast program, and for other purposes related to strengthening the school lunch and child nutrition programs.

S. 952

At the request of Mr. MONTOYA, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 952, a bill to provide States unable to meet the matching requirements for Federal-aid highway funds with moneys to cover Federal Highway Administration apportionments.

S. 953

At the request of Mr. STEVENSON, the Senator from Florida (Mr. STONE) was added as a cosponsor of S. 953, a bill to amend the Export Administration Act of 1969.

S. 969

At the request of Mr. HARTKE, the Senator from Arizona (Mr. FANNIN) was added as a cosponsor of S. 969, a bill to amend chapter 34 of title 38, United States Code, to extend the basic educational assistance eligibility for veterans under chapter 34 and for certain dependents under chapter 35 from 36 to 45 months.

S. 984

At the request of Mr. JACKSON, the Senator from Maryland (Mr. MATHIAS) and the Senator from Ohio (Mr. TAFT) were added as cosponsors of S. 984, the Land Resource Planning Assistance Act.

S. 1145

At the request of Mr. PHILIP A. HART, the Senator from South Dakota (Mr. ABOUREZK) was added as a cosponsor of S. 1145, the National Reconciliation Act of 1975.

S. 1188

At the request of Mr. BUCKLEY, the Senator from New Mexico (Mr. DOMENICI) and the Senator from Texas (Mr.

of Rights . . . is a reminder to officials that all power is a heady thing, and that there are limits beyond which it is not safe to go. A few provisions of our Bill of Rights, notably the Third Amendment, and its prohibition against quartering of soldiers in private homes, have no immediate connection to any modern problem. Most of the other guarantees of government are, however, as important today as they were when first adopted. 'Many of them are even more important." Considering the continued attack by some against our liberties, including the right to keep and bear arms, it seems clear that our Bill of Rights and its provisions are even more important today.

Let's discuss the thinking and reasoning behind those who desire to compromise our liberties. They cite the misuse of guns as a reason for their abolition. They point out that a certain percentage of all robberies, murders, and assaults are accomplished with firearms. What they seem to overlook is the fact that we are talking about a very small percentage of people. Would it be fair to sanction 99-plus percent of the people in an effort to control one-tenth of one percent of the population?

If such a sanction were imposed on the populace, would it work? Would it be effective? Would it be a viable alternative? Most emphatically NO. Tim Sullivan gave New York one of the strictest gun laws in this country, and it has done little to help New York. Criminals still use guns in New York. As a matter of fact, New York and several other states with strict gun control laws have distinguished themselves with their high crime rate. Yet some officials from these states are now asking the government to ride roughshod over the Second Amendment. They want others to share in the unsuccessful efforts of their gun-control measures. You see, when a criminal makes up his mind to violate one law, like robbery, the violation of another law is a very small thing. A professional criminal—one who makes a living by violating the law—doesn't give a damn about society's rules. He has his own rules. So gun laws, like those in New York, restrict the law-abiding citizen and not the criminal.

Alan S. Krug, an economist formerly with Pennsylvania State University, completed a comparison study of jurisdictions with strong gun laws compared to those with lenient laws. He found that firearms are involved in only 3 percent of all crimes. He found that while the number of guns purchased and owned by citizens has increased significantly during the past decade, the number of deaths resulting from firearms, per hundred thousand population, has remained fairly constant. So, the availability of firearms to the general public is not the cause of abuse. The United States Congress in 1967 also involved itself in a study dealing with the hypothesis that strict firearm licensing laws resulted in a lower crime rate. The study found no correlation between firearm regulations and crime.

The antagonists of our liberties appear to be utilizing a false and emotional argument as a reason for infringing upon our rights. When that is done by government, it smacks of tyranny. King George III is alive and well in the United States today.

Now listen to this king or would-be king. The United States Senate Judiciary Committee of the 93d Congress, headed by Senator Sam Ervin of Watergate fame, drafted a "Layman's Guide to Individual Rights under the Constitution."

Under the Second Amendment, the following quote is provided: "The Right to Bear Arms: The Second Amendment provides for the freedom of the citizen to protect himself against both disorder in the community and attack from foreign enemies. This right to bear arms has become much less important in recent decades as well-trained military and police forces have been developed to protect the citizen." (I'm just departing from the quotes now, but I wonder where in the hell they got that information. I don't know anything about it.) "No longer does he need to place reliance on having his own weapons available."

And so I say no thank you King Sam. This Senate Committee believes that your right is not as important as it once was. I disagree. I believe that this right is just as important today as it was when it was developed. It is an inalienable right of the people promulgated for posterity by our forefathers. It will not be infringed.

Now listen to this would-be king. The new Attorney General of the United States, Edward Levi, in a meeting just a few weeks ago, came out with a proposition that would impose federal gun control on certain cities, at certain times, under certain conditions. To me, it's incredible that this brilliant legal scholar has not heard of the Second and Fifth and Fourteenth Amendments to the United States Constitution. No thanks to you, King Ed.

The answer to gun abuse lies not in abolishing the right of the majority, but in protecting that majority against a few. This end should be achieved by the criminal justice system working with existing law. The proper administration of penalties against those who abuse this right will act as a proper deterrent. I have statistics on the workings of this Criminal Justice System which indicate that the criminal is more often rewarded with probation than censured by punishment. Those who would propose an endorsement for the abolition of our right to keep and bear arms must seriously consider this. Are you listening A.C.L.U.?

They must seriously question their future position on the relinquishment or renunciation of other constitutional guarantees. For to surrender and abandon one liberty might well lead to the surrender of others. When man forsakes his liberties, he becomes a slave.

And now there's the house of lords who would impose something. Listen to what this house of lords has to say. The United States Conference of Mayors just a few days ago endorsed a proposition that would take our bullets away. Now this is the theft of our Second Amendment rights by trick and device—a special form of theft covered in the penal code—and we say: No thank you, lord mayors, we will not have that here. . . .

There is in existence in the beginning of this bicentennial, a well coordinated nationwide effort to strip us of our personal constitutional rights to keep and bear arms. Unless we match the efforts of those would-be tyrants, we will lose these rights. We must alert our fellow countrymen and have them stand with us. Perhaps our badge or lapel pin during the bicentennial period could be serpent forming a circle with a Number Two inside. This would be similar to the Minutemen flag of the Colony of Virginia where Patrick Henry did this great work for us. That flag said, "Liberty or death—Don't tread on me." Let this bicentennial of ours mark the beginning of a new declaration against tyrants. Let this bicentennial mark an awareness of our now inalienable rights. Let this mark a return to a deep reverence for the law, its principles, and our rights, liberties, and obligations.

DEBATE CHAMPIONSHIP

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1975

Mr. BRODHEAD. Mr. Speaker, last May 24 the debate team of Catholic Central High School in Detroit met the Bronx High School of Science team from Philadelphia in the National Catholic High School Debate Championship. Catholic Central's team, composed of Gary May and Dan McCarthy and ably coached by Frank Garlicki, defeated Bronx High and so became the first Michigan school to win the national Catholic debate championship. I want to take this opportunity to congratulate Coach Garlicki, Gary May, and Dan McCarthy on their remarkable achievement. I believe that this championship speaks well of the high academic standards of Catholic Central High School and of its principal, Rev. Franklin Mizzi, C.S.B.

WILLIAM GARNER MILES RETIRES

HON. GLADYS NOON SPELLMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1975

Mrs. SPELLMAN. Mr. Speaker, on June 13, 1975 the faculty of William Wirt Junior High School will honor their retiring principal, Mr. William Garner Miles. It is my pleasure to call to the attention of my colleagues the record of this outstanding educator and citizen.

Compassion, understanding, and dedication are the threads which have run through the life of William Garner Miles as he traveled from his birthplace in Melfa, Va., to Prince George's County, Md. He earned his B.A. and M.A. degrees from the University of Virginia in Charlottesville.

For 30 years, Mr. Miles' life has been dedicated to helping thousands of children in Prince George's County. During his period of service to the county, he has been instrumental in initiating and developing many creative programs. He began the first program in Prince George's County for academically talented children while he was principal at Glenridge Junior High School.

Mr. Miles first came to Prince George's County in 1945. He was a core teacher at Hyattsville Junior High School for 7 years and became vice principal of Hyattsville Junior High School in 1953. In 1954, he became principal of the new Glenridge Junior High School in Landover Hills, Md.

In the early 1960's, Prince George's County was one of the fastest growing counties in the United States, and during Mr. Miles' tenure at Glenridge the school grew from a student body of 600 to 1,400. This growth and changing population was challenging and required innovative leadership which Mr. Miles provided.

Because Mr. Miles was one of the early junior high school principals in Prince George's County—when junior high schools here were few—and because of his experience during the growth years of the county, Mr. Miles was again called upon to open a second new school, William Wirt Junior High School in Riverdale, Md. For over a decade, Mr. Miles again accepted the responsibilities and challenges of a new community and new student population.

We salute William Garner Miles—a scholar, a teacher, a man, a friend, a human being—who has made outstand-

affords them the opportunity to enjoy the wonder and beauty of this great land. Skiing contributes to our vitality and well-being as a nation by helping many Americans to maintain a high standard of physical development.

The Departments of Agriculture and Interior are to be commended for the important role they are playing in developing alpine and cross-country skiing opportunities. Lands managed by these Departments represent an almost unlimited resource for people to pursue this invigorating sport. Approximately 200 alpine ski areas, including Taos Ski Valley and Santa Fe Ski Basin in New Mexico, currently exist under permits issued by the U.S. Forest Service enabling Americans to experience the thrill and excitement of downhill skiing.

Mr. President, House Joint Resolution 767 was passed in the 89th Congress. This measure authorized President Johnson to proclaim January 21, 1966 as National Ski Week. However, the authority was not extended to subsequent years. I believe it appropriate for the Congress to pass legislation designating a specific date as National Ski Week on an annual basis.

I hope the Congress will give this measure favorable consideration because passage would insure that the sport of snow skiing is subject to receiving appropriate commemorative status by both the Congress and the executive branch.

Mr. President, I ask unanimous consent that the resolution be printed at this point in the RECORD.

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

S. J. RES. 90

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United Stataes is hereby authorized and requested annually to issue a proclamation designating the week beginning on the first Saturday after the first Tuesday in January of every year as "National Ski Week," in recognition of the economic, recreational and healthful aspects of the sport of skiing; and inviting the people of the United States to observe such week by participation in appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 89

At the request of Mr. MATHIAS, the Senator from Mississippi (Mr. EASTLAND), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Alaska (Mr. STEVENS), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 89, a bill to provide that income from entertainment activities held in conjunction with a public fair conducted by an organization described in section 501(c), (3), and (5) shall not be unrelated trade or business income and shall not affect the tax exemption of the organization.

S. 123

At the request of Mr. INOUYE, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 123, a bill to amend the Social Security Act.

S. 109

At the request of Mr. INOUYE, the Senator from New York (Mr. BUCKLEY) was added as a cosponsor of S. 109, a bill to amend chapter 55 of title 10, United States Code, to require the Armed Forces to continue to provide certain special educational services to handicapped dependents.

S. 371

At the request of Mr. WILLIAMS, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 371, a bill to provide for the striking of medals commemorating the contributions of individuals of various ethnic backgrounds who contributed to the founding of the United States of America.

S. 1119

At the request of Mr. NELSON, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1119, a bill to amend the Internal Revenue Code of 1954 to provide tax relief to small businesses.

S. 1149

At the request of Mr. HUMPHREY, the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PELL), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1149, a bill to provide for a national fuels and energy conservation policy, to establish a national energy conservation program, and for other purposes.

S. 1216

At the request of Mr. TALMADGE, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 1216, a bill to amend the Federal Water Pollution Control Act.

S. 1268

At the request of Mr. METCALF, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 1268, a bill to establish congressional policy direction for the administration and management of the National Wildlife Refuge System; to establish the "National Wildlife Refuge Service"; to provide authority for study, review and establishment of additional units of the National Wildlife Refuge System, and S. 1293, a bill to establish the Charles M. Russell National Wildlife Range; the Charles Sheldon National Wildlife Range; and the Kofa National Wildlife Refuge as part of the National Wildlife Refuge System, and for other purposes.

S. 1303

At the request of Mr. INOUYE, the Senators from Minnesota (Mr. MONDALE and Mr. HUMPHREY), the Senator from Vermont (Mr. LEAHY), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Maryland (Mr. MATHIAS), the Senator from Utah (Mr. Moss), the Senator from North Dakota (Mr. BURDICK), and the Senator from Indiana (Mr. HARTKE) were added as cosponsors of S. 1303, a bill to regulate the foreign commerce of the United States by providing means to assure full disclosure of significant foreign investment in the United States, and for other purposes.

S. 1465

At the request of Mr. BROCK, the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 1465, a bill to amend title XVIII of the Social Security Act so as to clarify the meaning of the term "outpatient physical therapy services" in so far as such term includes speech pathology services provided by certain persons.

S. 1479

At the request of Mr. WILLIAMS, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1479, a bill to protect the economic rights of labor in the building and construction industry.

S. 1619

At the request of Mr. KENNEDY, the Senator from Pennsylvania (Mr. HUGH SCOTT) and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of S. 1619, a bill to extend and revise programs for sickle cell anemia.

S. 1664

At the request of Mr. KENNEDY, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 1664, a bill to amend the Lead-Based Paint Poisoning Prevention Act.

S. 1761

At the request of Mr. MATHIAS, the Senator from Pennsylvania (Mr. HUGH SCOTT) and the Senator from Michigan (Mr. GRIFFIN) were added as cosponsors of S. 1761, a bill to provide foreign assistance to Cyprus.

S. 1776

At the request of Mr. HUGH SCOTT, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 1776, the Valley Forge National Historical Park bill.

S. 1787

At the request of Mr. MAGNUSON, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 1787, a bill for the relief of Maria Lisa R. Manola and Rogena R. Manola.

S. 1817

At the request of Mr. SCHWEIKER, the Senator from Oregon (Mr. HATFIELD) and the Senator from Pennsylvania (Mr. HUGH SCOTT) were added as cosponsors of S. 1817, a bill to prohibit the appropriation and expenditure of unvouchered funds unless specifically authorized by law, and to provide for reports on and audits of authorized expenditures of unvouchered funds.

S. 1847

At the request of Mr. HUMPHREY, the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 1847, to authorize the 101st Airborne Division Association to erect a memorial in the District of Columbia or its environs.

SENATE JOINT RESOLUTION 4

At the request of Mr. INOUYE, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of Senate Joint Resolution 4, to designate Constitution Day.

SENATE CONCURRENT RESOLUTION 29

At the request of Mr. CURTIS, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of Senate Concur-

costs on the American taxpayers. The final version of the bill is inflationary, ineffective and unfair to the majority of taxpayers who would have to pay the bill, and I support the President's veto.

However, I do think it is important to act quickly on the provision of the bill to authorize loans to the unemployed to prevent mortgage foreclosures.

Specifically, this legislation would allow people who have lost their jobs through no fault of their own to seek Federal loans of up to $250 per month to avoid mortgage foreclosures on their home. These loans would have to be repaid, with interest, to the Government, and they would be made only to persons who would be able to fully resume their mortgage payments when the economy recovers.

I think it is important for the Congress to provide relief in this area. The loan program will help the victims of the recession keep their most valued possession, while not increasing the burden on the American taxpayers.

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

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

S. 2016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this act may be cited as the "Emergency Mortgage Relief Payments Act of 1975."

SEC. 101. (a) The Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") is authorized to make repayable emergency mortgage relief payments on behalf of homeowners who are delinquent in their mortgage payments.

(b) Emergency mortgage relief payments shall not be approved with respect to any mortgage unless—

(1) the holder of the mortgage has indicated to the mortgagor its intention to foreclose;

(2) the mortgagor and holder of the mortgage have indicated in writing to the Secretary and to any agency or department of the Federal Government responsible for the regulation of the holder that circumstances (such as the volume of delinquent loans in its portfolio) make it probable that there will be a foreclosure and that the mortgagor is in need of emergency mortgage relief authorized by this title, except that such statement by the holder of the mortgage may be waived by the Secretary if in his judgment such waiver would further the purposes of this title;

(3) payments under the mortgage have been delinquent for at least 2 months;

(4) the mortgagor has incurred a substantial reduction in income as a result of involuntary unemployment or underemployment due to adverse economic conditions and is financially unable to make the full mortgage payments;

(5) there is a reasonable prospect that the mortgagor will be able to make the adjustments necessary for a full resumption of mortgage payments; and

(6) the mortgaged property is the principal residence of the mortgagor.

As used in this title, the term "mortgaged property" includes, but is not limited to, property owned in fee simple, condominium units, mobile homes, or multiunit dwellings.

(c) Mortgage relief payments on behalf of a homeowner may be in an amount up to the amount of the principal, interest, taxes, ground rents, hazard insurance, and mortgage insurance premiums due under the mortgage, but such payments shall not exceed the lesser of $250 per month or the amount determined to be reasonably necessary to supplement such amount as the homeowner is capable of contributing toward such mortgage payment.

(d) Mortgage relief payments may be made by the Secretary for up to 12 months, and may be extended once for up to 12 additional months. The Secretary shall require the mortgagor to report any increase in income which will permit a reduction or termination of mortgage relief payments during this period.

(e) Mortgage relief payments made under this title shall be repayable by the homeowner upon such terms and conditions as the Secretary shall prescribe, except that interest on such payments shall not exceed 8 per centum per annum. Interest shall not begin to accrue until after the last payment made by the Secretary in behalf of the homeowner. The Secretary may defer repayment of the mortgage relief payments until the disposition of the property or the completion of the period of amortization for the mortgage. The Secretary shall require such security for the repayment of mortgage relief payments as he deems appropriate and may secure such repayment by a lien on the mortgaged property. The Secretary may make such delegations and accept such certifications with respect to the processing of mortgage relief payments as he deems appropriate to facilitate the prompt and efficient implementation of the assistance program authorized by this title.

NOTIFICATION

SEC. 102. Until 2 years from the date of enactment of this Act, each Federal supervisory agency, with respect to financial institutions subject to its jurisdiction, and the Secretary, with respect to other approved mortgagees, shall (1) take appropriate action, not inconsistent with laws relating to the safety or soundness of such institutions or mortgagees, as the case may be, to waive or relax limitations pertaining to the operations of such institutions or mortgagees with respect to mortgage delinquencies in order to cause or encourage forebearance in residential mortgage loan foreclosures, and (2) request each such institution or mortgagee to notify that Federal supervisory agency, the Secretary, and the mortgagor, at least 30 days prior to instituting foreclosure proceedings in connection with any mortgage loan. As used in this section the term "Federal supervisory agency" means the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, the comptroller of the Currency, the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration.

AUTHORIZATION AND EXPIRATION DATE

SEC. 103. (a) There are authorized to be appropriated for purposes of this title not to exceed $500,000,000. Any amounts so appropriated shall remain available until expended.

(b) Mortgage relief payments shall not be made after July 1, 1976, except with respect to mortgagors receiving the benefit of payments on such date.

REPORTS

SEC. 104. Within 60 days after enactment of this title and within each 60-day period thereafter prior to July 1, 1976, the Secretary shall make a report to the Congress on (1) the current rate of delinquencies and foreclosures in the housing market areas of the country which should be of immediate concern if the purpose of this title is to be achieved; (2) the extent of, and prospect for continuance of, voluntary forebearance by mortgagees in such housing market areas; (3) actions being taken by governmental agencies to encourage forebearance by mortgagees in such housing market areas; (4) actions taken and actions likely to be taken with respect to making assistance under this title available to alleviate hardships resulting from any serious rates of delinquencies and foreclosures; and (5) the current default status and projected default trends with respect to mortgages covering multifamily properties with special attention to mortgages insured under the various provisions of the National Housing Act and with recommendations on how such defaults and prospective defaults may be cured or avoided in a manner which, while giving weight to the financial interests of the United States, takes into full consideration the urgent needs of the many low- and moderate-income families that currently occupy such multifamily properties.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 123

At the request of Mr. INOUYE, the Senator from Florida (Mr. STONE) was added as a cosponsor of S. 123, a bill to amend the Social Security Act.

S. 1268

At the request of Mr. METCALF, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1268, a bill to establish congressional policy direction for the administration and management of the National Wildlife Refuge System; to establish the "National Wildlife Refuge Service"; to provide authority for study, review and establishment of additional units of the National Wildlife Refuge System, and S. 1293, a bill to establish the Charles M. Russell National Wildlife Range; the Charles Sheldon National Wildlife Range; and the Kofa National Wildlife Refuge as part of the National Wildlife Refuge System, and for other purposes.

S. 1303

At the request of Mr. INOUYE, the Senator from Idaho (Mr. CHURCH) was added as a cosponsor of S. 1303, a bill to regulate the foreign commerce of the United States by providing means to assure full disclosure of significant foreign investment in the United States, and for other purposes.

S. 1425

At the request of Mr. EAGLETON, the Senator from Maryland (Mr. BEALL), the Senator from California (Mr. CRANSTON), the Senator from Maine (Mr. HATHAWAY), the Senator from New York (Mr. JAVITS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Nevada (Mr. LAXALT), the Senator from Minnesota (Mr. MONDALE), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Vermont (Mr. STAFFORD), the Senator from Ohio (Mr. TAFT), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Idaho (Mr. CHURCH) were added as cosponsors of S. 1425, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations contained in such act, and for other purposes.

S. 1652

At the request of Mr. STONE, the Senator from California (Mr. TUNNEY) was

S. 2359

At the request of Mr. BAYH, the Senator from New York (Mr. JAVITS) and the Senator from Colorado (Mr. HASKELL) were added as cosponsors of S. 2359, a bill to provide for equal treatment for all persons entering into health insurance agreements.

S. 2360

At the request of Mr. BAYH, the Senator from Colorado (Mr. HASKELL) was added as a cosponsor of S. 2360, a bill to amend the Public Health Service Act to provide health care services for pregnant adolescents before and after childbirth.

SENATE RESOLUTION 265

At the request of Mr. RIBICOFF, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of Senate Resolution 265, to establish a code of ethical conduct for commercial dealings with governments and public and private enterprises.

SENATE JOINT RESOLUTION 127

At the request of Mr. BAYH, the Senator from Michigan (Mr. PHILIP A. HART) was added as a cosponsor of Senate Joint Resolution 127, a resolution to restore posthumously full rights of citizenship to Eugene Victor Debs.

SENATE JOINT RESOLUTION 131

At the request of Mr. HUMPHREY, the Senator from Ohio (Mr. TAFT), the Senator from Connecticut (Mr. WEICKER), and the Senator from Iowa (Mr. CULVER) were added as cosponsors of Senate Joint Resolution 131, to establish a task force on Federal small business impact.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 132

At the request of Mr. TUNNEY, the Senator from Arizona (Mr. FANNIN), the Senator from Alaska (Mr. GRAVEL), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of amendment No. 132 to S. 729, a bill to improve judicial machinery by reorganizing the fifth and ninth judicial circuits, by creating additional judgeships in those circuits, and for other purposes.

NOTICE OF HEARING

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, October 21, 1975, at 10 a.m., in room 2228 Dirksen Senate Office Building, on the following nominations:

Charles H. Haden, II, of West Virginia, to be U.S. district judge for the northern and southern districts of West Virginia, vice Sidney L. Christie, deceased.

Eugene E. Siler, Jr., of Kentucky, to be U.S. district judge for the eastern and western districts of Kentucky, vice Mac Swinford, deceased.

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

The subcommittee will consist of the Senator from Mississippi (Mr. EASTLAND) Chairman; the Senator from Arkansas (Mr. MCCLELLAN) and the Senator from Nebraska (Mr. HRUSKA).

NOTICE OF HEARINGS ON IMPACT OF ENVIRONMENTAL REGULATIONS ON SMALL FARMERS

Mr. NELSON. Mr. President, I wish to announce that the Small Business Committee will continue its series of hearings on "Will the Family Farm Survive in America?" on October 21 and 22, to look into the impact of environmental regulations on the small farmer. Hearings will be held on October 21, in room 457 Russell Senate Office Building, and on October 22, in room 3110 Dirksen Senate Office Building, commencing at 9:30 a.m.

Federal District Court Judge Charles Richey has ordered the Environmental Protection Agency—EPA—to present to him by November 10, 1975, proposed regulations extending the national pollutant discharge elimination system to all point sources of pollution in the concentrated animal feeding operation category. These regulations will have a direct and potentially disruptive impact on each and every small farm.

The purpose of these hearings will be to explore the methodology EPA will use to comply with the Court order and to analyze the economic impact of the EPA's order on small farm operations.

Those who wish to testify or submit a statement for inclusion in the RECORD should communicate as soon as possible with the Small Business Committee, 424 Russell Senate Office Building. Telephone 224-5175.

NOTICE OF POSTPONEMENT OF HEARINGS

Mr. ABOUREZK. Mr. President, I wish to announce the postponement of hearings concerning Justice Department policies affecting the independence of Congress, scheduled by the Separation of Powers Subcommittee on October 8, 9, and 10, 1975.

ADDITIONAL STATEMENTS

THE "DAY OF BREAD"

Mr. DOLE. Mr. President, at this moment, may I respectfully call the attention of my colleagues to the "Day of Bread," an observance of increasingly important dimensions in this year, 1975.

The "Day of Bread" was launched more than 20 years ago in Europe as a revival of man's ancient practice of pausing in his labors each year—after his granaries were filled and his larder stocked for the winter. Thus, for thousands of years, the "Day of Bread" was a significant moment both in the year and in the history of man and his civilization.

HARVEST WEEK

As part of harvest festival week, the "Day of Bread" paid special homage to the forces of nature and divine providence that provided man with food for the winter and seed for planting in the spring. It was a period for both joy and a special reverence that satisfied the eternal inborn desire of all men to acknowledge and pay tribute to forces of greater potency and strength than those of their own command or making. Bread—the symbol of all food—was provided as a product of the soil, the seasons, the sun, and the rains, as well as man's own sweat and toil.

Today, the mechanics of the harvest have changed, but the meaning of the harvest has remained immutable and imperishable—the same as it was 6,000 years ago.

WORLDWIDE FOOD NEED

I mentioned that the "Day of Bread" carries an aura of special significance in 1975. This year, we in the United States enjoy one of the largest yields of wheat on record. But at the same time, we are also confronted with a commitment to help feed a world of 4 billion people—two-thirds of whom live in developing countries dependent upon more advanced nations like the United States for food, technology, training, equipment, and other forms of aid. Of those 3 billion people in the developing countries, 500 million live on the brink of starvation, under the lengthening shadow of malnutrition and its related diseases.

We can extend help in many forms, but none is so important as food itself. Even here at home, we who enjoy the abundance of food, find among us those who suffer from malnutrition and even outright hunger. Sponsors of the "day of bread" are committed to the goal of correcting this situation with an extensive campaign of nutrition education, and the publicizing of problems related to foods and nutrition—an effort mustering the combined resources and strength of science, technology, agriculture, and industry in all aspects of their spheres of influence—on crops and seed improvement; on soils and fertilizers; on farm equipment and its improvement; on the control of pests, vermin, and plant diseases which would rob us of our yield; on transportation and delivery systems for wheat, flour, and bread; on processing and baking; even on weather and its control.

3-PERCENT PRODUCE SUPPLIES

Compared to the men who first celebrated the "Day of Bread" more than 6,000 years ago—we know so much. Yet in relation to the needs of today and tomorrow, we know so little. In our own Nation of 215 million people, only 3 percent—or about 6½ million—produce food enough for this country and huge surpluses to ship abroad to feed the hungry and malnourished, to sell as a contribution to the improvement of our balance of payments, to write a new chapter in the history of man's eternal fight for freedom. But even while American agriculture is the most highly organized in the world and in centuries of progress, we still need improvement and research to find better, more efficient ways of producing and marketing still greater quantities of food.

It is to this end that the "Day of Bread" this year, and in all recent years in which I have participated in the an-

State, transmitting a draft of proposed legislation to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations (with accompanying papers); to the Committee on Foreign Relations.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report entitled "The Government's Role in East-West Trade—Problems and Issues" (with an accompanying secret report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Government's Role in East-West Trade—Problems and Issues" (with an accompanying report); to the Committee on Government Operations.

REPORT OF THE FEDERAL ENERGY ADMINISTRATION

A letter from the Administrator, Federal Energy Administration, transmitting, pursuant to law, a report on mandatory petroleum price regulations (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT OF THE NATIONAL ACADEMY OF SCIENCES

A letter from the President, National Academy of Sciences, transmitting, pursuant to law, the Annual Report of the National Academy of Sciences for fiscal year 1975 (with an accompanying report); referred to the Committee on Labor and Public Welfare, and ordered to be printed.

REPORT ON AGE DISCRIMINATION IN EMPLOYMENT

A letter from the Secretary of Labor, transmitting, pursuant to law, a report on age discrimination in employment (with an accompanying report); to the Committee on Labor and Public Welfare.

PROPOSED LEGISLATION TO PROVIDE FOR FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OR ALTERATION OF BRIDGE PROTECTION SYSTEMS

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the act of June 21, 1940, as amended, to provide for Federal financial assistance in the construction or alteration of bridge protection systems, and for other purposes (with accompanying papers); to the Committee on Public Works.

PETITIONS

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

A resolution adopted by the Statewide Committees Opposing Regional Plan Areas, State of Oregon, relative to redress of grievances under section 5 of rule VII, U.S. Senate. Referred to the Committee on Government Operations.

A resolution adopted by the General Assembly of the State of Georgia; to the Committee on the Judiciary:

[General Assembly of the State of Georgia]

"H.R. No. 469–1267

"A resolution applying to the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States; and for other purposes.

"Be it resolved by the General Assembly of Georgia:

"That this body respectfully petitions the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto.

"Be it further resolved that this application by the General Assembly of the State of Georgia constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical in subject matter to that contained in this Resolution before January 1, 1977, this petition for a Constitutional Convention shall no longer be of any force or effect.

"Be it further resolved that the Clerk of the House of Representatives is hereby authorized and instructed to transmit a duly attested copy of this Resolution to the Secretary of the Senate of the United States Congress, the Clerk of the House of Representatives of the United States Congress, to the Presiding Officer of each House of each State Legislature in the United States, and to each member of the Georgia Congressional Delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S. 2447. A bill to amend title 4 of the United States Code to make it clear that Members of Congress may not, for the purposes of State income tax laws, be treated as residents of any State other than the State from which they were elected (Rept. No. 94–631).

By Mr. STEVENSON, from the Committee on Banking, Housing and Urban Affairs, with an amendment:

S. 953. A bill to amend the Export Administration Act of 1969 to clarify and strengthen the authority of the Secretary of Commerce to take action in the case of restrictive trade practices or boycotts (together with additional views) (Rept. No. 94–632).

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

Galen L. Stone, of the District of Columbia, to be the Deputy Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

By Mr. PROXMIRE, from the Committee on Banking, Housing and Urban Affairs:

Mitchell P. Kobelinski, of Illinois, to be Administrator of the Small Business Administration.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. JAVITS:

S. 2943. A bill to amend the Higher Education Act of 1965 to provide for information activities by institutions of higher education and eligible institutions to recipients of Federal student financial assistance programs, to provide payments to such institutions for administrative expenses of carrying out such information activities, and other expenses associated with administration of Federal student assistance program authorized by title IV of that act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. JACKSON (for himself and Mr. FANNIN) (by request):

S. 2944. A bill to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations and further borrowings for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. HUGH SCOTT:

S. 2945. A bill to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations for the Smithsonian Institution for carrying out the purposes of said Act. Referred to the Committee on Rules and Administration.

S. 2946. A bill to amend the act of July 2, 1940, as amended, to remove the limit on appropriations. Referred to the Committee on Rules and Administration.

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

S. 2947. A bill to amend the Federal Advisory Committee Act and for other purposes. Referred to the Committee on Government Operations.

By Mr. JAVITS:

S. 2948. A bill for the relief of Milos Forman. Referred to the Committee on the Judiciary.

By Mr. HUGH SCOTT:

S. 2949. A bill to authorize the Smithsonian Institution to construct museum support facilities. Referred to the Committee on Public Works.

By Mr. MONDALE (for himself, Mr. HUGH SCOTT, Mr. GLENN, Mr. WILLIAMS, Mr. HUMPHREY, Mr. MCGOVERN, Mr. METCALF, Mr. CURTIS, Mr. MOSS, Mr. RIBICOFF, Mr. PHILIP A. HART, Mr. GRIFFIN, Mr. CASE, Mr. MANSFIELD, Mr. HARTKE, Mr. EAGLETON, Mr. STAFFORD, Mr. ABOUREZK, Mr. TAFT, Mr. FORD, Mr. PELL, Mr. CLARK, Mr. CULVER, Mr. HRUSKA, Mr. WEICKER, and Mr. MUSKIE):

S. 2950. A bill relating to the construction and operation of a natural gas pipeline from the North Slope of Alaska across Canada to domestic markets, and for other purposes. Referred jointly to the Committee on Commerce and the Committee on Interior and Insular Affairs, by unanimous consent.

By Mr. PHILIP A. HART:

S. 2951. A bill to authorize the documentation of the vessel, Barbara Ann, as a vessel of the United States with coastwise privileges. Referred to the Committee on Commerce.

By Mr. BROOKE (for himself and Mr. MCGEE):

S. 2952. A bill to amend the Foreign Assistance Assistance Act of 1961, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. WEICKER:

S.J. Res. 167. A joint resolution to amend the Railroad Revitalization and Regulatory Reform Act of 1976. Considered and passed.

By Mr. HUGH SCOTT:

S.J. Res. 168. A joint resolution to provide for the reappointment of James E. Webb as a citizen regent of the Board of Regents of the Smithsonian Institution. Referred to the Committee on Rules and Administration.

By Mr. MOSS:

S.J. Res. 169. A joint resolution to authorize and request the President to issue a proclamation designating the first Monday in May of each year as "National 70 Plus Day." Referred to the Committee on the Judiciary.

cation and without regard to race, color, religion, national origin, or sex, the pool of applicants and participants in the program, membership, or enterprise which is subject to the provisions of such a plan. Any such affirmative action plan may include provisions for the expansion of normal advertising and promotional methods reasonably designed to assure that no special group of individuals classified on the basis of race, color, religion, national origin, or sex would encounter any unusual difficulty in obtaining information regarding the opportunity for employment or participation in the program, membership, or enterprise subject to such a plan, if the provisions relating to such advertising or methods are consistent with the financial ability of the employer, employment agency, labor organization, association, society, or other entity which is subject to the affirmative action plan.

SEC. 2(a) Notwithstanding any other provision of law in carrying out or enforcing the provisions of—

(1) title VI or title VII of the Civil Rights Act of 1964,

(2) Executive Order No. 11246, issued September 24, 1965, as amended by Executive Order No. 11375, issued October 13, 1967 and Executive Order No. 11478, issued October 8, 1969, or

(3) any other provision of Federal law or regulation relating to nondiscrimination on the basis of race, color, religion, national origin, or sex, no officer or employee of any department or agency of the Federal Government and no court of the United States shall make any finding of discrimination based solely on the composition of the work force or the membership of an employer, employment agency, or labor organization.

(b) In any action brought to enforce the provisions of any law specified in subsection (a) of this section before an appropriate department or agency of the Federal Government or in any court of the United States, statistical data on the composition of the work force or membership of any employer, employment agency, or labor organization is admissible.

(1) In any action brought to enforce any law specified in subsection (a) of this section before an appropriate department or agency of the Federal Government or in any court of the United States, no relief shall be granted unless that department or agency or court finds that an act of discrimination has been committed by the employer, employment agency, or labor organization.

(2) No department or agency and no court may grant any remedy to enforce the provisions of law specified in subsection (a) of this section if that remedy includes the establishment of—

(A) quotas or ratios of individuals on the basis of their race, color, religion, national origin, or sex as a portion of the statistical composition of the business enterprise, labor organization, association, society, or other entity of that employer, employment agency, or labor organization;

(B) goals, timetables, or objectives for that employer, employment agency, or labor organization designed to establish quotas or ratios described in clause (A) of this paragraph.

SEC. 3. No department or agency of the Federal Government may require that any employer, employment agency, labor organization, or grantee or contractor which is or may be subject to any provision of law specified in the first section of this Act collect data regarding the race, color, religion, national origin, or sex of any employees, members or program participants, or accept such information, except as a result of discovery procedures under the order of a court of the United States after reasonable grounds have been established that discrimination exists with respect to that employer, employment agency, labor organization, grantee or contractor.

SEC. 4. For the purposes of this Act, the term—

(1) "contractor" includes any contractor subject to part II or part III of Executive Order No. 11246, issued September 24, 1965, as amended;

(2) "employer" means the United States, any employer subject to the provisions of title VII of the Civil Rights Act of 1964, and any employer subject to part II or part III of Executive Order No. 11246, issued September 24, 1965, as amended;

(3) "employment agency" means any employment agency subject to the provisions of title VII of the Civil Rights Act of 1964;

(4) "grantee" includes any person subject to the provisions of title VI of the Civil Rights Act of 1964; and

(5) "labor organization" means any labor organization subject to the provisions of title VII of the Civil Rights Act of 1964.

SEC. 5. This Act shall be referred to as the "Anti-Discrimination Act of 1976."

By Mr. PERCY:

S.J. Res. 174. A joint resolution to authorize the President to designate the period from March 7, 1976, through March 14, 1976, as "National Nutrition Week." Referred to the Committee on the Judiciary.

NATIONAL NUTRITION WEEK

Mr. PERCY. Mr. President, I am introducing a joint resolution to mark the week of March 7, 1976, through March 14, 1976 as "National Nutrition Week."

For the past 4 years the American Dietetic Association has promoted good nutrition through commemoration of a National Nutrition Week. This year the theme is the Bicentennial. Throughout the year, historical events pertaining to dietetics and nutrition will be spotlighted. National Nutrition Week provides an opportunity for the American Dietetic Association, with the cooperation of the food industry and allied organizations, to work toward improving nutrition for the Nation.

I ask unanimous consent that the joint resolution be printed in the RECORD.

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

S.J. RES. 174

Joint resolution to authorize the President to designate the period from March 7, 1976, through March 14, 1976, as "National Nutrition Week."

Whereas every American has the right to optimum nutritional health; and

Whereas every American has the right of access to a variety of safe foods that will promote good nutrition and improve resistance to disease; and

Whereas every American has the right to nutrition education, to make informed choices from available foods, and, to have protection against food and nutrition misinformation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the period from March 7, 1976, through March 14, 1976, as "National Nutrition Week," and calling upon the people of the United States and interested groups and organizations to observe that week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 12

At the request of Mr. MCCLELLAN, the Senator from Washington (Mr. MAGNUSON) was added as a cosponsor of S. 12, a bill to improve judicial machinery by providing benefits for survivors of Federal judges comparable to benefits received by survivors of Members of Congress, and for other purposes.

S. 953

At the request of Mr. STEVENSON, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 953, a bill to amend the Export Administration Act of 1969 to clarify and strengthen the authority of the Secretary of Commerce to take action in the case of restrictive trade practices or boycotts.

S. 969

At the request of Mr. HARTKE, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 969, a bill to amend chapter 34 of title 38, United States Code, to extend the basic educational assistance eligibility for veterans under chapter 34 and for certain dependents under chapter 35 from 36 to 45 months.

S. 1911

At the request of Mr. HARTKE, the Senator from Georgia (Mr. TALMADGE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from California (Mr. CRANSTON), the Senator from New Hampshire (Mr. DURKIN), the Senator from Wyoming (Mr. HANSEN), the Senator from South Carolina (Mr. THURMOND), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 1911, a bill to amend title 38, United States Code, to provide certain persons insured under servicemen's group life insurance (SGLI) with a choice of conversion to either an individual term or whole life insurance policy or veterans' group life insurance policy upon the expiration of their servicemen's group life insurance coverage, and for other purposes.

S. 2489

At the request of Mr. JAVITS, the Senator from Alabama (Mr. SPARKMAN) was added as a cosponsor of S. 2489, the Allied Services Act of 1975.

S. 2525

At the request of Mr. HARTKE, the Senator from Colorado (Mr. HASKELL) was added as a cosponsor of S. 2525, a bill to provide for the coverage under medicare of dental care, eye care, dentures, eyeglasses, and hearing aids.

S. 2572

At the request of Mr. MCCLELLAN, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 2572, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a Federal death benefit to the survivors of public safety officers.

S. 2598

At the request of Mr. PACKWOOD, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 2598, a bill to require that imported meat and meat

PROPOSED LEGISLATION RELATING TO CREDITING AMOUNTS RECEIVED FOR CERTAIN RESERVE OR NATIONAL GUARD SERVICE

A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend section 5519 of title 5, United States Code, relating to crediting amounts received for certain reserve or National Guard Service (with accompanying papers); to the Committee on Post Office and Civil Service.

PROPOSED LEGISLATION TO IMPROVE THE OPERATION OF THE FEDERAL WAGE SYSTEM

A letter from the Chairman, Civil Service Commission, transmitting a draft of proposed legislation to amend subchapter IV of chapter 53 of title 5, United States Code, to improve the operation of the Federal Wage System, and for other purposes (with accompanying papers); to the Committee on Post Office and Civil Service.

PETITIONS

The PRESIDENT pro tempore laid before the Senate the following petitions which were referred as indicated:

A petition from the Governor, leadership of the State Legislature and certain citizens of the State of Oregon, urging passage of the Federal Revenue Sharing bill; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on Agriculture and Forestry, with an amendment and an amendment to the title:

S. 2484. A bill to amend Public Law 566, Watershed Protection and Flood Prevention Act, as amended to remove the limitation on any single loan or advancement for watershed works of improvement (Rept. No. 94-680).

By Mr. EASTLAND, from the Committee on Agriculture and Forestry, with an amendment:

S. 1526. A bill to make additional funds available for purposes of certain public lands in northern Minnesota, and for other purposes (Rept. No. 94-681). Referred to the Committee on Interior and Insular Affairs.

By Mr. ROBERT C. BYRD, from the Committee on Appropriations, without amendment:

S. Res. 385. A resolution disapproving the deferral of certain budget authority relating to the Youth Conservation Corps (Rept. No. 94-682).

S. Res. 388. A resolution disapproving the proposed deferral of budget authority for construction grants to public schools in Indian reservation areas (Rept. No. 94-682).

By Mr. STEVENS, from the Committee on Appropriations, with amendments:

S. Res. 386. A resolution disapproving the proposed deferral of budget authority for Indian health facilities (Rept. No. 94-682).

By Mr. MOSS, from the Committees on Commerce and Labor and Public Welfare, with amendments:

S. 641. A bill to regulate commerce and protect consumers from adulterated food by requiring the establishment of surveillance regulations for the detection and prevention of adulterated food, and for other purposes (together with supplemental views) (Rept. No. 94-684).

By Mr. McGOVERN, from the Committee on Agriculture and Forestry, with an amendment:

S. 2578. A bill to authorize the Secretary of Agriculture to make financial assistance available to agricultural producers who suffer losses as the result of having their agricultural commodities or livestock quarantined or condemned because such commodities or livestock have been found to contain toxic chemicals dangerous to the public health (Rept. No. 94-683).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. LAXALT (for himself, Mr. BARTLETT, Mr. BROCK, Mr. BUCKLEY, Mr. CURTIS, Mr. DOLE, Mr. DOMENICI, Mr. FANNIN, Mr. GARN, Mr. HANSEN, Mr. HELMS, Mr. McCLURE, Mr. NUNN, Mr. WILLIAM L. SCOTT, Mr. THURMOND, Mr. TOWER, and Mr. YOUNG):

S. 3073. A bill to amend the Occupational Safety and Health Act of 1970. Referred to the Committee on Labor and Public Welfare.

By Mr. EASTLAND:

S. 3074. A bill to amend the Immigration and Nationality Act, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 3075. A bill to establish a national policy on areawide planning and its coordination, to encourage the use of organizations composed of local elected officials to perform Federally assisted or required areawide planning, to require use of planning districts established by States in Federal planning programs, to authorize the Office of Management and Budget to prescribe rules and regulations relating thereto and for other purposes. Referred to the Committee on Government Operations.

By Mr. NUNN (for himself, Mr. ROTH, Mr. McINTYRE, Mr. HUDDLESTON, Mr. CHILES, Mr. FANNIN, Mr. TAFT, Mr. HRUSKA, and Mr. BROCK):

S. 3076. A bill to improve congressional oversight of the reporting and paperwork requirements of Federal departments and agencies. Referred to the Committee on Government Operations.

By Mr. ALLEN (for himself and Mr. HELMS):

S. 3077. A bill to amend title 28 of the United States Code to limit the discretionary equity power of courts of the United States in the formulation of certain remedies. Referred to the Committee on the Judiciary.

By Mr. TUNNEY (for himself and Mr. CRANSTON):

S. 3078. A bill to designate certain lands in the Joshua Tree National Monument in California as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. THURMOND (for himself, Mr. ALLEN, Mr. CURTIS, Mr. DOMENICI, Mr. EASTLAND, Mr. FANNIN, Mr. GARN, Mr. GOLDWATER, Mr. HANSEN, Mr. HELMS, Mr. HRUSKA, Mr. LAXALT, Mr. McCLELLAN, Mr. McCLURE, Mr. MOSS, Mr. NUNN, Mr. WILLIAM L. SCOTT, Mr. TOWER, Mr. YOUNG, Mr. TALMADGE, Mr. TAFT, Mr. BARTLETT, Mr. CHILES, Mr. MORGAN, and Mr. BROCK):

S. 3079. A bill to amend chapter 49 of title 10, United States Code, to prohibit union organization in the armed forces, and for other purposes. Referred to the Committee on Armed Services.

By Mr. STEVENSON:

S. 3080. A bill to amend the Internal Revenue Code of 1954 to provide that expired unused investment credits shall be treated as refundable overpayments of tax. Referred to the Committee on Finance.

By Mr. DOLE:

S. 3081. A bill to amend section 301 of the Federal Meat Inspection Act, as amended, and section 5 of the Poultry Products Inspection Act, as amended, so as to increase from 50 to 80 per centum the amount that may be paid as the Federal Government's share of the costs of any cooperative meat or poultry inspection program carried out by any State under such sections, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. RANDOLPH:

S. 3082. A bill to amend title 39 of the United States Code to require the U.S. Postal Service to hold a hearing and to take into consideration certain matters prior to the consolidation or closing of any post office, to provide for the appointment and compensation of certain officers and employees of the U.S. Postal Service, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. PROXMIRE:

S. 3083. A bill for the relief of Angel Medico-Borisosky and Guillermina Herrera de Medico. Referred to the Committee on the Judiciary.

By Mr. PROXMIRE (for himself, Mr. TOWER, Mr. STEVENSON, and Mr. PACKWOOD) (by request):

S. 3084. A bill to extend the Export Administration Act of 1969, as amended. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. NELSON (for himself, Mr. NUNN, Mr. BROCK, and Mr. WEICKER):

S. 3085. A bill to insure fair and equitable representation for smaller and medium-sized businesses on Federal advisory committees. Referred to the Committee on Government Operations.

By Mr. MONDALE:

S. 3086. A bill to amend title XVI of the Social Security Act so as to provide for the referral, for appropriate rehabilitative services under approved State plans, of blind and disabled children who are receiving supplemental security income benefits. Referred to the Committee on Finance.

By Mr. HARTKE (for himself and Mr. HUGH SCOTT):

S. 3087. A bill to amend the Hazardous Materials Transportation Act to protect the Nation adequately against the risks to life and property which are inherent in the transportation of compressed gas cylinders in commerce. Referred to the Committee on Commerce.

By Mr. METCALF (for Mr. JACKSON, for himself and Mr. FANNIN) (by request):

S. 3088. A bill to amend section 6 of the Alaska Native Claims Settlement Act (85 Sta. 688). Referred to the Committee on Interior and Insular Affairs.

By Mr. METCALF (for Mr. JACKSON, for himself and Mr. FANNIN) (by request):

S. 3089. A bill to facilitate the coordination of programs for the protection, management and control of wild free-roaming horses and burros, and other resources and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. ALLEN (for himself and Mr. HELMS):

S.J. Res. 175. A joint resolution proposing an amendment to the Constitution of the United States with respect to the terms of office and method of selection of judges of the Federal courts. Referred to the Committee on the Judiciary.

S.J. Res. 176. A joint resolution proposing an amendment to the Constitution of the United States to prohibit assignment to public schools on the basis of race. Referred to the Committee on the Judiciary.

By Mr. NELSON (for himself, Mr. NUNN, Mr. BROCK, and Mr. WEICKER):

S.J. Res. 177. A joint resolution requiring each executive department and agency to

effective means of stimulating new investment. It may be that the amount of the credit should be reduced. And it may be that any reform in this area should be applied on a prospective basis only. But while an investment tax credit remains in effect, it is inequitable and counterproductive to deny its benefits to businesses which make new investments in reliance on the credit only to find that circumstances subsequently preclude its availability.

By making the benefits of the credit uniformly available, this legislation will correct the inequities in current law. In doing so, it would remove the disincentive to invest caused by the accumulation of unusable credits. And it would make the credit a more effective device for stimulating investment in those sectors of the economy most seriously affected by the recession.

By Mr. DOLE:

S. 3081. A bill to amend section 301 of the Federal Meat Inspection Act, as amended, and section 5 of the Poultry Products Inspection Act, as amended, so as to increase from 50 to 80 percent the amount that may be paid as the Federal Government's share of the costs of any cooperative meat or poultry inspection program carried out by any State under such sections, and for other purposes. Referred to the Committee on Agriculture and Forestry.

STATE-FEDERAL MEAT AND POULTRY INSPECTION AMENDMENTS

Mr. DOLE. Mr. President, today I am introducing legislation to increase from 50 to 80 percent the amount that may be paid as the Federal Government's share of cooperative meat or poultry inspection programs in the individual States.

Under provisions of the Federal Meat and Poultry Inspection Acts, the U.S. Department of Agriculture is required to assume responsibility for inspecting intrastate meat or poultry plants in States which are unwilling or unable to conduct an inspection program equal to Federal requirements. By April 1, 1976, there will be 17 States for meat and 21 States for poultry in which the Federal Government will have taken over all inspection activities.

The trend has been to let the Federal Government assume meat and poultry inspections since this shifts the cost of inspection from State governments to the Federal Government. State meat inspection programs were either never certified or found not equal to Federal inspection in only 6 States. The remaining 11 States requested the Federal Government to take over meat inspection. All poultry inspection has been undertaken at the request of the individual States.

Mr. President, I believe that many livestock producers and packers would like to maintain State inspection services. Financially, however, State governments realize that they would have no direct costs for inspection if they simply let the Federal Government take over.

By the Federal Government's assumption of 80 percent of the inspection costs, State inspection would be a much more viable alternative to many State governments than the current 50 percent of costs they must cover. The Federal Government obviously would also make a smaller total outlay than would be necessary by the complete takeover of all State inspection services.

Legislation to amend section 301 of the Federal Meat Inspection Act and section 5 of the Poultry Products Inspection Act was acted favorably upon in the Senate in both the 92d and 93rd Congresses. In both cases this legislation failed to pass the House of Representatives.

I urge the Senate to again approve this legislation.

By Mr. PROXMIRE (for himself, Mr. TOWER, Mr. STEVENSON, and Mr. PACKWOOD) (by request):

S. 3084. A bill to extend the Export Administration Act of 1969, as amended. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. PROXMIRE. Mr. President, at the request of the administration, I am introducing a bill to extend the Export Administration Act of 1969, as amended.

By Mr. NELSON (for himself, Mr. NUNN, Mr. BROCK, and Mr. WEICKER):

S. 3085. A bill to insure fair and equitable representation for smaller and medium-sized businesses on Federal advisory committees. Referred to the Committee on Government Operations.

FAIR REPRESENTATION FOR SMALL BUSINESS ACT

Mr. NELSON. Mr. President, I introduce for appropriate reference the Fair Representation for Small Business Act, a bill to provide for equitable representation for small businesses on the advisory bodies which are utilized by the Federal Government.

The bill would amend the Federal Advisory Committee Act of 1972 and the Federal Reports Act of 1942 to provide an explicit direction that small business—which accounts for 97 percent of the number of U.S. businesses; over half of all private employment; 43 percent of the business output; a third of the gross national product; and over half of the significant industrial innovation in the U.S. economy—be fairly represented on Federal advisory committees, panels, and task forces. The objective of this bill is to give the small business community a voice corresponding to its importance in formulating the actions of the Federal Government.

NEEDS OF SMALLER FIRMS IGNORED IN ISSUING FORMS

To my knowledge, there is no authoritative study of the small business representation on advisory committees which serve all of the various departments and agencies under the Advisory Committee Act. However, in March of 1975, there was a study of the small business participation in the advisory bodies utilized by the President's Office of Management and Budget. OMB has the responsibility under the Federal Reports Act of clearing any questionnaire or form which is intended to be sent to more than 10 businesses or members of the public. To assist this clearance procedure, there is a Business Advisory Council on Federal Reports—BACFR—which considers general issues, and smaller advisory panels which are occasionally convened to consider particular proposed report forms.

The Peat, Marwick, Mitchell & Co. accounting firm, in its report to OMB entitled the "Small Business Reporting Burden," stated: [1]

> Small business has very limited representation on the Council.
>
> * * * * * *
>
> In practice the panels, too, have tended to be dominated by representation from large business—a natural consequence of the difficulty experienced by small businesses in giving the time and absorbing the expense involved in sitting on (such) panels.

Indeed, the statement about "very limited" small business representation may be a classic understatement. There are 13 corporations represented on the BAC FR. One is a small business corporation having $1 million sales and 45 employees. The remaining 12 corporations have an average of $5½ billion in sales and 167,000 employees.

The OMB report also notes that the Small Business Administration does not participate in the deliberations of panels reviewing forms, and there is no policy encouraging them to do so.

Is it any wonder that the interests of small business have been at the bottom of the list when decisions about Federal reports are made by the Office of Management and Budget and the White House?

PENSION REPORTS A GLARING EXAMPLE

A recent instance of this neglect is the issuance of pension reporting forms by the Department of Labor pursuant to the Pension Reform Act. In April 1975, the Department published a basic description form—EBS–1, which was between 16 and 20 pages long, depending upon the number of required schedules and appendices. Each of the 685,000 small and medium-sized employee benefit plans was expected to fill out this EBS–1.

The Senate Small Business Committee, after hearing testimony about this and other pension reporting forms on February 2 and 3, concluded that this form would have cost the small business community a minimum of two-thirds of a billion dollars in additional accounting, legal, and other professional fees, not counting the time required by management.

Fortunately, under a hail of public criticism, this form was withdrawn and after extensive revision, a substitute six-page form was republished in the Federal Register on October 10, 1975.

On the basis of almost 2,000 public comments on the second version of the EBS–1, and the companion annual report—Form 5500, both forms were again reconsidered and reduced in size. Final versions are expected to be distributed in a short time.

Curbing the excess of these reports will thus result in the saving of substantial money. But, why was a form which the

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[1] "Small Business Reporting Burden," prepared for Executive Office of the President's Office of Management and Budget, by Peat, Marwick, Mitchell & Co., March 1975, p. A.65.

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the calendar.

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

DEPARTMENT OF DEFENSE

The second assistant legislative clerk read the nominations of James Gordon Knapp, of California, to be an Assistant Secretary of the Air Force, and Francis Hughes, of South Carolina, to be an Assistant Secretary of the Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. COURT OF MILITARY APPEALS

The second assistant legislative clerk read the nomination of William Holmes Cook, of Illinois, to be a judge of the U.S. Court of Military Appeals.

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

U.S. AIR FORCE

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force for appointment to the grade indicated.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy for appointment to the grade indicated.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. MARINE CORPS

The second assistant legislative clerk read the nomination of Allan T. Wood, U.S. Marine Corps Reserve, for temporary appointment to the grade of major general.

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

NOMINATIONS ON THE SECRETARY'S DESK

The second assistant legislative clerk proceeded to read sundry nominations in the Air Force and the Army placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I request that the President be notified of the confirmation of these nominations.

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendars Nos. 605 and 654.

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

FOREIGN BOYCOTTS AND DOMESTIC AND FOREIGN INVESTMENT IMPROVED DISCLOSURE ACTS OF 1975

The legislative clerk read as follows:

A bill (S. 953) to amend the Export Administration Act of 1969 to clarify and strengthen the authority of the Secretary of Commerce to take action in the case of restrictive trade practices or boycotts.

ORDER FOR S. 953 TO BE PLACED UNDER SUBJECTS ON THE TABLE

Mr. MANSFIELD. Mr. President, I ask unanimous consent to withdraw my previous request and I ask unanimous consent that the bill be placed under the heading "Subjects on the Table."

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

LOANS FOR AGRICULTURAL PRODUCERS SUFFERING LOSSES DUE TO TOXIC CHEMICAL CONTAMINATION

The Senate proceeded to consider the bill (S. 2578) to authorize the Secretary of Agriculture to make financial assistance available to agricultural producers who suffer losses as the result of having their agricultural commodities or livestock quarantined or condemned because such commodities or livestock have been found to contain toxic chemicals dangerous to the public health, which had been reported from the Committee on Agriculture and Forestry, with an amendment:

DEFINITIONS

SECTION 1. For the purposes of this Act—

(a) "Agricultural Credit Insurance Fund" means the fund established under section 309 of the Consolidated Farm and Rural Development Act;

(b) "agricultural producer" means any bona fide farmer or rancher primarily and directly engaged in the production of food crops, animal feedcrops, livestock (including poultry), or livestock products;

(c) "Federal official" means any officer of the United States Government empowered to quarantine or condemn property for reasons of public health;

(d) "Secretary" means the Secretary of Agriculture;

(e) "State" means any State of the United States, Puerto Rico, or the Virgin Islands;

(f) "State official" means any officer of a State government empowered to quarantine or condemn property for reasons of public health;

(g) "toxic chemical" means any organic or inorganic chemical substance whose presence or level of presence is deemed to be dangerous to the public health by Federal or State officials; and

(h) "United States" means the fifty States, Puerto Rico, and the Virgin Islands.

SEC. 2. (a) The Secretary of Agriculture shall make loans through the Agricultural Credit Insurance Fund to agricultural producers in the United States who—

(1) sustain losses as a direct result of their food crops, animal feedcrops, livestock (including poultry), or livestock products being quarantined or condemned by a Federal or State official because such crops, feedcrops, livestock (including poultry), or livestock products contain quantities of toxic chemicals dangerous to the public health;

(2) do not negligently or willfully introduce the toxic chemical causing the quarantine or condemnation (if the toxic chemical is alien to the production process) or fail to follow procedures prescribed by the United States in connection with the use of the toxic chemical causing the quarantine or condemnation (if the toxic chemical is a part of the production process); and

(3) will use the proceeds of such loans to continue their farming or livestock operations.

(b) Loans made under this Act shall be payable in not more than seven years and bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, plus not to exceed 1 per centum per annum as determined by the Secretary. However, the Secretary may modify the repayment schedule to be commensurate with borrower circumstances by postponing all principal and interest payments for up to three years, except for an annual payment equal to 1 per centum of the principal. During this grace period, interest shall accrue on the deferred principal but shall not accrue on deferred interest.

(c) The amount of any loan made under this Act shall not exceed either (1) the fair market value (in the absence of the toxic chemical) of the property quarantined or condemned, or the replacement value thereof, whichever is less; (2) the amount of the loss for which the loan is requested minus any compensation the producer has received for such loss; or (3) $100,000.

(d) Any agricultural producer receiving a loan under this Act who is subsequently compensated for the loss for which the loan was made shall repay the loan up to the amount of the compensation not later than three months after receipt of the compensation.

(e) The Agricultural Credit Insurance Fund may be utilized to pay administrative

awarded to the Confederated Salish and Kootenai Tribes by the Court of Claims (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED RESEARCH CONTRACTS OF THE DEPARTMENT OF THE INTERIOR

Two letters from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, two proposed contracts for research projects (with accompanying papers); to the Committee on Interior and Insular Affairs.

REFUND FOR ANNUAL RENTALS BY THE DEPARTMENT OF THE INTERIOR

A letter from the Secretary of the Interior reporting, pursuant to law, on a determination that Standard Oil Co. of California is entitled to a refund for annual rentals; to the Committee on Interior and Insular Affairs.

REPORTS OF THE FEDERAL ENERGY ADMINISTRATION

A letter from the Administrator of Federal Energy transmitting, pursuant to law, a report on changes in market shares for petroleum products (with an accompanying report); and a letter from the Administrator of Federal Energy transmitting, pursuant to law, a report on the reevaluation of mandatory petroleum allocation and price regulations (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENSON, from the Committee on Banking, Housing and Urban Affairs, with an amendment:

S. 3084. A bill to extend the Export Administration Act of 1969, as amended (together with additional views) (Rept. No. 94-917).

By Mr. MAGNUSON (for Mr. PASTORE), from the Committee on Commerce, with amendments:

S. 2054. A bill to amend sections 203 and 204 of the Communications Act of 1934 (Rept. No. 94-918).

By Mr. MAGNUSON (for Mr. PASTORE), from the Committee on Commerce, without amendment:

S. 2847. A bill to amend section 318 of the Communications Act of 1934, as amended, to enable the Federal Communications Commission to authorize translator broadcast stations to originate limited amounts of local programing, and to authorize frequency modulation (FM) radio translator stations to operate unattended in the same manner as is now permitted for television broadcast translator stations (Rept. No. 94-919).

By Mr. MAGNUSON (for Mr. PASTORE), from the Committee on Commerce, with an amendment:

S. 2343. A bill to amend the Communication Act of 1934, as amended, with respect to penalties and forfeitures (Rept. No. 94-920).

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. SPARKMAN, from the Committee on Foreign Relations:

John H. Reed, of Maine, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Maldives.

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

STATEMENT OF POLITICAL CONTRIBUTIONS

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee, John H. Reed.

Post, Sri Lanka.

CONTRIBUTIONS, AMOUNT, DATE, AND DONEE

1. Self, See Exhibit A.

2. Spouse, Cora D. Reed, None.

3. Children and Spouses: Cheryl D. Reed, None; Ruth Reed Duford and Gerald P. Duford, None.

4. Parents: Mrs. Eva S. Reed, None. Mr. Walter M. Reed, Sr. (Deceased).

5. Grandparents: Mr. and Mrs. Linwood R. Seeley (Deceased); Mr. and Mrs. Philo H. Reed (Deceased).

6. Brothers and Spouses: See Exhibit B.

7. Sisters and Spouses: See Exhibit B.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

JOHN H. REED.

EXHIBIT A

1. John H. Reed—Contributions:

1972

Amount, date, and donee

$100, January 15, 1972, Maine Republican Finance Committee.

$50, January 30, 1972, Republican National Finance Committee.

$100, April 3, 1972, Finance Committee for the Reelection of the President.

$100, June 26, 1972, Chafee for '72 Committee.

$100, October 2, 1972, Cohen for Congress Committee.

$100, October 17, 1972, Maine Finance Committee to reelect the President.

1973

$25, January 6, 1973, Republican National Finance Committee.

$100, February 19, 1973, Maine Republican Finance Committee.

$100, October 5, 1973, Victory 72-74 Committee.

$100, December 10, 1973, Victory 72-74 Committee.

$15, December 30, 1973, Republican National Finance Committee.

1974

$50, January 1, 1974, Victory 72-74 Dinner Committee.

$100, April 20, 1974, Maine Republican Finance Committee.

$15, July 7, 1974, Republican National Finance Committee.

$100, July 22, 1974, Victory 74 Committee.

$100, September 14, 1974, Maine Republican State Committee.

1975

$15, January 4, 1975, Republican National Finance Committee.

$100, February 5, 1975, Victory 74 Committee.

$100, March 1, 1975, David Emery Committee.

$100, April 21, 1975, Maine Republican Finance Committee.

$50, May 31, 1975, Maine Republican Finance Committee.

$15, December 29, 1975, Republican National Finance Committee.

1976

$100, January 27, 1976, Maine Republican Finance Committee.

EXHIBIT B

6. Brother and Spouse:

Walter M. Reed, Jr., and Dolly L. Reed—none.

Amount, date, and donee

$50, September 16, 1972, William D. Hathaway.

$55, September 16, 1972 William S. Cohen.

$100, April 20, 1974 William S. Cohen.

7. Sister and Spouse: Ruth R. Mraz and Arthur J. Mraz—joint contribution.

Amount, date, and donee

$5, September 18, 1972, William S. Cohen.

$30, April 20, 1974, William S. Cohen.

$25, September 15, 1975, William S. Cohen.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, May 25, 1976, he presented to the President of the United States the enrolled bill (S. 2679) to establish a Commission on Security and Cooperation in Europe.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. CASE (for himself and Mr. WILLIAMS):

S. 3482. A bill to amend section 4942(g)(2) of the Internal Revenue Code. Referred to the Committee on Finance.

By Mr. LAXALT:

S. 3483. A bill to amend section 205 of the Federal Power Act in order to revise the procedure for establishing new schedules of rates, charges, classifications or services. Referred to the Committee on Commerce.

By Mr. MONDALE:

S. 3484. A bill for the relief of Peter Poon on Wong; and

S. 3485. A bill for the relief of Orlando Garzon. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CASE (for himself and Mr. WILLIAMS):

S. 3482. A bill to amend section 4942(g)(2) of the Internal Revenue Code. Referred to the Committee on Finance.

Mr. CASE. Mr. President, Senator WILLIAMS and I are introducing a bill to amend section 4942(g)(2) of the Internal Revenue Code, the so-called set-aside provision under which amounts set aside by private foundations for future payment may be treated as qualifying distributions under the Tax Reform Act of 1969.

The Robert Wood Johnson Foundation, one of the Nation's largest foundations, has encountered a severe problem owing to the Internal Revenue Service's administration of section 4942 and specifically 4942(g) of the code. These sections were added by the Tax Reform Act of 1969.

sonable. But, in practice, refunding has frequently proven to be of little use to the consumer because, under present law, the refund provisions are optional at the discretion of the FPC and utilities frequently pancake additional requests one on top the other in such a way that final refunds are even further delayed, if they are granted at all. Of course, refunds, which may or may not come through at some future time, also do little to comfort the small business or residential consumer faced with mounting present bills.

To assist in dealing with some of those problems, I am today introducing legislation to expedite and render more equitable FPC procedures for handling rate increases. My bill would amend section 205(e) of the Federal Power Act in the following way:

First. It would provide for an interim hearing process to assess the lawfulness of any proposed rate increase prior to commencement of the initial hearing. This interim hearing would be between the FPC and the relevant utility for an assessment of reasonableness and would take place within the first 30 days after the filing of the rate increase schedule;

Second. It would require that full hearings be commenced within 90 days of the filing of the rate increase schedule;

Third. It would require, as opposed to leaving optional, the maintenance of accurate records and the granting of refunds in the event a proposed increase proved to be unlawful; and

Fourth. It would prohibit what has come to be known as pancaking; that is the procedure by which utilities seek further increases before the FPC has disposed of previous ones.

Mr. President, 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. 3483

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 205(e) of the Federal Power Act (16 U.S.C. 824d(e)) is amended to read as follows:

"(e)(1) Whenever any such new schedule is filed the Commission shall at once, but upon reasonable notice, enter upon a preliminary hearing solely with the public utility or utilities filing such schedule concerning the lawfulness of such rate, charge, classification, or service; and, pending such hearing and the decision thereon, the Commission, upon filing with such schedules and delivering to the public utility or utilities affected thereby a statement in writing of its reasons for such suspension, shall suspend the operation of such schedule and defer the use of such rate, charge, classification, or service, until the effective date of such decision which shall not be later than sixty days after the date on which such schedule would otherwise go into effect. Following the completion of such preliminary hearing the Commission shall issue such temporary orders with respect to such schedule as it deems appropriate and within thirty days thereafter shall initiate full hearings upon such schedule and such temporary orders. Upon the completion of such hearings the Commission shall issue such final orders with respect to such schedule as are proper in a proceeding initiated after it has become effective. After any suspension pursuant to this subsection the proposed change of rate, charge, classification, or service may be placed into effect in accordance with such temporary orders as provided above, but in case of a proposed increased rate or charge, the Commission shall by order require the interested public utility or public utilities to keep accurate account in detail of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts are paid, and upon completion of the full hearing and final decision shall by further order require such public utility or public utilities to refund, with interest, to the persons in whose behalf such amounts were paid, such portion of such increased rates or charges as by its decision shall be found not justified. At any hearing involving a rate or charge sought to be increased, the burden of proof to show that the increased rate or charge is just and reasonable shall be upon the public utility, and the Commission shall give to the hearing and decision of such questions preference over other questions pending before it and decide the same as speedily as possible.

"(2) A public utility may not file a schedule which seeks to increase a rate or charge so long as the Commission has pending before it for final determination any schedule previously filed providing for such an increase by such public utility."

ADDITIONAL COSPONSORS

S. 495

At his own request, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 495, a bill to establish certain Federal agencies.

S. 3069

At the request of Mr. BUCKLEY, the Senator from Arizona (Mr. FANNIN), the Senator from Utah (Mr. GARN), the Senator from Wyoming (Mr. HANSEN), the Senator from North Carolina (Mr. HELMS), the Senator from Idaho (Mr. MCCLURE), the Senator from Virginia (Mr. SCOTT), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 3069, the Antidiscrimination Act of 1976.

S. 3084

At the request of Mr. STEVENSON, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 3084, to extend the Export Administration Act of 1969.

S. 3144

At the request of Mr. BUCKLEY, the Senator from Arizona (Mr. FANNIN) was added as a cosponsor of S. 3144, a bill to amend title 39, United States Code, to increase, to the fullest degree possible, competition in the delivery of mail, and for other purposes.

S. 3280

At the request of Mr. MATHIAS, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of S. 3280, to promote economy, efficiency, and improved service in the financing, administration, and delivery of social welfare service.

S. 3402

At the request of Mr. ABOUREZK, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of S. 3402, the Special Lebanon Relief Act.

AMENDMENTS SUBMITTED FOR PRINTING

FOREIGN MILITARY SALES ACT—S. 3439

AMENDMENT NO. 1700

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

Mr. ABOUREZK. Mr. President, I am today submitting an amendment to the International Security Assistance and Arms Export Control Act of 1976–77. The purpose of the amendment is to add a new section to the legislation that would provide authorization for humanitarian assistance to Lebanon. The amendment is identical to legislation which I have introduced (S. 3402), and which Chairman SPARKMAN has subsequently introduced (S. 3450).

Mr. President, I am hopeful that the floor manager of the bill will be able to accept this amendment, so that assistance to Lebanon can begin as quickly as possible.

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

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

AMENDMENT NO. 1700

On page 78, after line 2, insert the following new section, and renumber succeeding section accordingly:

"Special Lebanon Relief Act

"Sec. 422. (a) This may be cited as the 'Special Lebanon Relief Act.'"

(b) LEBANON RELIEF AND REHABILITATION. The Foreign Assistance Act of 1961, as amended, is further amended by adding at the end of Chapter 9 of Part I, relating to international disaster assistance, a new section as follows:

"SEC. 495C. LEBANON RELIEF AND REHABILITATION.—(a) The Congress, recognizing that prompt United States assistance is necessary to alleviate the human suffering arising from civil strife in Lebanon and to restore the confidence of the people of Lebanon, hereby authorizes the President to furnish assistance, on such terms and conditions as he may determine including the issuance of housing guaranties in accordance with the authority and within the limitation of Section 221 of this Act, for the relief and rehabilitation of refugees and other needy people in Lebanon.

"(b) There is authorized to be appropriated to the President for the purposes of this section, in addition to amounts otherwise available for such purposes, $20,000,000 which amount is authorized to remain available until expended.

"(c) Assistance under this section shall be provided in accordance with the policies and general authority contained in section 491.

"(d) Obligations incurred prior to the date of enactment of this section against other appropriations or accounts for the purpose of providing relief and rehabilitation assistance to the people of Lebanon may be charged to the appropriations authorized under this section.

"(e) Not later than 60 days after the date of enactment of appropriations to carry out this section, and on a quarterly basis thereafter, the President shall transmit reports to the Committees on Foreign Relations and Appropriations of the Senate and to the Speaker of the House of Representatives regarding the programing and obligation of funds under this section."

that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(d) Any national emergency declared by the President in accordance with this title, and not otherwise previously terminated, shall terminate on the anniversary of the declaration of that emergency if, within the ninety-day period prior to each anniversary date, the President does not publish in the Federal Register and transmit to the Congress a notice stating that such emergency is to continue in effect after such anniversary.

TITLE III—EXERCISE OF EMERGENCY POWERS AND AUTHORITIES

SEC. 301. When the President declares a national emergency, no powers or authorities made available by statute for use in the event of an emergency shall be exercised unless and until the President specifies the provisions of law under which he proposes that he, or other officers will act. Such specification may be made either in the declaration of a national emergency, or by one or more contemporaneous or subsequent Executive orders published in the Federal Register and transmitted to the Congress.

TITLE IV—ACCOUNTABILITY AND REPORTING REQUIREMENTS OF THE PRESIDENT

SEC. 401. (a) When the President declares a national emergency, or Congress declares war, the President shall be responsible for maintaining a file and index of all significant orders of the President, including Executive orders and proclamations, and each Executive agency shall maintain a file and index of all rules and regulations, issued during such emergency or war issued pursuant to such declarations.

(b) All such significant orders of the President, including Executive orders, and such rules and regulations shall be transmitted to the Congress promptly under means to assure confidentiality where appropriate.

(c) When the President declares a national emergency or Congress declares war, the President shall transmit to Congress, within ninety days after the end of each six-month period after such declaration, a report on the total expenditures incurred by the United States Government during such six-month period which are directly attributable to the exercise of powers and authorities conferred by such declaration. Not later than ninety days after the termination of each such emergency or war, the President shall transmit a final report on all such expenditures.

TITLE V—REPEAL AND CONTINUATION OF CERTAIN EMERGENCY POWER AND OTHER STATUTES

SEC. 501. (a) Section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481 (a)) is amended—

(1) at the end of paragraph (9), by striking out "; or" and inserting in lieu thereof a period; and

(2) by striking out paragraph (10).

(b) Section 2667(b) of title 10 of the United States Code is amended—

(1) by inserting "and" at the end of paragraph (3);

(2) by striking out paragraph (4); and

(3) by redesignating paragraph (5) as (4).

(c) The joint resolution entitled "Joint resolution to authorize the temporary continuation of regulation of consumer credit", approved August 8, 1947 (12 U.S.C. 249), is repealed.

(d) Section 5(m) of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831d(m)), is repealed.

(e) Section 1383 of title 18, United States Code, is repealed.

(f) Section 6 of the Act entitled "An Act to amend the Public Health Service Act in regard to certain matters of personnel and administration, and for other purposes", approved February 28, 1948, is amended by striking out subsections (b), (c), (d), (e), and (f) (42 U.S.C. 211b).

(g) Section 9 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1742) is repealed.

(h) This section shall not affect—

(1) any action taken or proceeding pending not finally concluded or determined at the time of repeal;

(2) any action or proceeding based on any act committed prior to repeal; or

(3) any rights or duties that matured or penalties that were incurred prior to repeal.

SEC. 502. (a) The provisions of this Act shall not apply to the following provisions of law, the powers and authorities conferred thereby, and actions taken thereunder:

(1) Section 5(b) of the Act of October 6, 1917, as amended (12 U.S.C. 95a; 50 U.S.C. App. 5(b));

(2) Act of April 28, 1942 (40 U.S.C. 278b);

(3) Act of June 30, 1949 (41 U.S.C. 252);

(4) Section 3477 of the Revised Statutes, as amended (31 U.S.C. 203);

(5) Section 3737 of the Revised Statutes, as amended (41 U.S.C. 15);

(6) Public Law 85-804 (Act of Aug. 28, 1958, 72 Stat. 972; 50 U.S.C. 1431-1435);

(7) Section 2304(a)(1) of title 10, United States Code;

(8) Sections 3313, 6386(c), and 8313 of title 10, United States Code.

(b) Each committee of the House of Representatives and the Senate having jurisdiction with respect to any provision of law referred to in subsection (a) of this section shall make a complete study and investigation concerning that provision of law and make a report, including any recommendations and proposed revisions such committee may have, to its respective House of Congress within two hundred and seventy days after the date of enactment of this Act.

Passed the House of Representatives September 4, 1975.

EXPORT ADMINISTRATION ACT EXTENSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent, in accord with the leadership's promise to the Senate, that the Senate now turn to the consideration of S. 3084, the Export Administration Act Extension.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 3084), to extend the Export Administration Act of 1969, as amended.

The Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing and Urban Affairs with an amendment to strike out all after the enacting clause and insert the following:

TITLE I—EXPORT ADMINISTRATION IMPROVEMENTS AND EXTENSION

SEC. 101. This title may be cited as the "Export Administration Amendments of 1976".

SEC. 102. The Export Administration Act of 1969, as amended (hereinafter in this title referred to as the "Act") is amended by striking "September 30, 1976" in section 14 and inserting in lieu thereof "September 30, 1979."

SEC. 103. (a) Section 4(b)(1) of the Act is amended by inserting at the end thereof the following: "In administering export controls for national security purposes as prescribed in section 3(2)(C) of this Act, United States policy toward individual countries shall not be determined exclusively on the basis of a country's Communist or non-Communist status but shall take into account such factors as the country's present and potential relationship to the United States, its present and potential relationship to countries friendly or hostile to the United States, its ability and willingness to control retransfers of United States exports in accordance with United States policy, and such other factors as the President may deem appropriate. The President shall periodically review United States policy toward individual countries to determine whether such policy is appropriate in light of the factors specified in the preceding sentence. The results of such review, together with the justification for United States policy in light of such factors, shall be included in the semiannual report of the Secretary of Commerce required by this Act for the first half of 1977 and in every second such report thereafter.".

(b)(1) Section 4(h) of the Act is amended by striking the term "controlled country" in the first sentence of paragraph (1) thereof and the second sentence of paragraph (2) thereof and inserting in lieu thereof "country named by the President pursuant to the last sentence of section 4(b)(1) of this Act".

(2) Section 4(h)(2)(A) of the Act is amended by striking "controlled" and inserting in lieu thereof "such".

(3) Section 4(h)(4) of the Act is amended by striking everything following the semicolon at the end of subparagraph (B) thereof and inserting a period in lieu of the semicolon.

(c) The amendments made by subsection (b) shall become effective upon the expiration of ninety days after the receipt by the Congress of the report referred to in the last sentence of section 4(b)(1) of the Act.

SEC. 104. Section 4(b)(4) of the Act is amended to read as follows:

"(4) The Secretary of Commerce, in cooperation with appropriate United States Government departments and agencies and the appropriate technical advisory committees established pursuant to this Act, shall undertake an investigation to determine whether United States unilateral controls or multilateral controls in which the United States participates should be removed, modified, or added with respect to particular articles, materials, and supplies, including technical data and other information, in order to protect the national security of the United States. Such investigation shall take into account such factors as the availability of such articles, materials, and supplies from other nations and the degree to which the availability of the same from the United States or from any country with which the United States participates in multilateral controls would make a significant contribution to the military potential of any nation threatening or potentially threatening the national security of the United States. As part of such investigation, the Secretary of Commerce shall explore ways of simplifying and clarifying lists of articles, materials, and supplies subject to export controls. The results of such investigation shall be reported to the Congress not later than 18 months after enactment of the Export Administration Amendments of 1976.".

SEC. 105. Section 4 of the Act is amended by adding a new subsection (j) thereto as follows:

"(j) Any person who enters into a contract, protocol, agreement, or other understanding for, or which may result in, the transfer of United States origin technical data or other information to any nation to which exports are restricted for national security or foreign policy purposes shall report such transaction to the Secretary of Commerce and provide him with copies of all documents pertaining thereto within thirty days of entering into such contract, protocol, agreement, or understanding."

SEC. 106. Section 4(g) of the Act is amended by adding at the end thereof the following: "In any denial of an export license application, the applicant shall be informed in writing of the specific statutory basis for such denial. Whenever the Secretary determines that it is necessary to refer an export license application to any multilateral review process for approval, he shall first, if the applicant so requests, provide the applicant with an opportunity to review any documentation to be submitted to such process for the purpose of describing the export in question, in order to determine whether such documentation accurately describes the proposed export.".

SEC. 107. (a) Section 5(c)(1) of the Act is amended by striking the word "two" in the last sentence thereof and inserting in lieu thereof the word "four".

(b) The second sentence of section 5(c)(2) of the Act is amended to read as follows: "Such committees, where they have expertise in such matters, shall be consulted with respect to questions involving (i) technical matters, (ii) worldwide availability and actual utilization of production technology, (iii) licensing procedures which affect the level of export controls applicable to any articles, materials, and supplies, including technical data or other information, and (iv) exports subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. Such committees shall be informed of the reasons for any failure to accept any advice or recommendations which they may render or make to officials of the United States Government.".

SEC. 108. Section 4(f) of the Act is amended by designating the existing paragraph as subparagraph (1) and adding at the end thereof the following new subparagraph:

"(2) Upon approval of the Secretary of Commerce, in consultation with the Secretary of Agriculture, agricultural commodities purchased by or for use in a foreign country may remain in the United States for export at a later date free from any quantitative limitations on export which may be imposed pursuant to section 3(2)(A) of this Act subsequent to such approval. The Secretary of Commerce may not grant approval hereunder unless he receives adequate assurance that such commodities will eventually be exported, that neither the sale nor export thereof will result in an excessive drain of scarce materials and have a serious domestic inflationary impact, that storage of such commodities in the United States will not unduly limit the space available for storage of domestically owned commodities, and that the purpose of such storage is to establish a reserve of such commodities for later use, not including resale to or use by another country. The Secretary of Commerce is authorized to issue such rules and regulations as may be necessary to implement this subparagraph.".

SEC. 109. (a) Section 6(a) of the Act is amended by striking out "$10,000" and inserting in lieu thereeof "$25,000" and by striking out "$20,000" and inserting in lieu thereof "$50,000".

(b) Section 6(b) of the Act is amended—

(1) by striking out "Communist-dominated nation" and inserting in lieu thereof "country named by the President pursuant to the last sentence of section 4(b)(1)"; and

(2) by striking out "$20,000" and inserting in lieu thereof "$50,000".

(c) Section 6(c) of the Act is amended—

(1) by striking out "The head" and inserting in lieu thereof "Except as otherwise provided in the second sentence of this subsection, the head"; and

(2) by striking out "$1,000" and inserting in lieu thereof "$10,000".

(d) Section 6(d) of the Act is amended by adding at the end thereof the following: "In addition, the payment of any penalty imposed pursuant to subsection (c) may be deferred or suspended in whole or in part for a period of time no longer than any probation period (which may exceed one year) which may be imposed upon such person. Such a deferral or suspension shall not operate as a bar to the collection of the penalty in the event that the conditions of the suspension, deferral, or probation are not fulfilled.".

TITLE II—FOREIGN BOYCOTTS

SEC. 201. This title may be cited as the "Foreign Boycotts Act of 1976".

SEC. 202. (a) Section 3(5)(A) of the Export Administration Act of 1969 (hereinafter in this title referred to as the "Act") is amended by inserting immediately after "United States" the following: "or against any domestic concern or person".

(b) Section 3(5)(B) of the Act is amended by inserting immediately after "United States" the following: "or against any domestic concern or person".

SEC. 203. (a) Section 4(b)(1) of the Act is amended by striking out the next to the last sentence.

(b) Section 4(b) of the Act is amended by redesignating paragraphs (2) through (4) and any cross references thereto as paragraphs (3) through (5), respectively, and inserting after paragraph (1) a new paragraph (2) as follows:

"(2)(A) Pursuant to such rulees and regulations as he may deem necessary and appropriate, the Secretary of Commerce shall implement the provisions of section 3(5) of this Act.

"(B) Such rules and regulations shall require that any domestic concern or person which receives a request for the furnishing of information, the signing of agreements, or the taking of any other action referred to in section 3(5) of this Act shall report that fact to the Secretary of Commerce together with such other information concerning such request as the Secretary may require for such action as he may deem appropriate for carrying out the purposes of that section. Such concern or person shall also report to the Secretary of Commerce whether he intends to comply and whether he has complied with such request. Any report filed pursuant to this subparagraph after enactment of the Foreign Boycotts Act of 1976 shall be made available promptly for public inspection and copying: *Provided, however,* That information regarding the quantity, description, and value of any goods to which such report relates may be kept confidential if the Secretary determines that disclosure thereof would place the domestic concern or person involved at a competitive disadvantage. The Secretary of Commerce shall report the results of such reports to the Secretary of State on a periodic basis for such action as the Secretary of State, in consultation with the Secretary of Commerce, may deem appropriate for carrying out the purposes of section 3(5) of this Act.

"(C) Rules and regulations implementing such provisions shall also prohibit domestic concerns and persons from (i) furnishing information regarding any person's race, religion, or national origin to or for the use by any foreign country, national, or agent thereof where such information is sought for the purpose of enforcing or implementing a restrictive trade practice or boycott against a country friendly to the United States or against any domestic concern or person, or (ii) refusing to do business with any other domestic concern or person pursuant to an agreement with, requirement of, or a request from, or on behalf of, any foreign country, national, or agent thereof made or imposed for the purpose of enforcing or implementing a restrictive trade practice or boycott against a country friendly to the United States or against any domestic concern or person. Any civil penalty (including any suspension or revocation of the authority to export) imposed under this Act for a violation of rules or regulations issued under clause (ii) of the preceding sentence may be imposed only after notice and opportunity for an agency hearing on the record in accordance with section 554 through 557 of title 5, United States Code. The provisions of this subparagraph (C) shall neither substitute for nor limit the operation of the antitrust laws of the United States. The provisions of this subparagraph (C)(ii) shall not apply to any conformity with requirements pertaining to the identity of any carrier on which articles, materials, or supplies are to be shipped so long as such requirements do not have as their purpose the enforceemnt or implementation of a restrictive trade practice or boycott against a country friendly to the United States or against any domestic concern or person.".

SEC. 204. (a) Section 6(c) of the Act is amended by adding at the end thereof the following: "The head of any department or agency exercising any functions under this Act, or any officer or employee of such department or agency specifically designated by the head thereof, may impose a civil penalty not to exceed $10,000 for each violation of section 4(b)(2) of this Act or of any rule or regulation issued thereunder, either in addition to or in lieu of any other liability or penalty which may be imposed under this Act. The head of any department or agency exercising any function under this Act relating to licensing, or any officer or employee of such department or agency specifically designated by the head thereof, may use the authority under this Act to suspend or revoke the authority of a person to export articles, materials, supplies, or information from the United States for each violation of section 4(b)(2) of this Act. Any charging letter or other document initiating proceedings by the Secretary of Commerce after enactment of the Foreign Boycotts Act of 1976 for the imposition of sanctions for violations of section 4(b)(2) of this Act shall be made available for public inspection and copying.".

(b) Section 7(c) of the Act is amended by striking the word "No" at the beginning thereof and inserting in lieu thereof the following: "Except as otherwise provided by this Act, no".

SEC. 205. Section 10(b) of the Act is amended by adding at the end thereof a new paragraph (3) as follows:

"(3) Each such report shall also contain a description of actions taken by the President and the Secretary of Commerce to effect the policy of section 3(5) of this Act.".

SEC. 206. Section 11 of the Act is amended by adding at the end thereof the following: "The term 'domestic concern' as used in this Act shall include but not be limited to banks, other financial institutions, insurers, freight forwarders, and shipping companies organized under the laws of the United States or or any State or any political subdivision thereof.".

TITLE III—DISCLOSURE

SEC. 301. This title may be cited as the "Domestic and Foreign Investment Improved Disclosure Act of 1976".

SEC. 302. Section 13(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended to read as follows:

"(d)(1) Any person who, after acquiring directly or indirectly the beneficial ownership of any equity security of a class which is registered pursuant to section 12 of this title, or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of this title, or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940, is directly or indirectly the beneficial owner of more than 5 per centum of such class shall, within ten days after such acquisition, send to the issuer of the security at its principal execu-

tive office, by registered or certified mail, send to each exchange where the security is traded, and file with the Commission, a statement containing such of the following information, and such additional information, as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors—

"(A) the background, identity, residence, and nationality of, and the nature of such beneficial ownership by, such person and all other persons by whom or on whose behalf the purchases have been or are to be effected;

"(B) the source and amount of the funds or other consideration used or to be used in making the purchases, and if any part of the purchase price or proposed purchase price is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the pupose of acquiring, holding, or trading such security, a description of the transaction and the names of the parties thereto, except that where a source of funds is a loan made in the ordinary course of business by a bank, as defined in section 3(a)(6) of this title, if the person filing such statement so requests, the name of the bank shall not be made available to the public;

"(C) if the purpose of the purchases or prospective purchases is to acquire control of the business of the issuer of the securities, any plans or proposals which such persons may have to liquidate such issuer, to sell its assets to or merge it with any other persons, or to make any other major change in its business or corporate structure;

"(D) the number of shares of such security which are beneficially owned, and the number of shares concerning which there is a right to acquire, directly or indirectly, by (i) such person, and (ii) by each associate of such person, giving the background, identity, residence, and nationality of each such associate; and

"(E) information as to any contracts, arrangements, or understandings with any person with respect to any securities of the issuer, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guaranties of loans, guaranties against loss or guaranties of profits, division of losses or profits, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements, or understandings have been entered into, and giving the details thereof.".

SEC. 303. Section 13 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78m), is amended by adding at the end thereof the following new subsection:

"(g)(1) Every holder of record of, and any other person having an interest in, 2 per centum or more of any security of a class described in subsection (d)(1) of this section shall report such interest and such other information, in such form and at such intervals (but in no event more frequently than quarterly), as the Commission may, by rule, prescribe.

"(2) Any person required to make reports pursuant to paragraph (1) of this subsection shall file, publish, or disseminate such reports in such manner and to such persons, including the Commission, as the Commission may, by rule, specify. Any issuer which receives reports pursuant to this paragraph shall include in any filing or registration statement it makes with the Commission, under the Federal securities laws as defined in section 21(g) of this title, such of the information contained in such reports as the Commission may, by rule, require.

"(3) The 2 per centum figure in subsection (g)(1) of this section shall be reduced to 1 per centum on September 1, 1976, and to one-half of 1 per centum on September 1, 1977: *Provided, however,* That the Commission may shorten or extend such periods if the Commission first finds that such reduction or extension is not inconsistent with the protection of investors or the public interest, after giving appropriate consideration to, and receiving public comments, views, and data on, the following matters:

"(A) the incidence of avoidance of reporting by beneficial owners using multiple holders of record.

"(B) the cost of compliance to issuers and to record holders;

"(C) the effect on the securities markets of such action, including the system for the clearance and settlement of securities transactions;

"(D) the benefits to investors and to the public;

"(E) and bona fide interests of an individual in the privacy of his financial affairs;

"(F) the extent to which such reported information gives or would give any person an undue advantage in connection with activities subject to sections 13(d) and 14(d) of this title;

"(G) the need for such information in connection with the administration and enforcement of this title; and

"(H) such other matters as the Commission may deem relevant, including the results of any study or investigation it may undertake pursuant to this title and the information obtained pursuant to section 13(f) of this title.

The Commission shall report to the Congress on August 1, 1976, and again on August 1, 1977, the steps it has taken, or plans to take, to implement, accelerate, or defer the time periods set forth in this paragraph. In addition, the Commission shall no later than January 2, 1978, report to the Congress on the feasibility and desirability of reducing the per centum figure in paragraph (3) to one-tenth of 1 per centum, after studying the impact of such reduction on a reasonable sample of issuers, recordholders, and other persons required to report under this subsection and after full consideration of the matters referred to in clauses (A) through (H).

"(4) The Commission shall have the authority, by rule or by order, to exempt from the requirements of this subsection any security, issuer, or person, or any class of securities, issuers, or persons, if it finds that such exemption is not inconsistent with the public interest or the protection of investors.

"(5) It shall be unlawful for any person, in contravention of such rules as the Commission may prescribe, to make use of the mails or any other means or instrumentality of interstate commerce to effect any transaction (for his own account or the account of another) in any security of a class described in subsection (d)(1) of this section, if such person knew, or should have known, that information required to be filed, published, or disseminated in accordance with this subsection, either by the person effecting the transaction or by the person on whose behalf, directly or indirectly, the transaction is intended to be effected, has not been filed, published, or disseminated.

"(6) In exercising its authority under this subsection, the Commission shall take such steps as are within its power, including consulting with the Comptroller General of the United States, the Director of the Office of Management and Budget, the appropriate regulatory agencies referred to in section 34(D) of this title, and other Federal authorities which, directly or indirectly, require reports substantially similar to that called for by this subsection (A) to achieve uniform, centralized reporting of such information and (B) consistently with the objectives set forth in this subsection, to avoid unnecessarily duplicative reporting by and minimize the compliance burden on persons required to report.".

Mr. MANSFIELD. Mr. President, I yield to the Senator from Kentucky.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that Carolyn Fuller, Bill Seale, and Roger Lemaster of my staff be permitted the privileges of the floor during debate and vote on the pending bill.

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

Mr. MANSFIELD. Mr. President, if I may have the attention of my colleagues——

The PRESIDING OFFICER. The Senate will be in order.

UNANIMOUS-CONSENT AGREEMENT TO VOTE NOT LATER THAN 2 P.M.

Mr. MANSFIELD. I would like to ask unanimous consent that the vote on final passage of the pending business occur not later than the hour of 3 o'clock. I do so——

Mr. TOWER. Why not make it 2 o'clock?

Mr. MANSFIELD. I will make it 2 o'clock. I have discussed this with the manager and the ranking Republican member who are handling the bill, and I do so with the knowledge that three of the most important amendments which were to be offered will not be offered.

The PRESIDING OFFICER. Will the Senator suspend? And rule XII be waived?

Mr. MANSFIELD. Yes.

Mr. JAVITS. Mr. President, is one of those the Church amendment on OPIC that will not be offered?

Mr. TOWER. If the Senator will yield, Mr. President, it is my understanding that that will not be offered.

Mr. JAVITS. With the gentleman's understanding that if it is offered we will need time to debate, and if it is not offered I am perfectly agreeable.

Mr. TOWER. Why not make the agreement contingent upon that amendment not being offered?

Mr. MANSFIELD. I do so.

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

Mr. STEVENSON. Mr. President, I ask unanimous consent that Marcia Wolf and William Buell be permitted the privileges of the floor during the consideration of this legislation and all amendments.

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

Mr. TOWER. Mr. President, will the Senator yield? I ask unanimous consent that Tony Cluff, Gil Bray and Lamar Smith of the Banking Committee staff be accorded access to the floor during the consideration and votes on S. 3084.

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

Mr. STEVENSON. Mr. President, one additional such request. I also ask unanimous consent that Stanley Marcuss of the Banking Committee staff be likewise permitted the privileges of the floor.

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

Mr. STEVENSON. Mr. President, S. 3084 makes changes in U.S. international economic policy with respect to the national security export controls, agricul-

tural export controls, foreign boycotts, and foreign investment.

Title I of the bill would extend the Export Administration Act for 3 years and make significant improvements in the implementation of national security and agricultural export controls.

Title II of the bill would expand and strengthen U.S. policy against foreign boycotts and protect the Nation from interference in its internal affairs.

Title III of the bill would tighten the disclosure requirements of the Securities Exchange Act of 1934 in order to provide systematic monitoring of the acquisition of controlling, or potentially controlling interests in U.S. companies by foreign, as well as domestic, investors.

Mr. President, title I of this legislation is needed to extend the Export Administration Act and improve the administration of national security export controls so that U.S. policy and procedures reflect the changing complexion of U.S. relations with other nations, as well as the implications of rapidly changing technology. Title I is also needed to permit foreign purchasers of agricultural commodities, under specified conditions, to store such commodities in the United States without fear of embargoes.

Title I would do the following:

It would provide for a continuing analysis of all factors which should govern national security controls. A country's Communist or non-Communist status would no longer be the sole determinant of U.S. policy. Instead, U.S. policy would reflect the foreign country's present and potential relationship to the United States, its present and potential relationship to countries friendly or hostile to the United States, its ability and willingness to control retransfers of U.S. exports in accordance with U.S. policy and such other factors as the President deems appropriate.

It would change the Defense Department's duty to review exports to Communist countries to cover all countries periodically designated by the President for the imposition of national security export controls.

It would provide for a review of national security export controls by the Secretary of Commerce, in cooperation with the technical advisory committees and appropriate Federal agencies in order to determine whether modifications of control lists and export control policies are necessary in light of evolving technology, the availability of controlled items from sources outside the United States, and the contribution a given export might make to the military potential of countries posing a threat to our national security.

It would improve the ability of the executive branch to monitor technology transfers to countries to which exports are restricted for national security or foreign policy purposes by requiring that arrangements, other than sales, for the transfer of technology to those countries be reported to the Department of Commerce.

It would improve the role of the technical advisory committees in formulating and implementing national security export controls by requiring that they be consulted on multilateral controls, by requiring that they be informed of the reasons for any failure to accept recommendations which they make, and by increasing the terms of industry members on those committees for 2 to 4 years.

It would permit agricultural commodities purchased for export to be stored in the United States free from future short-supply export control under conditions designed to protect the farmer and its national interest.

It would increase the penalities applicable for all violations of the Export Administration Act.

And it would improve the administration of U.S. export controls by requiring that exporters be informed in writing of the statutory basis for any denial of an export license application and by requiring that the exporter be given an opportunity to review any documentation submitted to COCOM for purposes of describing the proposed export.

Title II of this legislation is needed to provide an effective means of enforcing U.S. policy against foreign boycotts and to prevent foreign government interference in internal American affairs.

Title II would do the following:

It would require public disclosure of all requests to comply with a foreign boycott.

It would require concerns receiving requests to comply with a foreign boycott to disclose publicly whether they do comply with such request.

It would prohibit domestic concerns from refusing to deal with other domestic concerns pursuant to foreign boycott demands.

It would prohibit domestic concerns from furnishing information regarding an individual's race, religion or national origin where such information is sought for purposes of enforcing a foreign boycott.

It would insure that the antiboycott provisions of the Export Administration Act apply to all domestic concerns including intermediaries in the export process.

And it would otherwise strengthen U.S. law against foreign boycotts by increasing the penalties for violations of the antiboycott provisions of the act, by providing that export privileges can be suspended or revoked for violations of those provisions and by making public all inforcement proceedings for violations of those provisions.

Title III of this legislation is needed to provide an effective means of monitoring the acquisition of controlling or potentially controlling interests in U.S. companies without discouraging foreign investment in the United States.

Title III would do the following:

It would expand the disclosure requirements of the Securities Exchange Act of 1934 to require disclosure of the following additional information:

First. The residence, nationality, and nature of the beneficial ownership of the person acquiring the securities; and

Second. The background and nationality of each associate of the purchaser who has a right to acquire additional shares of the issuer.

In addition, title III would impose new disclosure requirements as follows:

Every holder of record of, and any other person having an interest in, 2 percent or more of any equity security of a U.S. company subject to the Exchange Act would be required to file reports as prescribed by the SEC at such time, with such persons, and containing such information as the SEC may require. The SEC would have authority to make exceptions not inconsistent with the public interest or the protection of investors.

The 2 percent threshold would be reduced to 1 percent on September 1, 1976 and one-half of 1 percent on September 1, 1977. However, the SEC would accelerate or defer such dates or grant exemptions from these disclosure requirements if, after public comment, it concluded that such change or exemption was not inconsistent with the public interest or the protection of investors.

Mr. President, this bill deals responsibly with these four sensitive areas of U.S. international economic policy.

First, this reform of national security export controls will diminish the tendency for rigid cold war perceptions of national security to dominate export policy. It will encourage a continuing reexamination of policy to insure that it reflects changing world conditions and the changing dimensions of national security. The bill will help to expand U.S. trade in many parts of the world while at the same time bringing about a more realistic assessment of national security interests.

Second, the bill will help remove one factor unnecessarily restricting agricultural exports from the United States. Except for the Soviet Union, a foreign buyer cannot now be certain it will be able to import agricultural commodities which it buys in the United States, as the infamous soybean embargo amply demonstrated. The Soviet Union enjoys a special status because of the administration's agreement not to exercise any export control authority with respect to certain amounts of corn and wheat promised that Nation over a period of 5 years.

To reduce this uncertainty for other buyers of agricultural commodities, the bill would authorize the Secretary of Commerce, in cooperation with the Secretary of Agriculture, to permit agricultural commodities purchased for export to a foreign country to be stored in the United States free from future export controls for short supply purposes if the Secretary of Commerce receives the following assurances: First, that the commodities will eventually be exported; second, that neither their sale nor export will result in an excessive drain of scarce materials and have a serious domestic inflationary impact; three, that storage of such commodities in the United States will not unduly limit the space available for storage of domestically owned commodities; and fourth, that the purpose of such storage is to establish a reserve of such commodities for later use in the purchaser's country and not for resale to, or use by, third countries, all to the effect that the United States has not aided in

speculation in American commodities by foreign powers.

The bill would, therefore, make a significant contribution toward improving the access of U.S. farmers to foreign markets, without impinging the President's authority to control exports in extreme situations.

The present restrictions prohibiting agricultural export controls when supplies are in excess of domestic needs remain in force.

Third, Mr. President, the bill directly attacks the most repugnant dimensions of the Arab boycott against Israel. It recognizes that Arab States regard their boycott efforts as part of a continuing struggle against Israel. And it would be unrealistic not to recognize that the use of economic measures as a weapon in the Middle East struggle will continue until there is an overall political settlement, no matter what the Congress does. Boycotts are a common, although regrettable, form of international conflict. And there are severe limitations on the ability of outside parties to bring such boycotts to an end.

Nonetheless, measures can be taken to strengthen the resistance of American concerns to demands that they aid efforts to destroy Israel or discriminate against other American concerns for political, racial, or religious purposes. This bill reflects a strong belief that the United States should not acquiesce in attempts by foreign governments to enlist American citizens in their battles against friendly nations by forcing them to participate in actions which are repugnant to American values, American traditions, and American law. It is a bill which defends the sovereignty of the United States.

By prohibiting compliance with boycott demands for discrimination against U.S. citizens, and by requiring disclosure of participation in foreign boycotts, the bill directly attacks attempts to interfere with internal American affairs. It resists foreign boycotts against countries friendly to the United States. It does so by requiring public disclosure of actions taken by domestic concerns in response to requests to boycott friendly countries. And it prohibits compliance by American firms with the most objectionable aspects of such boycotts. American firms would be prohibited from discriminating against other American firms in order to aid nations at war with nations friendly to the United States. In addition, American firms would not be permitted to disclose racial or religious characteristics of their ownership or management as a condition of doing business with foreign countries.

These requirements protect the most fundamental American rights from interference by foreign powers. They defend the sovereignty of the United States and prevent American companies from being drawn into the conflicts of foreign nations. They will enable American companies to resist efforts to enlist them in a war against Israel.

This act may cost some business in Arab nations. If so, then it will be known that the sovereignty of the United States and its principles of decency and fair play are not for sale. It will be known, too, that the commitment of the United States to the survival of Israel is unequivocal; Israel will not be sold out for petro dollars.

Having said that, Mr. President, I reiterate that this act will not stop the boycott. It will only be stopped by an overall political settlement—and that requires an even handed American initiative beyond the competence of the Congress alone.

Finally, Mr. President, the new investment disclosure requirements of the bill will provide a means for securing accurate information about the identities of investors in U.S. companies without interfering with the free flow of foreign capital to the United States.

This bill is an attempt to deal responsibly with difficult and important issues. It is not an hostile or unfriendly gesture toward any power—and it would not be necessary if foreign powers were not interfering with fundamental rights of this Nation and its citizens. I urge the Senate to act favorably on the measure.

Mr. President, the Senator from New Jersey (Mr. WILLIAMS) has played a large part in the development of this legislation and particularly with respect to the investment disclosure provisions of the legislation.

I will yield to him to describe further those provisions of the bill.

Before doing so, Mr. President, I ask unanimous consent that a detailed summary of the bill be printed in the RECORD at this point.

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

SUMMARY OF S. 3084—EXPORT ADMINISTRATION, FOREIGN BOYCOTTS, AND INVESTMENT DISCLOSURE—AS ORDERED REPORTED BY THE SENATE BANKING COMMITTEE, MAY 6, 1976

TITLE I—EXPORT ADMINISTRATION

1. Extends the Export Administration Act for a period of three years from September 30, 1976 to September 30, 1979.

2. Amplifies existing law by providing that in administering export controls for national security purposes United States policy toward individual countries "shall not be determined exclusively on the basis of a country's Communist or non-Communist status but shall take into account such factors as the country's present and potential relationship to the United States, its present and potential relationship to countries friendly or hostile to the United States, its ability and willingness to control retransfers of United States exports in accordance with United States policy, and such other factors as the President may deem appropriate."

Requires periodic Presidential review of United States policy toward individual countries to determine whether such policy is appropriate in light of the above factors. The results of such review are to be reported to Congress annually.

3. Changes the Department of Defense's mandatory review responsibility from the review of exports to "controlled countries" (as defined in the Foreign Assistance Act of 1961) to the review of exports to countries designated by the President pursuant to the review process described immediately above. Effective date is 90 days after completion of first such review.

4. Requires the Secretary of Commerce, in cooperation with the appropriate technical advisory committees, to review existing U.S. unilateral and multilateral controls to determine whether such controls should be removed, modified, or added in order to protect the national security of the United States.

The Secretary of Commerce is also to explore, as part of such review, ways of simplifying and clarifying control lists.

The results of such review are to be reported to Congress within eighteen months.

5. Requires any person who enters into a contract or other arrangement which would transfer U.S. technology to nations to which exports are restricted for national security or foreign policy purposes to report same to the Secretary of Commerce within 30 days of entering into such arrangement.

6. Requires that in any denial of a license application, the applicant is to be informed in writing of the specific statutory basis for such denial.

7. Increases the term of industry members of the statutorily authorized technical advisory committees from two to four years.

8. Adds exports subject to multilateral controls to the matters on which technical advisory committees are to be consulted. In addition, it requires that such committees be informed of the reasons for any failure to accept any advice or recommendations which they may make or render to the government regarding export controls within their areas of responsibility.

9. Requires that whenever an export license application is referred to a multilateral control process for approval, the applicant, if he so requests, is to be given an opportunity to review the documentation to be submitted to such process for purposes of describing his proposed export in order to insure that it accurately describes the export in question.

10. Authorizes agricultural commodities purchased by or for use in a foreign country to be stored in the United States free from short supply export limits which may be imposed subsequently if the Secretary of Commerce, in consultation with the Secretary of Agriculture, receives assurance (i) that such commodities will eventually be exported, (ii) that neither the sale nor export thereof will result in an excessive drain of scarce materials and have a serious domestic inflationary impact, (iii) that storage of such commodities in the United States will not unduly limit the space available for storage of domestically owned commodities, and (iv) that the purpose of such storage is to establish a reserve of such commodities for later use, not including resale to or use by another country.

11. Increases the maximum penalties for violation of the Export Administration Act as follows:

a. Judicially imposed penalties for a knowing violation of the Act or any rule or regulation thereunder: the first time $25,000 (now $10,000); the second and subsequent times, $50,000 (now $20,000).

b. Judicially imposed penalties for exporting anything contrary to the Act or any rule or regulation thereunder knowing that the export will be used for the benefit of any country designated by the President pursuant to the country review process described in paragraph 2 above: $50,000 (now $20,000 where violator knows that such export will be used "for the benefit of any Communist-dominated nation.").

c. Administratively imposed penalties for violating the Act or any rule or regulation thereunder: $10,000 (now $1,000).

d. In addition, authority would be given to the Government to defray or suspend the payment of any penalty during any "probation" period.

TITLE II—FOREIGN BOYCOTTS

1. Requires U.S. firms which receive a request to comply with a foreign boycott to disclose whether they intend to comply and have complied with such request.

2. Requires that boycott reports which U.S. firms are required to file with the Department of Commerce hereafter be made public.

3. Prohibits U.S. firms from furnishing any information regarding the race, religion, or national origin of its employees, shareholders, officers, or directors or those of any other U.S. company where such information is sought for purposes of enforcing a foreign boycott.

4. Prohibits U.S. firms from refusing to do business with other U.S. firms pursuant to a foreign boycott demand.

5. Increases the administrative penalties applicable under the Act for a violation of its anti-boycott provisions from $1,000 to $10,000 and makes it clear that existing law authorizes the suspension of export privileges for violations of the anti-boycott provisions of the Act as well as any other provision of the Act.

6. Requires public disclosure of Commerce Department charging letters or other documents initiating proceedings against U.S. companies for failing to comply with the anti-boycott provisions of the Act.

7. Require the Commerce Department to provide the State Department with periodic reports on the information contained in the boycott reports filed by U.S. firms.

8. Require that the Commerce Department's semi-annual reports to Congress under the Act include an accounting of all action taken by the President and Secretary of Commerce to effect the anti-boycott policy of the Act.

9. Makes it clear that the Act applies to banks, other financial institutions, insurers, freight forwarders, and shipping companies as well as all other domestic concerns.

10. Provides that the refusal to deal provisions of the bill neither substitute for nor limit the operation of the antitrust laws.

11. Provides that the bill's anti-boycott provisions apply to persons as well as corporations.

12. Provides that the bill's refusal to deal provisions do not apply to conformity with requirements pertaining to the identity of the vessel on which exports are to be shipped so long as such requirements do not have as their purpose the enforcement or implementation of a boycott. The purpose is to exempt from the reach of the refusal to deal provisions compliance with restrictions common in the maritime trade regarding the vessel on which goods may be shipped.

TITLE III—INVESTMENT DISCLOSURE

1. Amends Section 13(d) of the Securities Exchange Act of 1934 to expand the disclosure requirements thereunder to include disclosure of the following additional information:

a. the residence, nationality, and nature of the beneficial ownership of the person acquiring the securities; and

b. the background and nationality of each associate of the purchaser who has a right to acquire additional shares of the issuer.

2. Imposes new disclosure requirements as follows:

Every holder of record of, and any other person having an interest in, 2% or more of any equity security of a U.S. company subject to the Exchange Act would be required to file reports as prescribed by the SEC at such time, with such persons, and containing such information as the SEC may require. The SEC would have authority to make exceptions not inconsistent with the public interest or the protection of investors.

The 2% threshold would be reduced to 1% on September 1, 1976 and to ½ of 1% on September 1, 1977. However, the SEC could accelerate or defer such dates or grant exemptions from these disclosure requirements if, after public comment, it concluded that such change or exemption was not inconsistent with the public interest or the protection of investors.

Mr. TOWER addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

Mr. President, the legislation we are considering today is entitled "The Export Administration Amendments, Foreign Boycotts, and Domestic and Foreign Investment Improved Disclosure Acts of 1976." Title I amends the Export Administration Act to improve the licensing process for high technology products and to extend the act for a period of 3 years. Title II also amends the Export Administration Act to clarify and strengthen U.S. policy opposition to foreign boycotts directed against U.S. firms or individuals and countries friendly to the United States. Title III amends the Securities Exchange Act of 1934 by enlarging the disclosure requirement under section 13 (d) and by adding a new section which requires disclosure by any person or entity owning 2 percent or more of a class of an equity security.

While I believe that the amendments to the Export Administration Act contained in titles I and II of this legislation are necessary and desirable, I have strong reservations about the adoption of title III of S. 3084.

Title III is divided into two sections. Section 302 amends section 13(d) to require disclosure of the background and nationality of individuals who are the beneficial owners of more than 5 percent of a class of any registered equity security. I support this modification, and I believe that it will substantially contribute to our knowledge of both foreign and domestic ownership of U.S. corporations.

The second section of title III, section 303, is troubling. It adds a new disclosure subsection 13(g) to the Securities Exchange Act which would require every person or entity having an interest in 2 percent or more of any class of a registered equity security, to report such interest plus other information in such form and at such intervals—but in no event more frequently than quarterly—as the SEC may prescribe. In addition, this reporting threshold would be reduced at regular intervals down to one-half of 1 percent unless the SEC finds that the lower reporting threshold is not in the public interest.

It is my belief and that of several other of my colleagues on the Banking Committee that the 2 percent disclosure threshold is not in the public interest and should not be enacted until sufficient cause can be identified to reason such a low level of disclosure. In hearings held during March 1975, in the Securities Subcommittee and again in July 1975, in the International Finance Subcommittee, virtually all departmental and executive agency witnesses expressed strong concern and outright opposition to the various proposals relating to foreign investment. I recognize that the legislation before us today is a substantial modification of earlier proposals, however, it still lacks the endorsement of any regulatory agency.

During the hearings one benefit alluded to was that the legislation would better enable corporations to communicate with their shareholders. If there is a need for better communication, then the study presently being conducted by the Securities and Exchange Commission, to examine the adequacy of the communication system between the corporation and the stockholder, should provide a basis for reaching an acceptable solution of this problem.

Another benefit deriving from this legislation which was vaguely referred to during the hearings was that it would assist Federal regulatory agencies in detecting violations of Federal law. Again, no affirmative testimony was given by our Federal regulatory agencies as to the need or the desirability of such new legislation.

The potential cost border of this legislation is also troubling. Preliminary evidence indicates that the costs of collecting and processing this information will not be inconsequential to financial intermediaries or to Federal regulatory agencies. It has simply not been demonstrated that the benefits of this legislation will outweigh those costs. In the end, it is the investor and the taxpayer who will pay the cost of broader disclosure.

Another aspect of this legislation which has not been adequately addressed is the question of an investor's right to privacy. I firmly believe that a beneficial ownership disclosure level of 2 percent and possibly one-half of 1 percent should only be required if it can be demonstrated that there is an overriding regulatory purpose for such disclosure. To date no overriding need has been demonstrated.

The enforcement provisions of this legislation also pose serious difficulties which have yet to be explored and resolved. How is this legislation to be enforced in the case of foreign nominees who are subject to their local privacy laws? It is doubtful whether this legislation could be equally enforced on both foreign and domestic concerns. Any laxity of enforcement, regardless of how meritorious the intent, could result in a competitive advantage to the noncomplying foreign institution. Former SEC Chairman Garrett briefly addressed this issue when testifying before the International Finance Subcommittee:

Another consideration is one of competitive fairness among fiduciaries—broker-dealers and trust companies and United States and foreign banks. The foreign part of the problem is not just one of even application of the law as written, but also as enforced. We have been engaged in long, and so far, futile, efforts to compel disclosure of bank customers in some countries, even for purposes of criminal investigations.

In addition, the legislation would make it unlawful for any person to effect a security transaction if he "knew or should have known" that there had been a violation of the legislation's reporting requirements by the person on whose behalf the transaction is effected. While it is not clear, this provision would appear to impose on any person performing a brokerage service a duty to make a reasonable investigation to ascertain whether a reporting violation had occurred. If so, the provision would place an undue burden on firms performing brokerage services that could raise the costs of securities transactions and adversely affect the functioning of the securities market.

I am not inextricably opposed to title

III of S. 3084. It may be a desirable piece of legislation, but I do believe that there are serious questions which have not been answered, that the need for this legislation has not been demonstrated.

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

Mr. STEVENSON. Mr. President, I yield such time as he may require to the Senator from New Jersey.

Mr. WILLIAMS. I appreciate the Senator from Illinois yielding to me.

Mr. President, as a cosponsor of this omnibus bill, I first want to express admiration for the painstaking effort and attention that the members of the Committee on Banking, Housing and Urban Affairs have devoted to the important basic issues it addresses; namely, the domestic manifestations of the Arab boycott of Israel and the improved disclosure of foreign and domestic ownership of U.S. corporations.

As it is before us today, S. 3084 is a composite bill, incorporating features of many bills introduced over the past and present sessions and referred to the Banking Committee.

Numerous days of hearings were held before two separate subcommittees; each subcommittee then marked up the bill before forwarding it to the full committee.

At each stage, the members of the committee scrutinized and modified the bill.

Against this background, it is fair to say that the committee has been most attentive to the need to formulate workable legislative answers to complex problems.

Since Senator STEVENSON has already described in detail the purposes of the antiboycott provisions, I associate myself with his remarks with only these brief additional thoughts.

The free and open climate in international trade that has always been a cornerstone of U.S. policy can only be achieved by ending restrictive and discriminatory trade practices stemming from the Arab boycott.

Distortions in international commerce and unconscionable discrimination that are the collateral effects of the direct Arab boycott of Israel should not be tolerated by the Federal Government or our nationals.

In particular, I strongly believe that U.S. businessmen should be protected against harassment and intrusion into their business affairs by members of the Arab League.

The domestic consequences of the Arab boycott underscore the need for a new resolve by our Government to protect its citizens' integrity—individual as well as corporate—from erosion under present international economic and political realities.

Essentially, that is the purpose of this bill.

Intensified efforts to expand and enforce the Arab boycott have interfered with domestic commerce.

In documented instances, firms operating in the United States have refused to do business with each other.

Americans are being asked and coerced into discriminating against fellow Americans based upon religious grounds or ethnic origins.

While such conduct may not be illegal, it is clearly abhorrent to our national commitment to free trade and violative of constitutionally guaranteed protections.

Once S. 3084 is enacted, I believe U.S. businessmen would be required to observe our longstanding official policy in opposition to the boycott.

And I believe the Federal Government—specifically, the Commerce Department—would have no excuse for failing to administer the act in a manner that comports with national policies and the expectations of American businessmen and citizens.

In addition to the antiboycott features of this legislation, title III of the bill would improve significantly the availability and accuracy of information about the ownership of U.S. businesses by amending the Federal securities laws.

Two distinct, but interrelated, developments point up the need for better information concerning corporate ownership.

The first is the dramatic growth of foreign investment in the United States in recent years; the second is the longstanding difficulty, and in many cases the impossibility, of determining who actually owns and controls publicly-owned corporations.

Mr. President, each of these points is important enough in its own right to justify prompt action on S. 3084; taken together, the need is compelling.

Reports by the Federal Energy Administration, the Council on International Economic Policy, and the interim reports on foreign portfolio and direct investment submitted to Congress by the Treasury and Commerce Departments pursuant to the Foreign Investment Study Act of 1974, all concluded that U.S. Government monitoring of foreign ownership is inadequate.

Moreover, there is widespread agreement that our present data gathering capabilities are seriously deficient, thus handicapping ongoing analyses of the national and international economic and policy questions raised by the dramatic increases in foreign investment.

To remedy this shortcoming of our present disclosure requirements, title III of the bill would amend section 13(d) of the Securities Exchange Act of 1934, which I sponsored in 1968, to require additional disclosure concerning residence, nationality and nature of the beneficial ownership, as well as the background and nationality of each associate of the purchaser, acquiring more than 5 percent of a public company's stock.

With the benefit of this augmented disclosure, for the first time it will be possible to measure the extent to which foreign investors have acquired or seek to acquire controlling or potentially controlling interest in U.S. corporations.

And it will do this without discriminating against foreign investors or imposing on them any additional burdens.

While national policy toward foreign investment is assessed on a continuing basis with information that is essential to the intelligent formulation of sound policy, the United States "open door" toward investment from abroad will remain wide open unless and until events make it clear that revisions are warranted.

The second element of title III relates to disclosure of stock ownership in a broader sense.

The problems of determining who actually owns and controls American business dates back at least to the beginning of this century.

Immediate concern over the monitoring of foreign investment, however, has accelerated the search for an effective solution.

Title III would attack this problem by enlisting the aid of recordholders in securing public disclosure of essential information regarding the ownership and control of U.S. corporate securities.

Every recordholder of, and any other person having an interest in, 2 percent or more of any class of equity securities described in section 13(d)(1) of the Securities Exchange Act of 1934 would be required to disclose that interest and such other ownership information as the SEC may by rule prescribe.

These new reporting requirements would be applicable initially to persons having an interest in 2 percent or more of a corporation's securities.

The threshold would be reduced eventually, according to a specified timetable, first to 1 percent and, finally, to one-half of 1 percent.

However, the SEC would have discretion to shorten or extend these periods if, after considering certain matters set forth in the bill, it finds that such action is not inconsistent with the protection of investors or the public interest.

Several recent authoritative studies done by the Subcommittee on Securities—Securities Industry Study Report (1972); the SEC—Institutional Investor Study (1971); and the Senate Government Operations Committee—Disclosure of Corporate Ownership Study (1973), Corporate Ownership and Control (1975)—document the need for more effective disclosure of corporate ownership.

Immediate and far-reaching consequences result from present difficulties in obtaining accurate ownership information:

First, neither companies nor their stockholders have information which is needed to protect their own interests.

Second, neither Federal agencies, the executive branch, nor the Congress has available sufficient information upon which to base reasoned public policy.

Third, the present inadequacies may actually impede the availability of such information where required by law, mask activities which could entail civil or criminal penalties; and cause costly duplicative overlaps which the regulated companies, their shareholders, and the taxpayers must bear.

And I should add, Mr. President, that this is so despite the fact that adequate and accurate information concerning ownership has been required by Congress and mandated by many regulatory agencies for many years.

Clearly what is called for is improved disclosure of ownership information, and this bill is the enabling legislation.

Mr. President, public policy in support of enhanced disclosure in securities transactions follows a pattern which began with the Securities Acts of 1933 and 1934.

This legislation will complement continuing efforts within the executive branch, the regulatory agencies and the Securities Subcommittee to increase the availability of information which is vital to the development of sound policy in complex areas where important national and international issues are at stake.

I, therefore, urge its prompt passage today and, hopefully, enactment in the near future.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

UP AMENDMENT NO. 398

Mr. TOWER. Mr. President, I call up an unprinted amendment which I have at the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Texas (Mr. TOWER) proposes an unprinted amendment numbered 398.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

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

Mr. TOWER's amendment is as follows:

On page 10, line 17, before the period insert the following: ", *Provided, however,* That such rules and regulations shall not prohibit any domestic concern or person from refusing to pay, honor, advise, confirm, process, or otherwise implement a letter of credit where the domestic beneficiary thereof fails to comply with the conditions or requirements thereof except a condition or requirement regarding any person's race, religion, or national origin or the domestic beneficiary's dealings with other domestic concerns or persons, and any such conditions or requirement shall be null and void."

Mr. TOWER. Mr. President, my proposal would amend S. 3084 to eliminate a potential unintended and inconsistent consequence resulting from enactment of the legislation. My amendment provides that financial institutions will not be held liable under the refusal to deal provisions of the proposed bill when processing letters of credit except under certain circumstances. Under the terms of this amendment, if the domestic beneficiary fails to comply with the conditions or requirements of the letter of credit, the financial institutions may refuse to honor the contract except for conditions or requirements regarding any person's race, religion, or national origin or the beneficiary's dealings with other domestic concerns or persons. Therefore, should U.S. banks accept letters of credit which require certifications regarding a person's race, religion, or national origin or the exporter's business dealings with other U.S. firms, any such requirement would be unenforceable, and a bank's refusal to honor such a letter of credit if the beneficiary refuses to comply would constitute a violation of law.

Mr. President, I have talked this over with the manager of the bill (Mr. STEVENSON), and I believe he is prepared to accept it.

Mr. STEVENSON. Mr. President, I believe this amendment is technical. It conforms the requirements of the antiboycott provisions with respect to exporters for the intermediaries in the export process, including banks. In fact, without such an amendment, it is possible that a bank would be guilty of violating the antiboycott provisions by refusing to honor a letter of credit in a situation where the exporter was complying with the antiboycott law.

So I have no objection to the amendment, and if there are no other objections, I am prepared to accept it.

Mr. TOWER. I yield back the remainder of my time.

Mr. ABOUREZK. Mr. President, I would like to ask a question, if I may, of the author of the amendment.

The prohibition against the refusal of the letter of credit is based on discrimination on the grounds of religion, race, or national origin; am I correct?

Mr. TOWER. That is right. That prohibition is made.

Mr. ABOUREZK. That is the only grounds upon which it is based?

Mr. TOWER. That is right.

Mr. ABOUREZK. I thank the Senator.

Mr. TOWER. I yield back the remainder of my time on the amendment.

Mr. STEVENSON. Mr. President, there is only one clarification with which I believe the Senator from Texas will agree. There is one other prohibition that would be made, and that is the prohibition against discrimination against other American businesses.

Mr. TOWER. That is correct.

Mr. STEVENSON. I thank the Senator for that clarification.

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

The PRESIDING OFFICER (Mr. SPARKMAN). The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 399

Mr. HUDDLESTON. I send an unprinted amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kentucky (Mr. HUDDLESTON) proposes unprinted amendment numbered 399.

On page 8, between lines 4 and 5, insert the following:

SEC. 110. Section 3 of the Act is amended by adding at the end thereof the following:

"(8) It is the policy of the United States to use export controls to encourage other countries to take immediate steps to prevent the use of their territory or resources to aid, encourage, or give sanctuary to those persons involved in directing, supporting or participating in acts of international terrorism. To achieve this objective, the President shall make every reasonable effort to secure the removal or reduction of such assistance to international terrorists through international cooperation and agreement before resorting to the imposition of export controls."

Mr. HUDDLESTON. Mr. President, as the reading of this amendment in its entirety indicates, it is an amendment designed to increase our ability to deal with the escalating problem of international terrorism. The amendment adds a new section to the Export Administration Act, expressing that it is the policy of the United States to use export controls where they might be effective in encouraging other countries to take steps to prevent the use of their territory or resources to aid, encourage, or give sanctuary to those persons involved in directing, supporting, or participating in acts of international terrorism.

I have discussed this amendment with the manager of the bill and I believe he is prepared to accept it.

Mr. President, I am offering an amendment today which I belive will increase our ability to deal with the escalating problem of international terrorism. My amendment would add a new section to the Export Administration Act expressing that it is the policy of the United States to use export controls where they might be effective in encouraging other countries to take steps to prevent the use of their territory or resources to aid, encourage, or give sanctuary to those persons involved in directing, supporting or participating in acts of international terrorism.

Terrorists are fanatically committed to their own political philosophy. They are prepared to commit any crime or carry out the most heinous of acts to further what they perceive to be their political goals.

Because they are totally dedicated individuals, only a firm and positive commitment from all countries throughout the world can hope to stop them. We must be committed to use every lawful weapon at hand to prevent and discourage acts of terrorism and to assure swift and certain punishment in accordance with law once the act has been perpetrated. Without this dedication terrorists will continue to enjoy the advantage of striking when and where they please with impunity.

The tragedy of terrorism has been brought even more forcefully home to us within the last few weeks. On August 11, a Senate aide was among those four innocent travelers killed by terrorists in Istanbul, Turkey. The four are now added to the growing list of approximately 800 people who have died and 1,700 who have been wounded by terrorist related attacks. To allow this list to continue to expand without doing everything within our power to prevent it would be a travesty.

Obviously, there is no one means of combatting terrorism. There are many avenues which should be pursued. I do not suggest in proposing this amendment that other activities should be abandoned or lessened.

However, I do think it important for us to demonstrate firmly and immediately that we do not—that we cannot—condone terrorist activity and that we as a Nation will seek to utilize various tools, whether they be diplomatic or economic, in our quest for a terror-free world.

With this amendment, we can make it clear that the United States will examine export controls as a possible means of limiting terrorism. Under it, the President would be free to consult with other nations regarding the role export controls should play in the battle against terrorist activity. He would be free to weigh the impact of possible use of such controls. He would be free to decide whether use of such controls or the threat of their use would be useful or counterproductive in achieving our goals.

At the same time we in the Congress and in this Nation would have sent a firm signal throughout the world that we intend to use whatever legitimate means we have at our disposal to discourage and prevent acts of terrorism. It will be a message which is clear and consistent with other antiterrorist legislation passed by this Congress.

Terrorism today knows no boundaries. No nation is free from its threat. Innocent victims, bystanders, and children are forced to suffer in places throughout the world.

We need to make it clear that terrorism, for whatever reason, arouses no sympathy. We need to make it clear that no cause, whatever it may be, justifies the resort to kidnapings, hijackings, bombings, and murder. And, we need to make it clear that each nation in an interdependent world has the responsibility to cooperate in efforts to prevent terrorism. For without this cooperation, no one—regardless of his political affiliation, will be safe from these senseless attacks.

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

Mr. HUDDLESTON. I yield.

Mr. JAVITS. Mr. President, on yesterday, I submitted a general resolution respecting the effort to curb terrorists through our ability to afford landing and air service rights to other countries' aircraft and also including any relationships with other countries including commercial relationships by the United States. I welcome this amendment, and I am delighted that the Senator has offered it.

I ask the Senator what is the meaning, however, of the second sentence which on its face requires some explanation as to why in one breath we want very much to see the President use his power and in the next breath we say, however, he shall not use it?

Mr. HUDDLESTON. We are not saying that the President cannot use that power or should not use the power. We are giving him the discretion to use it if in his judgment it is appropriate and can be effective.

Mr. JAVITS. In other words, what the Senator is doing is seeking to give him a priority of remedy, that is, not to resort to export controls if it is possible to do it some other way.

Mr. HUDDLESTON. That is essentially correct.

Mr. JAVITS. But there is no design any way to negate what the first sentence gives, to wit, the policy of the United States, which it is the President's duty if we adopt this and it becomes law to implement.

Mr. HUDDLESTON. That is correct.

Mr. JAVITS. So that it is in order of priorities. Is that its only reason, simply so he should not have to use his most drastic remedy immediately?

Mr. HUDDLESTON. The general purpose is to give him this additional authority, perhaps effect an objective without resorting to other remedies.

Mr. JAVITS. I thank my colleague for that explanation.

Mr. HUDDLESTON. I joined as a cosponsor the resolution submitted yesterday by the distinguished Senator from New York.

I think this is a very serious matter. Certainly the time has come when all countries should begin to focus on this problem and add some resolution to it.

Mr. JAVITS. I thank my colleague very much.

Mr. HUDDLESTON. I yield back my time.

Mr. STEVENSON. Mr. President, I believe the Senate has passed similar legislation in a different context. I think this amendment is sound. Unless the Senator from Texas has any objection to it I am prepared to accept it.

Mr. TOWER. For the minority I may say that I heartily concur with the amendment and that I am certainly prepared to accept the amendment of the Senator from Kentucky.

Mr. STEVENSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TOWER. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 400

Mr. HUDDLESTON. Mr. President, I send an additional amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kentucky (Mr. HUDDLESTON), for himself, Mr. BELLMON and Mr. MCGOVERN, proposes unprinted amendment No. 400.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 8, between lines 4 and 5, insert a new section as follows:

SEC. 110. Section 4(f) of the Act is amended by adding at the end of paragraph (1), as designated by section 108 of this Act, the following new sentences: "However, no export controls on any agricultural commodity may be imposed pursuant to the President's determination that the exercise of the authority conferred by this section is required to effectuate the policies set forth in clause (B) of paragraph (2) of section 3 of this Act until (1) the President's determination has been transmitted to the Congress and (2) a period of 30 days has expired following the date of receipt of the determination by the Congress without the adoption by both Houses of the Congress of a concurrent resolution stating that the Congress does not favor the imposition of export controls pursuant to the President's determination. In the computation of the 30-day period, there shall be excluded the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die.".

Mr. HUDDLESTON. Mr. President, almost without exception the American farmer produces more of the basic commodities than can be consumed within the United States. Therefore, foreign demand is inevitably a significant factor in determining commodity prices.

By approving the Agriculture Act of 1970 and the Agriculture and Consumer Protection Act of 1973, Congress reduced the farmer's dependence on Government price support programs solely on the premise of unlimited access to world markets. The Nation's farmers have responded by bringing 31 million acres back into production. The increased costs involved in that expansion must be recovered from prices determined by free access to world markets.

We now export about 60 percent of our wheat, 50 percent of our rice, 50 percent of our soybeans, 35 percent of our sorghum, 25 percent of our corn, 40 percent of our cotton, and 30 percent of our tobacco. This means U.S. agriculture is currently providing more than half the grain and soybeans moving in international trade.

In terms of volume of total agricultural trade, we expect to ship a record 103 million tons of bulk products in 1975–76, compared with 85 million tons last year and 100 million tons the year before. But as recently as 1969 we exported only 47 million tons.

There is no question that farm exports are vital to our balance of payments and are contributing significantly to a surplus in our international trade account. Fiscal 1976 farm exports reached $22 billion. The value of total agricultural trade for fiscal 1974 and fiscal 1975 were over $21 billion.

By the end of this century it is projected that this worldwide demand for agricultural products will increase substantially. This increased demand will be due to two things.

First, the Earth's population is increasing at an annual rate of 1.6 percent. This is a yearly population increase of 63 million people—approximately equal to the population of all the southern region of the United States.

Second, the Earth's billions are demanding better diets.

Most farmers welcome the concept of income dependence on the marketplace

instead of Government payments. And they have responded by substantially increasing acreage devoted to major commodities.

Farmers will continue to respond to the incentives of the market, provided they have unfettered access to those markets. In my judgment, nothing is more counterproductive to the long-term interests of consumers or more unjust to the farmer than the erratic imposition of export controls which we have experienced during recent years.

In 1974 and again in 1975, the President acted to restrict exports of grain to the Soviet Union and other Eastern European countries. These actions by the President represented the first political reactions to the uncertainties inherent in our market-oriented farm programs.

If we are going to have a farm program geared to the market, as the Congress and the public have demanded, then we must allow it to work. The alternative is a continuation of the knee-jerk responses to market uncertainties that we have experienced with moratoriums and cancellations of export sales. This alternative will inevitably lead us back down the road to tight controls and large Government payments. It must be either or; it cannot be both.

Mr. President, section 4(f) of the Export Administration Act of 1969 permits the Secretary of Agriculture to approve export controls on an agricultural commodity even though it is in surplus supply, if the President determines controls are required to significantly further the foreign policy of the United States and to fulfill its international responsibilities or to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States.

No one can argue that the President should have the authority to impose export controls when necessary or even significant to the national security. In my judgment, however, the importance of export markets to the maintenance of a healthy farm economy to produce, process, and deliver food and fiber to the American people should outweigh nonsecurity diplomatic considerations—at least to the extent of requiring congressional approval before the imposition of export controls on the basis of such considerations.

The amendment I am introducing today provides for congressional approval of the imposition of export controls on agricultural commodities for nonnational security and noninflationary control purposes pursuant to the authority granted the President by the Export Administration Act of 1969 as amended.

If adopted, this amendment would require that no export controls be imposed on any agricultural commodity for the purpose of furthering foreign policy or fulfilling international responsibilities until: First, the President's determination that export controls are required to effectuate furtherance of foreign policy or fulfillment of international responsibilities has been transmitted to the Congress; and second, a period of 30 days has expired without the adoption by both Houses of Congress of a concurrent resolution stating that the Congress does not favor the imposition of export controls pursuant to the President's determination.

Mr. President, this amendment would provide for congressional approval of agricultural export controls being used for foreign policy purposes. It would not require congressional approval for export controls being imposed to reduce inflationary impact of foreign demand or for national security purposes.

We must curtail the temptation to use embargoes on farm exports to achieve some temporary or possible illusory diplomatic or political objective. The permanent damage such an embargo would cause to our domestic agricultural economy in the form of reduced farm income, reduced employment, reduced food production, and substantially higher food prices to consumers is irreparable.

I have discussed this amendment with the distinguished floor manager of the bill and I believe he is prepared to accept it.

Mr. McGOVERN. Mr. President, I am pleased to cosponsor the amendment of the distinguished Senator from Kentucky (Mr. HUDDLESTON). Agricultural exports have become so vital to our country that in the fiscal year just ended, the difference between our agricultural exports over our agricultural imports virtually bailed the country out of what would have been a drastic trade deficit.

Our farmers have responded to pleas from the administration to increase production. Farm production is now at a point where, in order to avoid tremendous carryovers with resulting price depressants, we must now export over 60 percent of our wheat, 25 percent of our corn, and half of our soybeans. Farmers, in order to take the risk of full production, must have the assurance from the administration that there will be no export controls except for national security matters of critical supply and related conditions.

The soybean embargo of 1973 and administration action in 1974 and 1975 to restrict grain exports to the Soviets and Eastern European nations produced a roller coaster market in which many farmers lost millions of dollars and some traders made corresponding millions depending on their market positions.

Presently, provisions of the Export Administration Act allow the President to impose export controls for a number of reasons including a provision to further foreign policy or fulfill international responsibilities. Few can take issue with the need for our Chief Executive, whoever he may be, to have the responsibility to guard our national security. On the other hand, foreign policy is as much a responsibility of the Congress as it is of the President. The amendment for consideration at this moment would require the President to consult with the Congress for a period of 30 days before imposing any controls on agricultural commodities for purposes of furthering foreign policy or fulfilling international responsibilities. In short, it would prohibit without congressional approval, export controls for foreign policy purposes.

The amendment adds a degree of protection for farmers in that it requires Congress to give its approval to what could be illusory diplomatic efforts on the part of an administration which chose to use the magnificent production efforts of the American farmer in a manner in which the farmer could quite possibly be the eventual loser. I urge the approval of the amendment.

Mr. STEVENSON. Mr. President, I have discussed this amendment with the distinguished Senator from Kentucky. I am sympathetic to its objective. I think it is a sound amendment, and I will accept it and take it to conference.

Mr. TOWER. Mr. President. I am sympathetic with the objective, because too often the American farmer has been misled into producing more than he has a future market for. This has been the cause for much of the travail that has been suffered by our farmers.

However, I think the method is questionable, and I wonder if it is not misleading. There are no expediting features in the proposed legislation, and I do have some serious questions about it.

I am concerned about restricting the flexibility of the President to act in foreign policy situations. I am, however, interested in seeing the development of markets abroad for American agricultural produce. We can produce more than we produce now, and we should expand our markets to absorb that capacity to produce.

I should like to consider this matter and ponder it as we take it to conference, so I am prepared not to oppose the amendment at this time and go to conference with it.

Mr. HUDDLESTON. I thank the distinguished Senator from Texas.

I yield back the remainder of my time.

Mr. STEVENSON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 401

Mr. INOUYE. Mr. President, I submit an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Hawaii (Mr. INOUYE), for himself and Mr. FONG, proposes an unprinted amendment numbered 401.

The amendment is as follows:

On page 7, at the end of line 3, insert the following:

Petroleum products refined in U.S. Foreign-Trade Zones from foreign crude oil shall be excluded from any quantitative restrictions imposed pursuant to Section 3(2)(A) of this Act and the provisions of Section 103(a) of the Energy Policy and Conservation Act, *Provided however:* If the Secretary of Commerce in conjunction with the Administrator of the Federal Energy Administration shall find that a product is in short supply, the Secretary of Commerce is authorized to issue such rules and regulations as may be necessary to limit exports in accordance with the Administrator's recommendations.

Mr. INOUYE. Mr. President, recently, the Federal Energy Administration—FEA—decontrolled a number of petroleum products. This action was taken

primarily because the FEA found that those products are no longer in short supply in the domestic market.

This abundance has been achieved at least in part, because of expanded domestic refinery capacity during the last several years. However, that trend has recently begun to slow.

In order to further stimulate such growth and strengthen our position in the world energy market, I have offered an amendment to the Export Administration Act currently before the Senate.

The amendment removes short supply controls from petroleum refined from foreign crude oil in a U.S. foreign-trade zone. I would offer the following comments on its behalf.

The purpose of our current domestic energy program is to increase domestic oil production and refinery capacity with the end result of energy self-sufficiency during this country's third century. However, current short supply export controls severely restrict exports of refined petroleum products without regard to whether or not they were refined from foreign or domestic crude. The application of short supply controls to petroleum products processed entirely from foreign imported crude oil in a U.S. foreign-trade zone do not further the intent and purpose of the Export Administration Act of 1969. In fact, the application of the controls to FTZ refiners work contrary to the intent and policies enumerated in the act. The restrictions on U.S. foreign-trade zones exports of petroleum products processed from foreign imported crude oil neither drain a scarce material nor have an inflationary impact and are, therefore, unnecessary.

Rather than creating a drain on domestic supplies, the proposed limited exemption of petroleum products refined from imported crude oil in U.S. foreign-trade zone from short supply export controls would provide a needed incentive to expand domestic refinery capacity without the need for domestic price incentives, or draining domestic reserves. In fact, each barrel of refined petroleum product shipped from a U.S. foreign-trade zone improves our balance of payments by approximately $2, and thereby eases the burden of inflation but also greatly enhances the U.S. position in world energy markets.

Current Federal Energy Administration publications and recent congressional hearings indicate that there is no current domestic shortage of residual fuel oils, middle distillate products, or naphtha. Any impairment of our ability to export excess products on hand on a short-term basis, would not only have a negative impact on our balance of payments, but would restrict storage capacity for products currently needed and could force refineries to operate at reduced capacity and efficiency. It is basic economics that if a raw material is imported for processing, manufacturing or assembling, and then exported at a profit, the country in which it increased in value and is then reexported, will not only benefit from a better balance-of-payments position, but will gain additional jobs and taxes.

In short, this amendment does not create any extra authority to export. Rather, it imports jobs.

Let us not forget that the Export Administration Act, which we consider today, places equal emphasis on removing controls as it does on imposing them. It would be a tragedy of great magnitude if we lost sight of that balance—in order to gain a politically expedient goal at the expense of America's position in world trade.

Mr. President, I ask unanimous consent to have printed in the RECORD questions and answers we have formulated in connection with this amendment.

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

QUESTIONS AND ANSWERS

Q–1. What does the Amendment do?

The proposed Amendment would exempt petroleum products refined from foreign, imported crude oil in U.S. Foreign-Trade Zones from quantitative, short supply export controls under the Export Administration Act and the Energy Policy and Conservation Act.

It would not amend any provisions of those Acts regarding National Security controls or emergency authority, thereby leaving full authority to act in an emergency or embargo situation.

Q–2. Won't that cause a lot of oil now being used domestically to leave the country?

No. Since the Amendment is limited to products refined from imported, foreign crude oil, there would be no drain on domestic supplies.

Furthermore, under the current FEA entitlement program, a $3.00 per barrel advantage is granted to those refiners selling this type of product in the U.S. That advantage, or "entitlement" is lost to the refiner if it exports the product. Therefore, in reality, only excess products would be exported; products for which there is no domestic market.

Q–3. Won't there be an inflationary impact?

Absolutely not. Each barrel of foreign crude processed in the U.S. and reexported brings in a $2.00 benefit to the U.S. balance of payments, thereby easing inflation, adding jobs, and bringing in additional tax revenues.

Q–4. Won't there be a rush to build refineries in Foreign-Trade Zones?

Setting up a refinery in a Foreign-Trade Zone is a two to three year process so there won't be a "rush".

The Amendment could attract some refiners to the Foreign-Trade Zone concept since it is an incentive to locate refineries in the U.S.. In other words, if the Amendment were to pass, U.S. companies now considering building refineries abroad could well decide to locate in the U.S., thereby adding to our domestic refining capacity.

Q–5. Why can't some other section of the Act be amended, such as Unique Hardship Relief?

The Act itself was never intended to apply to short supply controls in Foreign-Trade Zones. In fact, the authority for this type of limited exemption already exists in Commerce Department Regulations. (15 C.F.R. 377.1(b)). However, the Department of Commerce has never used it because of the lack of a clear congressional mandate.

Further, Commerce Regulations governing Hardship-Relief allow only limited relief, and will grant it only in the form of specific temporary licenses, covering a single sale of a specific comodity to a designated customer in a particular country. In the best of circumstances, each license takes a minimum of three weeks to obtain; effectively prohibiting exports to the volatile fast-moving world oil market where contracts are made by telephone on 24 hour commitments.

Also, current Commerce Department license-free export quotas, with very few exceptions, are in less than tanker-load lots. This makes a hardship license necessary for most shipments and further increases red tape and delay in completing a transaction.

Q–6. Is there precedent for such an exemption?

Yes. A similar, but much broader exemption already exists for agricultural products, and the authority for exempting all Foreign-Trade Zones already exists in Commerce Department Regulations. (See question 5 above)

All this Amendment proposes is a limited exemption of petroleum products of foreign origin.

Q–7. If another emergency or OPEC embargo were to occur wouldn't this Amendment render the government powerless to stop the flow of oil out of the U.S.?

No. First, the Amendment refers to "quantitative restrictions" only and leaves fully intact those controls based on National Security.

Second, the EPAA provides full standby authority for the reallocation of oil and refining capacity in the event of an emergency. That authority is not affected by the Amendment.

Mr. INOUYE. Mr. President, I have discussed this matter with the distinguished managers of the bill, the Senator from Illinois and the Senator from Texas, and it has been cleared. I have been assured that this measure will be received favorably.

Mr. STEVENSON. Mr. President, the Senator from Hawaii and I have discussed this measure; and I believe that, as submitted, it is in satisfactory form. It does contain provisions that would permit the imposition of export controls in the event of short supply situations. That being the case, I have no objection to the amendment.

Mr. TOWER. Mr. President, I believe that the amendment has been substantially improved through a compromise struck with the Senator from Illinois and the Senator from Hawaii. While I do not wax wildly enthusiastic about the measure, I am delighted to accept it because of the lucidity and the persuasiveness of the remarks by the distinguished Senator from Hawaii.

Mr. INOUYE. I thank the Senator from Illinois and the Senator from Texas.

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

Mr. STEVENSON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ABOUREZK. Mr. President, I should like to direct a question to the manager of the bill, Senator STEVENSON, with regard to title II, the foreign boycott provision.

Mr. STEVENSON. Mr. President, is the Senator offering an amendment?

Mr. ABOUREZK. I might.

Mr. STEVENSON. Mr. President, I am happy to yield to the Senator for a question.

Mr. ABOUREZK. With regard to the boycott provision, I ask the manager of the bill exactly what are the conditions

which are tried to be prevented by the inclusion of this title in the bill—what kind of conditions of the boycott, and so forth?

Mr. STEVENSON. Mr. President, as I indicated earlier, it is not possible for Congress to legislate an end of the Arab boycott. That will happen only when, with the assistance of the United States, there is an overall settlement to the conflict in the Middle East.

This measure is intended to protect some fundamental rights of American citizens and the sovereignty of this country. Basically, the provisions to which the Senator alludes do three things; they seek to achieve those purposes by three methods.

One is simply to require full public disclosure of all demands against American citizens for compliance with boycotts against friendly countries by foreign powers and the actions of the companies in compliance, or not, with those demands. Public disclosure is one of the methods.

It also prohibits compliance by any American company with any boycott demand that would require that company or citizen to discriminate against another American firm in order to carry out the political objectives of a foreign power.

Finally, the only other prohibition in the proposed legislation is that it would prohibit American firms from discriminating against other citizens or firms on grounds of race or religion.

It also prohibits firms, in response to requests from foreign powers, to disclose the racial or the religious identity of their stockholders, their directors, their management.

That, in summary, is what this bill does in order to achieve those purposes.

Mr. ABOUREZK. I agree with the third section mentioned by the Senator from Illinois. I do not believe there should be any discrimination by anybody, nor should we allow it on the grounds of race, religion, or ethnic origin. I fully agree with that.

The part that I would question is the second one mentioned by the Senator, and that is a prohibition in this bill against anybody who takes part in the Arab boycott with regard to companies, as I understand it, under the terms of the Arab boycott, that aid Israel in any way, aid in their military activities against the countries with which it is at war.

I do not have any illusions about the outcome of this bill or of this title, for that matter. But it seems to me that if Congress is going to press that point, if it is going to say that one country, a third country, cannot boycott a fourth country with which it is at war, that we are doing nothing to hurt that country to prevent it from continuing its boycott, what we are doing is damaging the American economy by virtue of putting in this kind of provision. I think it is probably one of the more insane acts that we have participated in in the Senate since I have been here.

I think the Senator from Illinois (Mr. STEVENSON) sat with the Minister of Planning from Saudi Arabia at breakfast, along with about 25 other U.S. Senators, just a couple of weeks ago and heard his description of what might happen if antiboycott legislatiton were passed. That is simply this: The Arabs are not going to end their boycott against firms they considered as helping Israel; all they are going to do is go elsewhere to look for business. If that is what the Senate wants to do, I guess they are going to have to take responsibility for it one way or the other. But it seems to me it does not make much sense, unless we are so totally captivated by the lobby of the Government of Israel that we are going to damage the economy of the United States no matter what.

Mr. STEVENSON. Mr. President, my bill may, as I mentioned earlier, cost the United States some business, though not for all of the reasons that the Senator from South Dakota mentioned. I have met with Arabs and with many others to discuss this legislation. I find widespread misunderstanding about what, precisely, it does.

This legislation makes it known that the United States will not brook any interference in its internal affairs. It is an effort to protect the sovereignty of the United States and the most fundamental rights of American citizens. It does not, as the Senator said, attempt to prevent a foreign power from boycotting another foreign power. That would be impossible.

Mr. ABOUREZK. If the Senator will yield for just a minute; I thought he said it did prohibit that.

Mr. STEVENSON. What is more, it would also be hypocritical. Powers at war resort to whatever instruments are at their disposal. The United States, among other nations, has resorted to economic boycotts in the past. It would be naive for it to seek to prohibit boycotts. It does not attempt to prohibit boycotts by one power against another power. What it does do is say that when, in attempting to achieve your political purposes through an economic boycott, you interfere in the internal affairs of the United States by requiring one American company to discriminate against another American company or to discriminate against one citizen for reasons of race or religion, that is going too far.

Mr. ABOUREZK. As I said, I agree with that portion. I do not think there ought to be any discrimination on grounds of race or religion or ethnic origin. I wish that the Senator had restricted the title to it. I think it would have been, by far, more sensible and more acceptable to a number of people in the Senate.

The thing is that this nice language that the Senator has come out with, in which he is trying to prevent any interference in the sovereignty of the United States, is another way of saying that we are going to stop the Arabs from boycotting Israel. I really believe, and I think the Senators understand, too, that we are not going to do that. All we are going to do is lose business for companies in the United States.

Mr. STEVENSON. If they lose business, it will be known that our sovereignty and our principles are not for sale. My own feeling is that it will cost very little and that it will protect some American companies and help them stand up to requests for compliance with the most objectionable dimensions of the boycott, and without costing them business. There will be a monetary price, a small one, in view of what is at stake, it seems to me, including the sovereignty of the United States and its commitment to equal rights and fair play and justice.

Mr. ABOUREZK. It does not really have anything to do with equal rights and fair play. It goes beyond seeking to obtain equal rights and fair play. What it seeks to do is stop one nation from boycotting another. I think it is very clear, as we discussed earlier, that that is not going to happen.

I thought that probably ought to be said here on the Senate floor before we act on the bill.

Mr. STEVENSON. Mr. President, I appreciate what the Senator has said. I know something of the depth of his feelings and about the complexity of this issue. And there are some aspects of the conflict in the Middle East on which I agree wholeheartedly with the Senator from South Dakota. One such point is that this boycott will not be ended unless there is a political settlement. That is going to require a new and even-handed initiative from the United States.

Mr. JAVITS. Mr. President, will the Senator yield to me very briefly?

Mr. STEVENSON. Mr. President, I am happy to yield to the Senator from New York.

Mr. JAVITS. This is on the boycott provision, but not in any way to get into any debate on it, which I think the Senator from Illinois handled very well.

My own State of New York has passed a strong antiboycott law on the State level. Other States have such laws—for example, Maryland and Massachusetts. Others are working to pass one. My own State officials have indicated that they will welcome the Federal law, and in fact they have been working to get one, and they support this bill. It is clearly a problem which needs to be dealt with on the national level so that States which have acted will not be penalized for their actions.

We have stories, based on fact, that the Port of New York, the Port of Baltimore, and other ports are losing business because of the fact that they have acted and others have not. Therefore, I wish to add their approval, on these rather hard-headed economic grounds, of national legislation in this field because of the disadvantage which is coming to States which have acted in what I consider, and obviously, the manager of the bill considers to be the right spirit characterizing our country as far as this issue is concerned.

I thank my colleague.

I do not know whether the Senator considered preemption in connection with the bill? Did he or not? If so, I do not know about it.

Mr. STEVENSON. Mr. President. I appreciate the Senator's comments and am quite aware of the possibilities that exist, particularly in New York, and also in the State of Illinois, for injury to those States which take action and have legislation leveled against the boycott.

The question of preemption has been considered. It was not addressed squarely in the hearings. This bill, as the Senator knows, does not contain a preemption provision. Perhaps it should. My own mind is open on that subject. It does not because some States, including those represented by the Senator from New York and myself, have taken steps which are even more far-reaching than this. I think in several cases, at least, those more far-reaching measures have proved unworkable or unenforceable. It might be wise for Congress to consider preemption on grounds such as we are proposing for action today, which are not quite as extreme, but are going to be more effective. However, it was not addresed in committee. There is no such provision in the bill and, as far as I know, there is no intention on the part of any Member to offer such an amendment. My mind is open to further consideration of such a possibility.

Mr. JAVITS. And Senator STEVENSON himself does not have any such intention.

Mr. STEVENSON. No, I do not, for the reasons that I have already mentioned.

Mr. JAVITS. Of course, preemption is in the hands of each State in the sense that each State may act, repeal its law or change it to conform with a Federal standard.

Mr. STEVENSON. The Senator is absolutely right. The States can conform their own laws to the national law, although, in that situation, with no difference between the two, there would not be much cause for State action.

Mr. JAVITS. If there is no difference. But if there is a serious difference, then the Senator feels, really, that is the net implication of the fact that he adopted no preemptive position, and he feels that the State, having initiated the legislation, should do what it needs to do when a national standard is declared.

Mr. STEVENSON. Well, with the enactment of this legislation there will be national legislation. At that point, as the Senator indicates, the States will be perfectly free to either repeal their laws and rely on the Federal law or conform their laws in some respects to the national law or, failing that in the future, Congress should, in my opinion, consider a national preemption of the law.

Mr. JAVITS. I think that is pretty much the way it looks in the sense that I am not prepared now to offer a preemption amendment, the Senator is not and, I believe, Senators from other States, who are concerned, are similarly situated.

But I did feel the record should be clear that we welcome it in New York, we welcome the national legislation; and, second, that the State may, if it chooses, have initiated its own program dealing with that program according to what will be the Federal law.

Mr. STEVENSON. As the Senator has rightly pointed out, if the States are being injured, they are free to change their laws in order to prevent such injury, and with a national law they may do so. If not, we will carefully monitor the situation, and Congress may want to consider preemption by means of a national law.

Mr. JAVITS. I thank my colleague and I congratulate him on the legislation.

UP AMENDMENT NO. 402

Mr. WILLIAMS. Mr. President, I have an amendment at the desk, a technical amendment.

The PRESIDING OFFICER (Mr. HUDDLESTON). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey (Mr. WILLIAMS) proposes unprinted amendment numbered 402.

The amendment is as follows:

On page 16, line 8, strike "1976" and insert in lieu thereof "1977".

On page 16, line 9, strike "1977" and insert in lieu thereof "1978".

On page 17, line 12 strike "1976" and "1977" and insert in lieu thereof "1977" and "1978", respectively.

On page 17, line 15, strike "1978" and insert in lieu thereof "1979".

Mr. WILLIAMS. Mr. President, this is a technical amendment to the new ownership reporting requirements which title III of the bill would add to the Securities Exchange Act of 1934.

Under section 303 of the bill, initially, persons having an interest in 2 percent or more of a corporation's securities would be required to report; thereafter, the reporting threshold would be reduced to 1 percent on September 1, 1976, and one-half of 1 percent on September 1, 1977. This schedule, however, would be subject to the SEC's discretion to shorten or extend these periods subject to specified procedures and conditions.

Since it is already late August 1976, the time periods included in the bill are quite obviously unrealistic and in need of adjustment to reflect the passage of time since the provision was first drafted.

Accordingly, my technical amendment would simply move the key dates in section 303 ahead by 1 year without disturbing in any way the substance of the provision.

The dates reflect the situation as it was at the time of the introduction of the legislation, and they are out of date now. This is just to move it ahead 1 year.

The manager is familiar with this.

Mr. STEVENSON. Mr. President, this is a technical amendment, and I have no objection.

Mr. TOWER. No objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

UP AMENDMENT 403

Mr. WILLIAMS. Mr. President, I have another amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey (Mr. WILLIAMS) proposes unprinted amendment No. 403.

Mr. WILLIAMS. Mr. President, I will explain this. 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 8, between lines 4 and 5, insert the following:

SEC. 119. Section 4 of the Act is amended by adding a new subsection (k) thereto as follows:

"(k) Notwithstanding any other provision of this Act, no horse may be exported by sea from the United States, its territories and possessions: *Provided, however,* That the Secretary of Commerce, in consultation with the Secretary of Agriculture, may establish regulations to grant a waiver which permits the export by sea from the United States of a specific consignment or horses, if the Secretary of Commerce, in consultation with the Secretary of Agriculture, determines, in accordance with procedures contained in the regulations, that no horse in the consignment is being exported for purposes of slaughter.

Mr. WILLIAMS. Mr. President, this amendment would bring an end to an export trade which is economically insignificant, but which is very costly indeed in terms of suffering and death of American horses.

The amendment would ban the export of horses by sea. It would, however, authorize the Secretary of Commerce, in conjunction with the Secretary of Agriculture, to establish regulations for granting waivers for specific consignments of horses which are not intended for slaughter.

The purpose of the amendment is to stop the inhumane and unnecessary export of horses by sea for slaughter. The great majority of horses which are exported abroad for purposes other than slaughter are transported by air. However, there are some cases where air transport of horses for breeding, racing, riding, or show purposes, is impractical and indirect. For such cases, the amendment provides for waivers to allow shipment by sea. The value and intended use of these horses are the best insurance that they will receive proper care.

Horses which were once the prize possessions of Americans are reaching a painful end in European slaughter houses. As the price of beef has risen in Europe, so has the demand for horsemeat for human consumption. This has accelerated exports of live horses from the United States. The horses, many of them former pleasure mounts, are purchased at auctions throughout the United States. They are transported to Richmond, Va., and other eastern ports, where they are held until there are enough for a shipload. They are then shipped by sea to European ports, notably Le Treport, France ,and Bari, Italy.

There, some may be purchased for work or pleasure, but most of them are taken to slaughterhouses. Many never reach their destination. Horses are particularly ill-suited to long voyages by sea. Deplorable conditions and inadequate care aboard the ships—as well as the rolling of the sea—cause suffering and death. Since the animals will be slaughtered when they reach their destination, and their economic value is relatively low, little effort is made to insure their safety during the 13- to 17-day voyage. Those which die along the way

are merely thrown overboard. The horses which do arrive are often sick, injured, emaciated or exhausted.

While the Department of Agriculture conducts routine inspections of the horses and conditions abroad ship at loading, there is no way to control what happens to the horses once they leave the United States. In response to protests over this sordid trade, the Department has proposed a study of future voyages. This approach promises to delay any real solution to the problem.

After an extensive investigation of exports by sea of horses from Canada, the Canadian Government imposed a ban on such exports in July 1974. The Canadian Ministry of Transport found that "horses cannot be carried in large numbers onboard ship without undue suffering." Public response to the ban has been overwhelmingly favorable. However, since the Canadian shipments have been cut off, the pressure for live horse exports from the United States has intensified.

The Department of Agriculture's National Horse Industry Advisory Committee recommended in its December 1975 meeting "that horses not be exported by water for slaughter in other countries." A ban on these exports is supported by American and international animal protection organizations, by horse industry groups, and by reputable horse expediters and handlers.

There have been no shipments of slaughter horses from the United States in recent months due to economic conditions in Europe. The severe drought there has temporarily increased the availability of European horses for slaughter. However, the American trade is expected to resume early next spring.

The amendment before us is the only practicable means of preventing these inhumane shipments. A similar amendment will be proposed in the House markup of the export administration bill by my colleague from New Jersey, Congresswoman MEYNER. I urge the Senate to adopt the amendment.

I have discussed this with the most able and distinguished floor leader of the bill. It was adjusted to reflect one minor reservation that he had, and I believe it is acceptable.

Mr. STEVENSON. Mr. President, we have discussed this amendment and it has been modified to eliminate the one problem that I had with it. Its objectives are humane, and I have no objection to the amendment.

Mr. TOWER. Well, if the Senator will yield, Mr. President, being a Texan and a horse lover I would never in good conscience raise my voice against such measure as that proposed by the Senator from New Jersey. I think in his honor we ought to call it the "Pete, the Wrangler, amendment." [Laughter.]

Mr. WILLIAMS. I will not wrangle over that comment, and I appreciate it.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. STEVENSON. Now that we have stopped horsing around, Mr. President, I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

UP AMENDMENT NO. 404

Mr. STEVENSON. Mr. President, I have an unprinted amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. STEVENSON) proposes unprinted amendment No. 404:

On page 6, line 18, insert the following immediately after the word "assurance": "and, in conjunction with the Secretary of Agriculture, so finds".

Mr. STEVENSON. Mr. President, this is a technical amendment with respect to the provisions of the bill to permit exported agricultural commodities to remain in the United States immune under certain circumstances to subsequent embargoes. It is technical and it eliminates an ambiguity in the language of the bill as reported to the Senate.

I have discussed it with the distinguished Senator from Texas, and I do not believe there is any objection to it.

Mr. TOWER. No objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

UP AMENDMENT NO. 405

Mr. STEVENSON. I have an amendment at the desk, Mr. President.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. STEVENSON) proposes unprinted amendment numbered 405.

The amendment is as follows:

On page 8, between lines 4 and 5, insert the following:

SEC. 110. (a) It is the sense of the Congress that the President should actively seek, and by the earliest possible date secure, an agreement or other arrangement whereby—

(A) nuclear exporting nations will not transfer to any other nation any equipment, material, or technology designed or prepared for, or which would materially assist the establishment of, national uranium enrichment, nuclear fuels reprocessing, or heavy water production facilities until and while alternatives to such national facilities are explored and pursued;

(B) nuclear exporting nations will not transfer any nuclear equipment, material, or technology to any other nation that has not agreed to implement safeguards promulgated by the International Atomic Energy Agency;

(C) minimum physical security standards are established to prevent the unauthorized diversion of nuclear equipment, materials, and technology;

(D) arrangements are established for effective and prompt responses in the event of violations of any international agreement to control the use of nuclear materials and technology; and

(E) nuclear exporting nations, in cooperation with nuclear importing nations, pursue the concept of multinational facilities for the purpose of meeting the world's nuclear fuel needs while reducing the risks associated with the spread of national facilities for fuel reprocessing, fabrication, or enrichment.

(F) nuclear exporting nations establish arrangements for appropriate response, including the suspension of transfers of nuclear equipment, material, or technology, to any nonnuclear weapons country which has detonated a nuclear explosive device or which has clearly demonstrated the intention to embark upon a nuclear weapons program.

Within one year of the enactment of the Export Administration Amendments of 1976, the President shall report to the Congress on the progress made toward the achievement of international agreement or other arrangements on the matters specified herein.

(b) For purposes of this section, the term "nuclear exporting nations" means the United States, the United Kingdom, France, the Federal Republic of Germany, Canada, Japan, the Union of Soviet Socialist Republics, and such other countries as the President may determine.

Mr. STEVENSON. Mr. President, I had thought there would be a discussion today of nuclear exports and possible action on a proposal approved by the Government Operations Committee and the Senate Foreign Relations Committee with respect to nuclear exports. That is not the case, and apparently the subject will come up again and independently of this bill. But that is not by any means certain, and so I offer a modest amendment on the same subject. I do not believe there is any controversy over the amendment.

Mr. President, this amendment is designed to promote international efforts to stem the proliferation of nuclear weapons. For more than a year the nuclear supplier nations, the United States, the United Kingdom, France, the Federal Republic of Germany, Canada, Japan, and the Soviet Union have been meeting at intervals to discuss the growing danger of nuclear proliferation and the means to limit this danger. Some progress has been made. The supplier nations, even those which are not signatories of the Non-Proliferation Treaty, have agreed to insist on safeguards on future nuclear exports. They have agreed to require recipients to give a pledge against the making of nuclear explosives. Recipients are to insist on similar pledges and safeguards with respect to any retransfers. There has been an agreement on replication, that is, safeguards are to be required for recipient countries on nuclear facilities developed from the originally supplied equipment. Agreements such as this could have prevented India from joining the nuclear explosives club.

But much more needs to be done. Recent developments point up the dangerous spread of two of the key elements in nuclear weapons technology: reprocessing and uranium enrichment. The sale of West German enrichment technology to Brazil and French negotiations for reprocessing facilities in Pakistan, Iran, and Argentina are deeply disquieting, especially the French transaction with Pakistan. The prospect of two hostile neighboring powers, each apparently hell-bent to establish a nuclear weapons capability, has the most serious consequences for the peace and stability of the world.

An earlier French proposal to supply South Korea with reprocessing facilities was fortunately withdrawn after U.S. objection, promoted in part by a resolution which I, with the support of several colleagues, introduced in March of 1975.

This amendment calls upon the President—it is a sense-of-the-Congress

amendment—it calls upon the President to seek international agreement or other arrangements whereby:

First, nuclear exporting nations refuse to supply any other nation with materials or technology which would materially assist the establishment of national nuclear enrichment, reprocessing, or heavy water facilities while alternatives to such national facilities are explored;

Second, nuclear exporting nations refuse to supply nuclear materials or technology to any other nation that has not agreed to implement international safeguards on all its nuclear facilities;

Third, minimum physical security standards are established to prevent the unauthorized diversion of nuclear materials and technology;

Fourth, arrangements are established for effective and prompt responses to violations of any multilateral agreement to control the use of nuclear materials and technology; and

Fifth, nuclear exporting nations, in cooperation with nuclear importing nations, actively pursue the concept of multinational facilities, as an alternative to national enrichment, reprocessing, and heavy water facilities, as a means of meeting the world's nuclear fuel needs.

The amendment urges the President to seek and secure such agreement by the earliest possible date and requires that he provide the Congress with a progress report within a year of enactment.

Mr. President, this measure identifies the principal sources of the nuclear proliferation problem: Sales of reprocessing, enrichment, and heavy water facilities; the absence of safeguards on all nuclear facilities; the lack of physical security standards; the lack of sanctions for violations of nonproliferation obligations; and uncertainty over the availability of nuclear fuel supplies. Congressional support for international resolution of these issues would signal to the President that these are matters of the highest priority. It would strengthen his hand in the international discussions now undeway. And by calling for a multilateral solution, with emphasis on the production of adequate fuel supplies to satisfy peaceful nuclear needs, it would signal to the rest of the world the U.S. desire for a solution which reflects the legitimate aspirations of the energy-poor nations. Adoption of this amendment would confirm the good faith of the United States and its willingness to seek and abide by an international solution to this most pressing of international problems.

Mr. President, this, as I say, is a sense-of-the-Congress amendment. It recognizes that international negotiations are now underway. I do not believe its objectives are inconsistent with those of the administration or, for that matter, the objectives of the other nuclear suppliers. It identifies the principal sources of the nuclear proliferation threat, the sales of reprocessing systems, of enrichment systems, and heavy water facilities, the absence of safeguards of all nuclear facilities, lack of nuclear security, and lack of sanctions for violations, and the uncertainty over the availability of nuclear fuel supplies.

I offer this amendment because it will not be inconsistent with any action which Congress subsequently takes, at least on the proposal reported from the Committee on Foreign Relations and the Committee on Government Operations, and because I believe that congressional support for this amendment would signal to the President that these are matters of the highest priority in Congress.

It would strengthen his hand in the international discussions now underway among the supplier countries by calling for a multilateral solution with emphasis on the production of adequate fuel supplies to satisfy peaceful nuclear needs.

It would signal to the rest of the world the United States desire for a solution which reflects the legitimate aspirations of energy-poor nations.

It would, if adopted, Mr. President, confirm the good faith of the United States in its willingness to seek an international solution to this most pressing international threat.

Mr. President, time is running out.

Two years ago when the Export Administration Act was being considered in the Senate, similar and more far-reaching proposals were offered, and they were not acted on.

The issue attracted little attention in the country, and for that matter in the Congress, though it was predicted then, as it had been before, that if we did not, in cooperation with other countries, act soon, it would be too late.

It may now be too late to act effectively with respect to the proliferation of nuclear reactors throughout the world, ostensibly for peaceful purposes, but with horrendous nonpeaceful potentials.

Though the hour is late, it is still not too late to make a concerted international effort to bring under control the reprocessing and enrichment facilities which can also proliferate throughout the world and giving access to nations everywhere, including subnational groups, terrorist groups, to plutonium and highly enriched uranium which are the components of nuclear weapons.

So I urge the Senate to act on this proposal as an expression of the importance which it attaches to the subject and in order, also, to strengthen the President's hands in the negotiations which are already underway among the nuclear supplier nations.

Mr. GLENN. Mr. President, I rise in support of the Stevenson amendment, which would establish goals for the President to seek to achieve in his negotiations with other nuclear supplier nations to combat the proliferation of nuclear weapons capability.

This is a very important amendment because it would put the United States on record, in the context of statutory law, as to the importance of attaining crucial nonproliferation objectives with the other nuclear suppliers. As can be seen from India's nuclear explosion of 1974, and from recent decisions by France and West Germany to export sensitive nuclear fuel facilities to Pakistan and Brazil, the proliferation problem is on the verge of running out of control. Only the establishment of meaningful ground rules among the nuclear suppliers can insure that the competition to sell nuclear powerplants will not degenerate into a free-for-all that will invite the misuse of peaceful nuclear technology and materials for weapons purposes.

While I heartily endorse the objectives of the Stevenson amendment, I also wish to inform the Senate that it may soon have before it another proposal to establish strict criteria to govern U.S. nuclear export policy as well as to serve as objectives to attain in the talks with the other nuclear suppliers. Under this proposal, the strict criteria would take effect 18 months after enactment, subject to an Executive order by the President delaying implementation of some or all of the criteria to permit him time and flexibility in his negotiations with the suppliers.

This proposal is contained in section 15 of S. 3770, the Nuclear Explosive Proliferation Control Act of 1976, which was introduced earlier this week by Senator PASTORE, who was joined by Senators PERCY, RIBICOFF, SYMINGTON, BAKER, JAVITS and myself and is also included in the House version of the bill H.R. 15273, which has been introduced by Congressmen PRICE and ANDERSON.

Senator PASTORE'S bill is now being considered by the Joint Committee on Atomic Energy, of which he serves as its distinguished and most knowledgeable chairman. I am hopeful, Mr. President, that the Senate soon will have the opportunity to express its will on this approach to the urgent problem of nuclear proliferation.

Mr. President, so that the Senate can be informed of the criteria contained in S. 3770 in relation to the objectives contained in the Stevenson amendment, I ask unanimous consent that section 15 of S. 3770 be printed at this point in the RECORD.

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

SEC. 15. (a) Effective eighteen months after the date of enactment of this Act, except as provided in subsection (b), paragraphs (1) through (6) of section 112 a. of the Atomic Energy Act of 1954, as amended, are amended to read as follows:

"(1) assurances shall be received from non-nuclear-weapon states that Agency safeguards shall be applied with respect to all nuclear activities in, under the jurisdiction of, or carried out under the control of that state;

"(2) assurances shall be received from non-nuclear-weapon states that no imported or indigenously developed material, facility, technology, component, or substance, and no special nuclear material produced through the use of any imported or indigenously developed material, facility, technology, component, or substance will be used for nuclear explosive devices for any purpose or for research or development of nuclear explosive devices for any purpose;

"(3) assurances shall be received that the recipient country will impose and maintain physical security measures for all of its nuclear activities which are sufficient to prevent theft or sabotage;

"(4) assurances shall be received that no imported or indigenously developed material, facility, technology, component, or substance, and no special nuclear material produced through the use of any imported or indigenously developed material, facility,

technology, component, or substance shall be transferred to the jurisdiction of any other nation or group of nations unless such nation or group of nations agree to apply the controls set forth in this subsection;

"(5) assurances shall be received from non-nuclear-weapon states that—

"(A) they will forego development and acquisition of nuclear fuel reprocessing and uranium enrichment facilities and the stockpiling of weapons-grade material on a national basis, and will place any existing facilities and stockpiles under effective international auspices, management, and inspection;

"(B) no imported material and no special nuclear material used in or produced through the use of any imported material, facility, technology, component, or substance will be reprocessed by the recipient country, and no irradiated fuel elements containing such material which are to be removed from a reactor will be altered in form or content by the recipient country, and such material will be returned to the exporting country or to a facility under effective international auspices, management, and inspection located outside the jurisdiction of the recipient country; and

"(C) no indigenously developed material or special nuclear material used in or produced through the use of any indigenously developed material, facility, technology, component, or substance will be reprocessed by the recipient country, and no irradiated fuel elements containing such material which are to be removed from a reactor will be altered in form or content by the recipient country, except in a facility under effective international auspices, management, and inspection;

"(6) assurances shall be received from non-nuclear-weapon states that the controls set forth in this subsection will be applied to any material or facilities which are produced or constructed by or through the use of any imported or indigenously developed material, facility, technology, component, or substance.".

(b)(1) If the President determines that implementation of one or more of the six revised criteria set forth in subsection (a) at the expiration of eighteen months from the date of enactment of this Act would have a serious adverse impact on vital United States interests, and that a delay in the effective date of such criteria would not promote the acquisition by non-nuclear-weapon states of the capability or the material to develop nuclear devices of any kind, he may by Executive order delay the effective date of some or all of the revised criteria for not more than twelve months. Any such Executive order shall be promulgated not earlier than fourteen months and not later than sixteen months after the date of enactment of this Act, shall be effective not less than sixty days following its date of promulgation, and shall specify a new effective date for each of the criteria which are to be delayed. A delay in the effective date of some but not all of the six revised criteria shall not affect the implementation of the remaining six criteria.

(2) Upon promulgating any such Executive order, the President shall submit a report to Congress including—

(A) a detailed statement of the reasons underlying the President's determination that implementation of the revised criteria on the existing effective date would have a serious adverse impact on the vital United States intereste;

(B) a detailed statement of the reasons underlying the President's determination that a delay in the effective date of the criteria to be delayed would not promote the acquisition by non-nuclear-weapon states of the capability or the material to develop nuclear devices of any kind;

(C) a report on his progress in obtaining adherence to each of the six revised criteria by the other nuclear supplier nations and by countries with which the United States has negotiated agreements for cooperation;

(D) an assessment of the impact of the proposed delay on the nonproliferation goals of the United States; and

(E) a statement of what legislative modifications in the revised criteria, if any, would in his judgment make it feasible to implement the revised criteria at an earlier date.

(3) If the President subsequently determines that implementation of one or more of any criteria which have been delayed pursuant to this subsection on the existing effective date would have a serious adverse impact on vital United States interests, and that a further delay, in their effective date would not promote the acquisition by non-nuclear-weapon states of the capability or the material to develop nuclear devices of any kind, he may, by Executive order effective not less than sixty days after its date of promulgation, further delay the effective date of such criteria for not more than twelve months each time he makes such a determination. Each time the President promulgates such an Executive order he shall submit a report to Congress in accordance with the procedures set forth in paragraph (2).

(c) Subsection 112(c) of the Atomic Energy Act of 1954, as amended, shall not apply to paragraphs (3) through (6) of the revised criteria set forth in subsection (a) of this section.

Mr. TOWER. Mr. President, the amendment of the Senator from Illinois is perfectly consistent with current U.S. policy. It is a good statement of policy in its own right.

For the minority, I am certainly prepared to accept it.

Mr. STEVENSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. HUDDLESTON). The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

Mr. METCALF. Mr. President, title III of S. 3084 addresses the longstanding problem of inadequate and often misleading disclosure of information regarding ownership and control of U.S. corporate securities. It would do this in two ways.

First, it would require disclosure of information regarding residence, nationality, and nature of the beneficial ownership of persons who acquire more than 5 percent of any class of securities described in section 13(d)(1) of the Exchange Act. Second, it would authorize the Securities and Exchange Commission to obtain from record holders information regarding stock when the record holder has an interest in 2 percent or more of a corporation's securities.

The SEC would have authority to reduce the reporting threshold to 1 percent in September, and one-half of 1 percent in September 1977. Additionally, the SEC would be required to report to Congress, no later than January 1978, on the feasibility and desirability of reducing the reporting threshold to one-tenth of 1 percent.

In studies and hearings beginning with publication of Senate Document 9362—disclosure of corporate ownership—in January 1974, the Committee on Government Operations and particularly the Subcommittee on Reports, Accounting and Management have considered the accuracy of present ownership reporting requirements, the enforcement or nonenforcement of those requirements, and the balance between burden on reporting companies and the need of Congress, investors, and the public generally to obtain such information.

In addition, at the suggestion of the General Accounting Office, an interagency steering committee, composed of senior staff from the independent regulatory commissions and the subcommittee staff, devoted 6 months of study to the subject and recommended certain uniform reporting requirements dealing with corporate ownership and control. Among the recommendations of the steering committee, which are now in various stages of consideration by the independent regulatory commissions, was one bearing specifically upon the threshold question.

The steering committee recommended that the reporting threshold be the top 30 stockholders, or those with holdings of one-tenth of 1 percent or more of a company's stock. Thus the threshold in the legislation being considered today—2 percent and eventually down to one-half of 1 percent, is modest alongside the recommendation of the Federal officials who have probably devoted the most time and study to the subject.

The Government Operations Committee hearing record, and the Banking Committee's report on S. 3084, contain numerous expert opinions on the ability of persons controlling a relatively small percentage of a company's stock to influence the company's management and decisions. The point I would emphasize here is that the Government's knowledge of these concentrations of control is inadequate, because of the deficiencies in existing laws and regulations.

One bank may have its holdings in a particular company in a dozen or more different nominee accounts. Banks and brokers may have additional holdings registered in the name of Cede & Co., at Depository Trust. As of the end of last year more than 2½ billion shares of stock in more than 8,000 companies were held in the name of Cede & Co. on behalf of 29 banks, 219 brokers, and 7 other entities. In some instances more than 20 percent of a company's stock is held by the banks and brokers in the name of Cede & Co.

This fractionalization of the holdings of individual major stockholders grossly distorts and understates their aggregate holdings in individual companies. The legislation before us today would help cut through the maze of nominee names which has led to this inaccurate understatement of holdings, in reports to Federal regulatory agencies, and present accurate, aggregate data on significant stockholdings.

Then the SEC could, under the authority provided under this bill, obtain additional information regarding these holdings, such as sole, shared or no voting rights, and establish where the major voting interests lie. That final step is es-

sential, inasmuch as record holders sometimes have insignificant voting rights to the stock which they hold. Often the stock is controlled by investment companies—the mutual funds—or others whose identity does not surface as a record holder.

The Government Operations Committee Print of November 1975, "Corporate Ownership and Control," includes several case studies which show the importance of aggregating record holdings and then determining voting interests in order for the Government to obtain accurate ownership data. The Anaconda Co.—I can still refer to it by that name, rather than Crane—or Tenneco—or Atlantic Richfield—voluntarily supplied my subcommittee with a list of its 30 largest stockholders.

It appeared that there were nine holders of 1 percent or more of its stock—eight banks holding through numerous nominees and Merrill Lynch. The largest record holder in Anaconda held 3.6 percent of the shares. However, the largest voting influence within the company was found to be the Fidelity fund group, with 5.6 percent of of the shares.

Fidelity was not mentioned in any reports to the SEC, or in Anaconda's list of its 30 largest stockholders. The reason is simply that Fidelity has the stock dispersed in several nominee accounts in two different banks.

This example—and others may be found in "Corporate Ownership and Control"—points up the fundamental regulatory importance of the reporting system suggested by the Banking Committee in S. 3084. Congress and the commissions establish ownership limits, to prevent concentration of control and undue influence by large investors. But neither we nor the commissions police our own pious pronouncements and require filing of data which will show whether limits are honored. We have too often relied upon this understated, fractionated reporting. The distinguished senior Senator from Maine (Mr. MUSKIE) and I described the end result of this system in our December 1973, introduction to "Disclosure of Corporate Ownership":

The FCC has several restrictions on ownership of broadcast companies. One is the duopoly rule, which prohibits ownership of two AM, FM, or TV stations which serve the same area. Another rule permits an investor—institutional or individual—to own up to 21 stations—seven AM, seven FM, and seven TV, provided that no more than five of the latter are VHF stations. Beyond those liberal provisions, no individual or bank was permitted until last year to own more than 1 percent of the stock of other broadcast companies with 50 or more stockholders. (Mutual funds have been permitted to own up to 3 percent since 1968.)

In 1972 the Commission raised the ownership limitations for banks from 1 percent to 5 percent. It raised the limit because so many banks were in violation of the Commission's 1 percent regulation that, to comply with it, 19 banks would have had to divest themselves of $976 million in stock in 25 companies.

The FCC did not know that the banks were in gross violation of regulations until the banks told the Commission about it. The data submitted by the banks were based on a survey conducted among the 19 largest banks in April 1969.

Mr. President, enactment of title III will be welcomed by many corporation executives whose companies are burdened by the difficulty and expense of getting through the veils of Cede & Co., bank nominees and brokerage firms to their principal beneficial owners. I recall especially the testimony on this point, before Senator MUSKIE's and my subcommittees, by Norman J. Fischer, board chairman of Medalist Industries, Inc., a Wisconsin firm with annual sales exceeding $85 million.

And I believe that some banks will find the legislation will decrease criticism now levied at them because of their large holdings in certain companies. If the SEC follows through and collects sufficiently detailed data regarding the major voting interests within the reported stockholdings, it will become clear that many banks have relatively insignificant voting rights to stock in their custody.

Mr. President, I commend the Senate Banking Committee for reporting this bill and urge its passage with title III intact.

THE APPLICATION OF TITLE III OF S. 3084 TO TENDER OFFERS

Mr. WILLIAMS. Mr. President, I ask unanimous consent to have printed in the RECORD a colloquy between the Senator from Ohio (Mr. TAFT) and me on the subject of the application of title III of S. 3084 to tender offers.

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

FLOOR COLLOQUY BETWEEN SENATORS WILLIAMS AND TAFT REGARDING THE APPLICATION OF TITLE III OF S. 3084 TO TENDER OFFERS

Mr. TAFT. I have been concerned for some time that shareholders may be currently suffering from inadequate protection in the event that the company in which they own shares becomes the target for a takeover bid by another corporation. Late last year, I introduced legislation to provide a breathing space during which all tender offers could be carefully considered by the shareholders, by the management of the target company, and by other corporations which might possibly be interested in making a better deal with the shareholders of the target company than was being offered by the firm making the tender offer. The S.E.C. has recently published new regulations concerning tender offers, which provide a good deal more protection than current law.

Of some concern, however, is the situation in which the takeover attempt is made without the filing of a formal tender offer. Such takeovers are not easy to manage. They require the discovery of a group of large shareholders, each of whom owns a substantial percentage of the target company. These people must then be contacted privately, and an adequate block of shares must be pieced together in private dealings.

At the present time, anyone owning five percent or more of a registered corporation is required to report that fact to the S.E.C. Thus, shareholders of substantial size are already on record with the Commission, and the names and holdings of these shareholders are public knowledge. Section 303 of S. 3084, would increase the amount of such information available by requiring that anyone holding in excess of two percent of any class of securities of any registered corporation must report that fact to anyone whom the S.E.C. may designate. This threshold percent will drop to one percent in September and to one-half percent a year later.

I am concerned that, by requiring that relatively small blocks of shares may be reported to the S.E.C., and publicized for public scrutiny, Title III could provide a shopping list of major shareholders of small firms for the convenience of any conglomerate looking for an acquisition. While no one owns two percent of GM or IBM, many people may own that much Copperweld or Microdot. I fear that, within a very short time of the enactment of this section, enterprising young entrepreneurs will comb the S.E.C. records in order to compile such shopping lists. These lists would be invaluable to the Nation's larger corporations. A large buyer could contact the large shareholders of any of these smaller corporations between the close of business Friday and the opening of business Monday morning. I am concerned that this would enable such a buyer to make an attractive offer to as few as 30 or 40 individuals owning substantial quantities of stock, thereby purchasing the smaller firm without advance notice.

In my discussions with the Committee, I have been told that this is not the intent of the section. In fact, according to the Committee, the brokerage community is usually readily able to provide the names of major shareholders to prospective buyers. It appears to the Committee that it is the firms themselves which have trouble discovering the beneficial owners holding stock in street name, and whom the companies would like to be able to contact in the event that they become targets of takeover bids. The Committee feels that this legislation would be of help to management in defending the company against takeover attempts which it considered to be contrary to the interest of the company, or those offers which it considered to be of poor value for the shareholders. I wonder if the Committee could clarify its intentions with regard to this section.

I note, on page 40 of the report, that a number of guidelines have been laid down which the Committee expects the S.E.C. to consider in its writing of regulations for the implementation of this section. Among these are the cost of compliance to issuers and record holders, and the bonafide interests of an individual in the privacy of his financial affairs. In addition, the S.E.C. is expected to consider the extent to which such reported information gives, or would give, any person an undue advantage in connection with tender offers or other acquisitions. I take it that the Committee expects the Commission to consider the possibility that reporting requirements in the case of small corporations might increase the availability of information needed by acquiring corporations in the event that they wish to make a tender offer for such small firms. Is it the case that the Committee intends to leave it up to the Commission to use its judgment as to whether or not such reporting should be waived in the case of small firms, or at least directed to the firm itself, rather than to a public agency, in order that the material need not be made public?

Mr. WILLIAMS. I appreciate the continuing interest the Senator from Ohio, Senator Taft, has shown in the tender offer provisions of the federal securities laws which I sponsored in 1968. The Senator's chief concern—and one which I share with him—is to assure that in tender offer situations shareholders and public investors receive sufficient information and have sufficient opportunity to permit considered and informed investment decisions. Beyond this, he is concerned that the future and important role of small business in the United Sttaes may be endangered by any changes in the present law which make it easier for larger corporations to acquire smaller companies by means of a tender offer.

It is out of these concerns that the Senator wishes to know whether the improved disclosure of ownership information which would result from the enactment of Title III of S. 3084 would create "shopping lists" for larger corporations by requiring the public disclosure of shareholder lists of smaller corporations and thereby facilitate tender offers.

The answer to the Senator's question—whether the bill would leave it to the Commission as to whether or not such reporting should be waived in the case of small firms or at least directed to the firm itself rather than a public agency—may be answered in the affirmative by direct reference to the statutory language.

First, Title III would authorize the S.E.C. with explicit authority to tailor reporting requirements for different categories of persons and specify the manner and method in which the information required would be reported. (Section 13(g)(1))

In this connection, as the Committee report makes clear, new section 13(g)(1) of the Exchange Act would also give the S.E.C. power to determine the method for computing the reporting threshold. In each case of required disclosure, the S.E.C. must be governed by the statutory purpose and the regulatory need.

Second, the bill would give the S.E.C. discretion to prescribe the form and content of the ownership reports and the manner and the frequency with which they are to be "filed, published, or disseminated." Thus, persons required to file reports pursuant to this section may be able to do so by filing the information with the S.E.C. In the alternative, as Senator Taft suggests, the information may be reported directly to the company, where appropriate. It is left for the Commission, in accordance with procedures for agency rulemaking, to decide which technique best serves the underlying objectives.

Third, the bill expressly sets forth factors the Commission would be required to consider in implementing this authority. (Section 13(g)(3)) Among the matters enumerated for Commission consideration and public comment is "the extent to which such reported information gives or would give any person an undue advantage in connection with acquisitions or takeovers." (Section 13(g)(3)(F)). This is directly on point with Senator Taft's concern and I only wish to note that the Committee has provided for this mechanism.

Finally, Section 13(g)(4) would give the S.E.C. the authority, by rule or order, to exempt from the requirements of this new subsection any security, issuer, or person, or any class of securities, issuers, or persons, if it finds that such exemption is not inconsistent with the public interest or the protection of investors. This exemptive authority would certainly enable the Commission to do as the Senator suggests by waiving the reporting requirements for shareholders in smaller companies if the Commission deems such action necessary or appropriate.

Of course, in implementing the new reporting requirements as tender offers might be affected, the Commission must be attentive to the statutory and legislative history governing the tender offer provisions. In passing these provisions in 1968, Congress recognized that "although takeover bids should not be discouraged," regulation of tender offers was necessary for the purposes of disclosure of material information and substantial protection to investors. More to the point, Congress took "extreme care to avoid tipping the balance of regulation either in favor of management or in favor of the person making the takeover bid. The bill is designed to require full and fair disclosure for the benefit of investors while at the same time providing the offerer and management equal opportunity to fairly present their case." (S. Rept. 550, 90th Cong., 1st sess. 3(1967)). In response to the Senator's request for clarification whether this legislation would be of help to management in so-called "unfriendly" tender offers, I must respond that only to the extent that shareholder communication is facilitated will this legislation have any effect whatsoever in tender offer situations. Specifically, it is not intended to alter the present balance of competing considerations arrived at by the Congress in 1968.

In closing, I want to say to Senator Taft that I deeply appreciate his interest in the many aspects of the tender offer provisions of the securities laws. As the Senator has noted, the Securities and Exchange Commission earlier this month proposed for comment extensive new rules governing cash tender offers which hold a great deal of promise to perfect the original Congressional intent underlying these provisions. And I want to assure him that an important and continuing part of the Subcommittee's on Securities activities in the future will be to follow the Commission's progress in this area. Because of his interest, I will endeavor to keep the Senator informed on material developments.

Mr. FONG. Mr. President, I am cosponsoring today an amendment to the pending export administration bill of 1976, S. 3084, which would allow any U.S. refinery located in a foreign trade zone to refine foreign crude oil and export the refined product without a quota limitation.

The proposed amendment would add a new paragraph to section 108 of the bill and would read:

Petroleum products refined in U.S. Foreign-Trade Zones from foreign crude oil shall be excluded from any quantitative restrictions imposed pursuant to Section 3(2)(A) of this Act and the provisions of Section 103(a) of the Energy Policy and Conservation Act, provided however: If the Secretary of Commerce in conjunction with the Administrator of the Federal Energy Administration shall find that a product is in short supply, the Secretary of Commerce is authorized to issue such rules and regulations as may be necessary to limit exports in accordance with the Administrator's recommendations.

Mr. President, such an amendment would provide for more jobs for our Nation, more tax revenues for our States and Federal Government, increase our country's balance of payments, and increase our domestic refinery capacity. As you know, increasing our domestic refinery capacity is one of our Nation's goals in achieving energy independence.

All of the above can be achieved without taking away one drop of domestic oil since we are dealing only with foreign oil which otherwise would have remained on foreign soil. As you know Mr. President, it does not benefit our Nation one iota to have foreign oil refined on foreign soil—providing jobs and tax revenues only for foreign countries. With this amendment, we are transfering those foreign jobs and foreign tax revenues to our country. In doing so, we would also help our unemployment problem.

Moreover, this amendment would give an incentive to U.S. companies to build more refineries in the United States rather than abroad. Besides providing more U.S. jobs, this would help our balance of payments at the rate of $2 for each barrel of foreign oil refined in this country.

Thus, if this amendment is accepted, U.S. companies now considering building refineries abroad, could well decide to locate in the United States where they ought to be, providing more jobs, taxes, et cetera, for our Nation.

As you know, there is a precedent for such an exemption. There is already an exemption for agricultural products, and the authority for exempting all foreign-trade zones presently exists in the Commerce Department regulations.

All this amendment proposes is a limited exemption of petroleum products of foreign origin.

Finally, should another emergency or OPEC embargo occur, the Federal Government would still have the power to require that all U.S. refineries in foreign trade zones sell their refined foreign crude oil only in the United States. The authority for this lies in the Emergency Petroleum Act of 1973 (EPAA) (15 U.S. Code 751-760(h)).

Therefore Mr. President, this amendment can only help our Nation achieve energy independence. It will allow our Nation an opportunity to substantially increase our domestic refinery capacity—a goal which is vitally necessary to achieve energy independence.

I am, therefore, pleased to join with my colleague from Hawaii, Senator INOUYE, in cosponsoring this amendment. I, therefore, urge my colleagues to support this amendment.

Mr. HUMPHREY. Mr. President, as we consider the extension of the Export Administration Act, it is important to bring to the attention of my colleagues the inadequacy and the uncertainty of the present policy as it relates to agricultural exports.

Export controls are a crude and abrupt method of protection against shortages. Such authority is necessary but only as a measure of last resort. Yet, the present administration has shown no reluctance, either directly or inadvertently, to employ such controls.

Lacking authority under the provisions of the Export Administration Act to place controls on the exportation of agricultural commodities, the current administration has developed and utilized other means referred to as "voluntary restraints" to control farm exports in circumvention of legislative authority. Major companies were approached and asked not to make additional export sales.

In plain terms, the administration evaded the law.

But further, the administration has no policy to encourage orderly marketing and reasonable prices when we have tight supplies or surplus production. Its response has been rhetoric about the free market while intervening without warning in spite of adequate supplies.

Three years ago, the administration invoked the authority of the Export Administration Act to place an embargo on the export of American soybeans.

While the embargo was soon lifted, the costs of the action were pervasive. The longstanding reputation of the United States as a reliable supplier of food commodities was tarnished.

Nations which had been longstanding customers of U.S. farm commodities scrambled for new sources of supply. Other nations, no longer certain of the availability of U.S. food supplies, intensified indigenous production even in the face of great economic cost vis-a-vis the procurement of agricultural supplies through trade with the United States.

As the availability of farm commodities improves throughout the world, the United States must regain the confidence of foreign customers in our ability to meet their long-term import needs. Yet, the policies of the present administration—which have resulted in export restraints of one form or another in 1973, 1974, and 1975—provide little assurance to those nations seeking a dependable supply of agricultural products.

While there is a need for Presidential authority to impose export controls when the national safety and well-being is seriously threatened, I believe such authority should be used only in exceptional circumstances. Such controls should be a mechanism of last resort, and when the requirements of the law have been met.

In a world characterized by uncertain grain supplies, a population which is growing by around 75 million each year and with possible changes in climate and weather patterns, our agricultural produce becomes an important vehicle for maintaining world peace and combating hunger and malnutrition.

To do this, we need to provide our producers with some predictability so that they know the governmental policy in advance. They also need to have higher supports to help cushion sharp price fluctuations since we have become increasingly dependent on volatile world markets.

Our agricultural exports have become very important in our balance of payments and also in our foreign policy. Gross agricultural exports now total around $22 billion, and of this about $12 billion is the net sales level.

Mr. President, I support the enactment of this legislation. I think that the Banking Committee has done a fine job in reviewing and improving the legislative authority relating to export administration.

I also am pleased with their proposed amendment to the Export Administration Act which would permit foreign countries to store agricultural commodities in the United States which, under carefully specified conditions, would be exempt from export controls.

The Subcommittee on Foreign Agricultural Policy, which I chair, held hearings on an identical proposal in May 1975. This provision can offer a very practical way of encouraging other nations to maintain adequate food stocks and to purchase from us on a regular basis.

The maintenance and expansion of U.S. agricultural exports on an orderly basis is essential to the health of the farm community and the American economy.

In this regard, we must make every effort to preserve our reputation as a dependable supplier of high quality agricultural commodities. But we need more than an export control policy.

In the coming months, we must begin to develop a policy which encourages full production and balances the needs of producers and consumers.

This bill is an important step in that process, and I urge its adoption.

Mr. CHURCH. Mr. President, I strongly support title II of the Export Administration Act amendments. In my view, the provisions contained in section 201 are the very least that is required to counter the Arab boycott against Israel, against American firms with Jewish ownership or management, and against U.S. firms doing business in Israel.

The Arab boycott is not merely a shibboleth. It is alive and well. The Senate Foreign Relations Subcommittee on Multinational Corporations, of which I am chairman, first brought the Arab League boycott of U.S. firms to public attention with its hearings in February 1975. The subcommittee looked into official U.S. policy on the boycott, what action our Government had taken to resist the boycott, how boycott negotiations related to overall diplomatic negotiations in the Middle East, and the degree to which U.S. firms were affected directly or indirectly by the boycott itself. The findings were disturbing on all counts.

Until November 20, 1975, when President Ford issued a revision of regulations dealing with boycotts, the administration's interpretation of existing law leaned in favor of acquiescing to the Arab boycott policy. The effect of this policy of acquiescence can be measured in the increased number of American companies being blacklisted under the boycott. In 1974, Business International, a respected American management consulting firm, reported that 167 U.S. firms were identified on the Arab League boycott list. In its February hearings, the subcommittee released the most recent updated boycott list which contained the names of over 1,500 U.S. corporations.

Moreover, I note that the Banking Committee report on S. 3084 refers to a study conducted by the House Interstate and Foreign Commerce Subcommittee which placed "the value of exports shipped in compliance with boycott demands for the first 11 months of 1975 at $253 million, with U.S. firms indicating that they intended to comply with boycott demands in over 90 percent of the transactions in the last quarter of 1975."

Despite the growing list of boycotted American enterprises and its direct impact on U.S. trade with the Arab nations, the administration is strongly opposed to any form of antiboycott legislation. Assistant Secretary of State Robert J. McCloskey wrote to me on June 19, 1976, outlining the administration's position on the boycott. I will quote one paragraph of this letter and ask unanimous consent that it be printed in its entirety at this point in the RECORD:

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

DEPARTMENT OF STATE,
Washington, D.C., June 10, 1976.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: On May 25, the Senate Banking Committee reported out a bill (S. 3084) which would extend the Export Administration Act, with amendments including measures against foreign boycotts. These anti-boycott measures would (a) mandate disclosure of required reports by U.S. firms to the Commerce Department on boycott-related requests; (b) duplicate existing laws or regulations which bar discrimination in export transactions and (c) prohibit refusals to deal among U.S. firms pursuant to foreign boycott requirements or requests.

Additionally, H.R. 10612, as marked up in the Senate Finance Committee, would deny certain tax benefits to taxpayers who participate in international boycotts.

The Administration is strongly opposed to new anti-boycott legislation at this time and hopes that you will give careful consideration to the harmful effects to our overall national interests which we believe such legislation would risk. In summary, our concerns are the following:

Numerous actions already have been taken by the Administration to lessen the impact of boycott practices on U.S. firms.

Proposals at this time for stronger anti-boycott legislation are very likely to be seen as confrontational. Such confrontation would be harmful to our overall economic and political interests in the Middle East—the most important of which is our desire to promote progress toward a peaceful settlement of the Arab-Israeli dispute. Achievement of this objective depends to an important degree on maintaining relationships of cooperation and confidence with all the key countries of the Middle East, including those Arab countries which have lent support to our peacemaking efforts. Confrontation on the boycott issue would undermine such relationships.

A public attack on the boycott in the form of legislation could undo progress to date in promoting quiet case-by-case modification of boycott practices by foreign buyers or governments. A growing number of U.S. firms are actively engaged in finding ways to avoid involvement with boycott enforcement practices as a result of the Administration's overall encouragement to firms to refuse to take actions that further foreign boycotts and as a result of specific actions as in the field of antitrust enforcement.

A policy of confrontation could trigger stronger enforcement of boycott regulations against U.S. firms with a resulting loss of business and jobs to third country competitors (e.g., Japan, Europe, Canada or the Soviet Union which have no clearly established program of opposing boycotts comparable to existing U.S. antiboycott measures).

Continued encouragement to U.S. firms to work out case-by-case elimination of boycott conditions and language from their transactions offers the best immediate chance for lessening the impact of the boycott on U.S. commerce. An eventual overall solution to the boycott problem depends on further progress toward a negotiated Arab-Israeli settlement.

A more detailed explanation of our views is enclosed. Should you require further information, please inform me.

Sincerely your,

ROBERT J. MCCLOSKEY,
Assistant Secretary for Congressional Relations.

Mr. CHURCH. The paragraph to which I call particular attention reads as follows:

A public attack on the boycott in the form of legislation could undo progress to date in promoting quiet case-by-case modification of boycott practices by foreign buyers or governments. A growing number of U.S. firms are actively engaged in finding ways to avoid involvement with boycott enforcement practices as a result of the Administration's overall encouragement to firms to refuse to take actions that further foreign boycotts and as a result of specific actions as in the field of antitrust enforcement.

But the dismal record of the administration in failing to take this issue seriously until the matter was raised in Congress, hardly inspires confidence that the executive branch will take a tougher stance in the future without a strong legislative mandate. Testimony before the subcommittee by the Army Corps of Engineers, the Department of Defense, and the Department of State indicated that little or nothing had been done to convey our Government's objections to boycott policies followed by Arab League countries until the issue was raised publicly by the subcommittee at the hearing.

The administration's position is that adequate steps have now been taken and stronger action would lead to a direct confrontation with the Arab world and hence, be counterproductive. Apparently, foreign policy concerns predominate and dictate the Administration's go-slow, case-by-case approach. Secretary of the Treasury, William E. Simon, testified on June 9, 1976, before the House International Relations Committee, that—

The Arab boycott has its roots in the broad Israel-Arab conflict and will best be resolved by dealing with the underlying conditions of that conflict.

He went on to say:

More legislation would be detrimental to the totality of U.S. interests both here and in the Middle East.

I would infer from his remarks that the administration would have us wait until the whole Middle East conflict is resolved before we do anything more with respect to the boycott, even though compliance with such boycotts may lead American citizens to violate both the spirit and tradition of existing U.S. law.

I am among those who think that the costs, if it means discrimination and restrictive trade practices here at home, far outweigh the commercial benefits, and vague suggestions of friendlier relations with Arab countries. I commend Senator STEVENSON and other members of the Banking Committee for designing legislation which will hopefully call a halt to these practices, whether or not the Arab boycott continues to remain in effect. I strongly endorse title II and would, at this point, like to direct one or two questions to Senator STEVENSON, chief sponsor of the bill.

I would appreciate the Senator clarifying one or two points in the bill so that the intent of this legislation is unambiguous. First of all, how does the subparagraph 4(b)(2)(C)(ii) "prohibiting domestic concerns and persons from refusing to do business with any other domestic concern or person for the purpose of enforcing or implementing a foreign boycott" affect U.S. banks? Is it the intention of this section to apply to cases where an American bank in this country refuses to pay on a letter of credit because a domestic American payee fails to provide certification or other information relating to the Arab boycott?

Mr. STEVENSON. Yes, except as provided by the Tower amendment. Under the Tower amendment, banks could enforce letter of credit provisions so long as they do not require U.S. firms or persons to discriminate against other U.S. firms or persons pursuant to a foreign boycott.

Mr. CHURCH. Would U.S. banks be prohibited from withholding credit to those companies which comply with the refusal-to-deal provision?

Mr. STEVENSON. Absolutely.

Mr. CHURCH. I appreciate your helpful answers to these questions which fully satisfy any concerns I had in this regard.

As to the thrust and objectives of this legislation, I find it difficult to imagine that there would be strong opposition, notwithstanding the testimony of U.S. Government officials. The proposed legislation would merely tighten laws already in effect. I think, if anything, passage of this legislation would strengthen our Government's hand in negotiating an end to the Arab boycott. In answer to objections about its being too confrontational and endangering our interests in the Middle East, I say that the burden of proof rests on those who raise this excuse.

So far, U.S. trade with the Middle East has grown in leaps and bounds, despite the fact that the administration has been forced by Congress to take a harder stand against the boycott. Apparently governments in the Middle East have opted for an improvement in commercial relations with the United States despite strong and more frequent U.S. objections to the Arab boycott.

Furthermore, I do not think this legislation will place American firms at a long-term competitive disadvantage in their effort to secure contracts in Arab countries. American technology stands on its own, and time and again, we have seen Arab governments ignore their own boycott against a particular firm manufacturing a product or service which they wanted. At the same time, this legislation would strengthen, not weaken, our Government's efforts to negotiate an end to the boycott. Decisive action here will help, in my estimation, to convince other industrial nations to join us in this effort. It is a step toward international cooperation for the removal of one of the most onerous forms of restrictive trade practices.

Mr. TOWER. Third reading.

Mr. STEVENSON. Mr. President, I ask for the yeas and nays on final passage.

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

Mr. ALLEN. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue.

The assistant legislative clerk resumed the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 32]

Allen	Huddleston	Nelson
Bumpers	Inouye	Stevenson
Byrd, Harry F., Jr.	Mansfield	Stone
Hruska	McGee	Tower
	Muskie	Williams

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Pending the execution of the order, the following Senators entered the Chamber and answered to their names:

Abourezk	Hart, Philip A.	Percy
Burdick	Helms	Scott, Hugh
Byrd, Robert C.	Leahy	Stafford
Chiles	McClellan	Talmadge
Church	McIntyre	Young
Fong	Moss	
Gravel	Pearson	

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to compel the attendance of absent Senators, and I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana to direct the Sergeant at Arms to compel the attendance of absent Senators. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Hampshire (Mr. DURKIN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Kentucky (Mr. FORD), the Senator from Colorado (Mr. GARY HART), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PASTORE), the Senator from Mississippi (Mr. STENNIS), the Senator from California (Mr. TUNNEY), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I also announce that the Senator from Maine (Mr. HATHAWAY) is absent attending the funeral of a friend.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Kansas (Mr. DOLE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. GOLDWATER), and the Sen-

ator from Ohio (Mr. TAFT) are necessarily absent.

I further announce that the Senator from Utah (Mr. GARN) is absent due to a death in the family.

The result was announced—yeas 78, nays 1, as follows:

[Rollcall Vote No. 540 Leg.]

YEAS—78

Abourezk	Griffin	Muskie
Allen	Hansen	Nelson
Bartlett	Hart, Philip A.	Nunn
Bayh	Haskell	Packwood
Beall	Hatfield	Pearson
Bellmon	Helms	Pell
Bentsen	Hollings	Percy
Biden	Hruska	Proxmire
Brooke	Huddleston	Randolph
Bumpers	Humphrey	Ribicoff
Burdick	Inouye	Roth
Byrd, Harry F., Jr.	Jackson	Schweiker
Byrd, Robert C.	Javits	Scott, Hugh
Cannon	Johnston	Scott, William L.
Case	Kennedy	Sparkman
Chiles	Laxalt	Stafford
Church	Leahy	Stevens
Clark	Mansfield	Stevenson
Cranston	Mathias	Stone
Culver	McClellan	Symington
Curtis	McClure	Talmadge
Eagleton	McGee	Thurmond
Fannin	McGovern	Tower
Fong	McIntyre	Williams
Glenn	Metcalf	Young
Gravel	Morgan	
	Moss	

NAYS—1

Weicker

NOT VOTING—21

Baker	Ford	Magnuson
Brock	Garn	Mondale
Buckley	Goldwater	Montoya
Dole	Hart, Gary	Pastore
Domenici	Hartke	Stennis
Durkin	Hathaway	Taft
Eastland	Long	Tunney

So the motion was agreed to.

The PRESIDING OFFICER (Mr. BELLMON). A quorum is present.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment, as amended. No debate is in order.

The committee amendment, 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.

Mr. STEVENSON. I ask for the yeas and nays on final passage.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order.

Senators will please take their seats. If they must converse, please retire to the cloakroom.

Mr. NELSON. The Senate is still not in order.

Mr. President, there are still Senators conversing in the aisles and in the well.

The PRESIDING OFFICER. Senators please take their conversations to the cloakrooms and retire to their seats.

Mr. NELSON. Mr. President, the Senate is not in order. There are still Members conversing with staff and each other in the aisles.

The PRESIDING OFFICER. Senators please take their seats, and clear the aisles.

The clerk may proceed.

The second assistant legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Hampshire (Mr. DURKIN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Kentucky (Mr. FORD), the Senator from Colorado (Mr. GARY HART), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Mississippi (Mr. STENNIS), the Senator from California (Mr. TUNNEY), and the Senator from New Mexico (Mr. MONTOYA) are necessarily absent.

I also announce that the Senator from Maine (Mr. HATHAWAY) is attending the funeral of a friend.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from Rhode Island (Mr. PASTORE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Kansas (Mr. DOLE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

I further announce that the Senator from Utah (Mr. GARN) is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Ohio (Mr. TAFT) would vote "yea."

The result was announced—yeas 66, nays 12, as follows:

[Rollcall Vote No. 541 Leg.]

YEAS—66

Allen	Griffin	Nunn
Bayh	Hart, Philip A.	Packwood
Beall	Haskell	Pearson
Bellmon	Hatfield	Pell
Bentsen	Hollings	Percy
Biden	Huddleston	Proxmire
Brooke	Humphrey	Randolph
Bumpers	Inouye	Ribicoff
Burdick	Jackson	Roth
Byrd, Harry F., Jr.	Javits	Schweiker
Byrd, Robert C.	Johnston	Scott, Hugh
Cannon	Leahy	Sparkman
Case	Mansfield	Stafford
Chiles	Mathias	Stevens
Church	McClellan	Stevenson
Clark	McGee	Stone
Cranston	McGovern	Symington
Culver	McIntyre	Talmadge
Eagleton	Metcalf	Thurmond
Fong	Morgan	Weicker
Glenn	Moss	Williams
Gravel	Muskie	
	Nelson	

NAYS—12

Abourezk	Helms	Scott, William L.
Bartlett	Hruska	Tower
Curtis	Laxalt	Young
Fannin	McClure	
Hansen		

NOT VOTING—22

Baker	Garn	Mondale
Brock	Goldwater	Montoya
Buckley	Hart, Gary	Pastore
Dole	Hartke	Stennis
Domenici	Hathaway	Taft
Durkin	Kennedy	Tunney
Eastland	Long	
Ford	Magnuson	

So, the bill (S. 3084), as amended, was passed, as follows:

S. 3084

An act to amend and extend the Export Administration Act of 1969 to improve the administration of export controls pursuant to such Act, to strengthen the antiboycott provisions of such Act, to amend the Securities Exchange Act of 1934 to enhance the investor disclosure provisions of that Act, and for other purposes

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

TITLE I—EXPORT ADMINISTRATION IMPROVEMENTS AND EXTENSION

SEC. 101. This title may be cited as the "Export Administration Amendments of 1976".

SEC. 102. The Export Administration Act of 1969, as amended (hereinafter in this title referred to as the "Act") is amended by striking "September 30, 1976" in section 14 and inserting in lieu thereof "September 30, 1979.".

SEC. 103. (a) Section 4(b)(1) of the Act is amended by inserting at the end thereof the following "In administering export controls for national security purposes as prescribed in section 3(2)(C) of this Act, United States policy toward individual countries shall not be determined exclusively on the basis of a country's Communist or non-Communist status but shall take into account such factors as the country's present and potential relationship to the United States, its present and potential relationship to countries friendly or hostile to the United States, its ability and willingness to control retransfers of United States exports in accordance with United States policy, and such other factors as the President may deem appropriate. The President shall periodically review United States policy toward individual countries to determine whether such policy is appropriate in light of the factors specified in the preceding sentence. The results of such review, together with the justification for United States policy in light of such factors shall be included in the semiannual report of the Secretary of Commerce required by this Act for the first half of 1977 and in every second such report thereafter.".

(b)(1) Section 4(h) of the Act is amended by striking the term "controlled country" in the first sentence of paragraph (1) thereof and the second sentence of paragraph (2) thereof and inserting in lieu thereof "country named by the President pursuant to the last sentence of section 4(b)(1) of this Act".

(2) Section 4(h)(2)(A) of the Act is amended by striking "controlled" and inserting in lieu thereof "such".

(3) Section 4(h)(4) of the Act is amended by striking everything following the semicolon at the end of subparagraph (B) thereof and inserting a period in lieu of the semicolon.

(c) The amendments made by subsection (b) shall become effective upon the expiration of ninety days after the receipt by the Congress of the report referred to in the last sentence of section 4(b)(1) of the Act.

SEC. 104. Section 4(b)(4) of the Act is amended to read as follows:

"(4) The Secretary of Commerce, in cooperation with appropriate United States Government departments and agencies and the appropriate technical advisory committees established pursuant to this Act, shall undertake an investigation to determine whether United States unilateral controls or multilateral controls in which the United States participates should be removed, modified, or added with respect to particular articles, materials, and supplies, including technical data and other information, in order to protect the national security of the United States. Such investigation shall take into account such factors as the availability of such articles, materials, and supplies from other nations and the degree to which the availability of the same from the United States or from any country with which the United States participates in multilateral controls would make a significant contribution to the military potential of any nation threatening or potentially threatening the national security of the United States. As part of such investigation, the Secretary of Commerce shall explore ways of simplifying and clarifying lists of articles, materials, and supplies subject to export controls. The results of such investigation shall be reported to the Congress not later than eighteen months after enactment of the Export Administration Amendments of 1976.".

SEC. 105. Section 4 of the Act is amended by adding a new subsection (j) thereto as follows:

"(j) Any person who enters into a contract, protocol, agreement, or other understanding for, or which may result in, the transfer of United States origin technical data or other information to any nation to which exports are restricted for national security or foreign policy purposes shall report such transaction to the Secretary of Commerce and provide him with copies of all documents pertaining thereto within thirty days of entering into such contract, protocol, agreement, or understanding."

SEC. 106. Section 4(g) of the Act is amended by adding at the end thereof the following: "In any denial of an export license application, the applicant shall be informed in writing of the specific statutory basis for such denial. Whenever the Secretary determines that it is necessary to refer an export license application to any multilateral review process for approval, he shall first, if the applicant so requests, provide the applicant with an opportunity to review any documentation to be submitted to such process for the purpose of describing the export in question, in order to determine whether such documentation accurately describes the proposed export.".

SEC. 107. (a) Section 5(c)(1) of the Act is amended by striking the word "two" in the last sentence thereof and inserting in lieu thereof the word "four".

(b) The second sentence of section 5(c)(2) of the Act is amended to read as follows: "Such committees, where they have expertise in such matters, shall be consulted with respect to questions involving (i) technical matters, (ii) worldwide availability and actual utilization of production technology, (iii) licensing procedures which affect the level of export controls applicable to any articles, materials, and supplies, including technical data or other information, and (iv) exports subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. Such committees shall be informed of the reasons for any failure to accept any advice or recommendations which they may render or make to officials of the United States Government.".

SEC. 108. Section 4(f) of the Act is amended by designating the existing paragraph as subparagraph (1) and adding at the end thereof the following new subparagraph:

"(2) Upon approval of the Secretary of Commerce, in consultation with the Secretary of Agriculture, agricultural commodities purchased by or for use in a foreign country may remain in the United States for export at a later date free from any quantitative limitations on export which may be imposed pursuant to section 3(2)(A) of this Act subsequent to such approval. The Secretary of Commerce may not grant approval hereunder unless he receives adequate assurance and, in conjunction with the Secretary of Agriculture, so finds that such commodities will eventually be exported, that neither the sale nor export thereof will result in an excessive drain of scarce materials and have a serious domestic inflationary impact, that storage of such commodities in the United States will not unduly limit the space available for storage of domestically owned commodities, and that the purpose of such storage is to establish a reserve of such commodities for later use, not including resale to or use by another country. The Secretary of Commerce is authorized to issue such rules and regulations as may be necessary to implement this subparagraph. Petroleum products refined in United States foreign trade zones from foreign crude oil shall be excluded from any quantitative restrictions imposed pursuant to section 3(2)(A) of this Act and the provisions of section 103(a) of the Energy Policy and Conservation Act: *Provided, however,* That if the Secretary of Commerce in conjunction with the Administrator of the Federal Energy Administration shall find that a product is in short supply the Secretary of Commerce is authorized to issue such rules and regulations as may be necessary to limit exports in accordance with the Administrator's recommendations.".

SEC. 109. (a) Section 6(a) of the Act is amended by striking out "$10,000" and inserting in lieu thereof "$25,000" and by striking out "$20,000" and inserting in lieu thereof "$50,000".

(b) Section 6(b) of the Act is amended—

(1) by striking out "Communist-dominated nation" and inserting in lieu thereof "country named by the President pursuant to the last sentence of section 4(b)(1)"; and

(2) by striking out "$20,000" and inserting in lieu thereof "$50,000".

(c) Section 6(c) of the Act is amended—

(1) by striking out "The head" and inserting in lieu thereof "Except as otherwise provided in the second sentence of this subsection, the head"; and

(2) by striking out "$1,000" and inserting in lieu thereof "$10,000".

(d) Section 6(d) of the Act is amended by adding at the end thereof the following: "In addition, the payment of any penalty imposed pursuant to subsection (c) may be deferred or suspended in whole or in part for a period of time no longer than any probation period (which may exceed one year) which may be imposed upon such person. Such a deferral or suspension shall not operate as a bar to the collection of the penalty in the event that the conditions of the suspension, deferral, or probation are not fulfilled.".

SEC. 110. Section 3 of the Act is amended by adding at the end thereof the following:

"(8) It is the policy of the United States to use export controls to encourage other countries to take immediate steps to prevent the use of their territory or resources to aid, encourage, or give sanctuary to those persons involved in directing, supporting, or participating in acts of international terrorism. To achieve this objective, the President shall make every reasonable effort to secure the removal or reduction of such assistance to international terrorists through international cooperation and agreement before resorting to the imposition of export controls.".

SEC. 111. Section 4 of the Act is amended by adding a new subsection (k) thereto as follows:

"(k) Notwithstanding any other provision of this Act, no horse may be exported by sea from the United States, its territories and possessions: *Provided, however,* That the Secretary of Commerce, in consultation with the Secretary of Agriculture, may establish regulations to grant a waiver which permits the export by sea from the United States of a specific consignment of horses, if the Secretary of Commerce, in consultation with the Secretary of Agriculture, determines, in accordance with procedures contained in the regulations, that no horse in the consignment is being exported for purposes of slaughter.".

SEC. 112. Section 4(f) of the Act is amended by adding at the end of paragraph (1), as designated by section 108 of this Act, the following new sentences: "However, no export controls on any agricultural commodity may be imposed pursuant to the President's determination that the exercise of the authority conferred by this section is required to effectuate the policies set forth in clause (B) of paragraph (2) of section 3 of this Act until (1) the President's determination has been transmitted to the Congress and (2) a period of thirty days has expired following the date of receipt of the determination by the Congress without the adoption by both Houses of the Congress of a concurrent resolution stating that the Congress does not favor the imposition of export controls pursuant to the President's determination. In the computation of the thirty-day period, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days to a day certain or an adjournment of the Congress sine die.".

SEC. 113. (a) It is the sense of the Congress that the President should actively seek, and by the earliest possible date secure, an agreement or other arrangement whereby—

(A) nuclear exporting nations will not transfer to any other nation any equipment, material, or technology designed or prepared for, or which would materially assist the establishment of, national uranium enrichment, nuclear fuels reprocessing, or heavy water production facilities until and while alternatives to such national facilities are explored and pursued;

(B) nuclear exporting nations will not transfer any nuclear equipment, material, or technology to any other nation that has not agreed to implement safeguards promulgated by the International Atomic Energy Agency;

(C) minimum physical security standards are established to prevent the unauthorized diversion of nuclear equipment, materials, and technology;

(D) arrangements are established for effective and prompt responses in the event of violations of any international agreement to control the use of nuclear materials and technology;

(E) nuclear exporting nations, in cooperation with nuclear importing nations, pursue the concept of multinational facilities for the purpose of meeting the world's nuclear fuel needs while reducing the risks associated with the spread of national facilities for fuel reprocessing, fabrication, or enrichment; and

(F) nuclear exporting nations establish arrangements for appropriate response, including the suspension of transfers of nuclear equipment, material, or technology, to any non-nuclear weapons country which has detonated a nuclear explosive device or which has clearly demonstrated the intention to embark upon a nuclear weapons program.

Within one year of the enactment of the

Export Administration Amendments of 1976, the President shall report to the Congress on the progress made toward the achievement of international agreement or other arrangements on the matters specified herein.

(b) For purposes of this section, the term "nuclear exporting nations" means the United States, the United Kingdom, France, the Federal Republic of Germany, Canada, Japan, the Union of Soviet Socialist Republics, and such other countries as the President may determine.

TITLE II—FOREIGN BOYCOTTS

SEC. 201. This title may be cited as the "Foreign Boycotts Act of 1976".

SEC. 202. (a) Section 3(5)(A) of the Export Administration Act of 1969 (hereinafter in this title referred to as the "Act") is amended by inserting immediately after "United States" the following: "or against any domestic concern or person".

(b) Section 3(5)(B) of the Act is amended by inserting immediately after "United States" the following: "or against any domestic concern or person".

SEC. 203. (a) Section 4(b)(1) of the Act is amended by striking out the next to the last sentence.

(b) Section 4(b) of the Act is amended by redesignating paragraphs (2) through (4) and any cross references thereto as paragraphs (3) through (5), respectively, and inserting after paragraph (1) a new paragraph (2) as follows:

"(2)(A) Pursuant to such rules and regulations as he may deem necessary and appropriate, the Secretary of Commerce shall implement the provisions of section 3(5) of this Act.

"(B) Such rules and regulations shall require that any domestic concern or person which receives a request for the furnishing of information, the signing of agreements, or the taking of any other action referred to in section 3(5) of this Act shall report that fact to the Secretary of Commerce together with such other information concerning such request as the Secretary may require for such action as he may deem appropriate for carrying out the purposes of that section. Such concern or person shall also report to the Secretary of Commerce whether he intends to comply and whether he has complied with such request. Any report filed pursuant to this subparagraph after enactment of the Foreign Boycotts Act of 1976 shall be made available promptly for public inspection and copying: *Provided, however,* That information regarding the quantity, description, and value of any goods to which such report relates may be kept confidential if the Secretary determines that disclosure thereof would place the domestic concern or person involved at a competitive disadvantage. The Secretary of Commerce shall report the results of such reports to the Secretary of State on a periodic basis for such action as the Secretary of State, in consultation with the Secretary of Commerce, may deem appropriate for carrying out the purposes of section 3(5) of this Act.

"(C) Rules and regulations implementing such provisions shall also prohibit domestic concerns and persons from (i) furnishing information regarding any person's race, religion, or national origin to or for the use by any foreign country, national, or agent thereof where such information is sought for the purpose of enforcing or implementing a restrictive trade practice or boycott against a country friendly to the United States or against any domestic concern or person, or (ii) refusing to do business with any other domestic concern or person pursuant to an agreement with, requirement of, or a request from, or on behalf of, any foreign country, national, or agent thereof made or imposed for the purpose of enforcing or implementing a restrictive trade practice or boycott against a country friendly to the United States or against any domestic concern or person: *Provided, however,* That such rules and regulations shall not prohibit any domestic concern or person from refusing to pay, honor, advise, confirm, process, or otherwise implement a letter of credit where the domestic beneficiary thereof fails to comply with the conditions or requirements thereof except a condition or requirement regarding any person's race, religion, or national origin of the domestic beneficiary's dealings with other domestic concerns or persons, and any such condition or requirement shall be null and void. Any civil penalty (including any suspension or revocation of the authority to export) imposed under this Act for a violation of rules or regulations issued under clause (ii) of the preceding sentence may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code. The provisions of this subparagraph (C) shall neither substitute for nor limit the operation of the antitrust laws of the United States. The provisions of this subparagraph (C)(ii) shall not apply to any conformity with requirements pertaining to the identity of any carrier on which articles, materials, or supplies are to be shipped so long as such requirements do not have as their purpose the enforcement or implementation of a restrictive trade practice or boycott against a country friendly to the United States or against any domestic concern or person.".

SEC. 204. (a) Section 6(c) of the Act is amended by adding at the end thereof the following: "The head of any department or agency exercising any functions under this Act, of any officer or employee of such department or agency specifically designated by the head thereof, may impose a civil penalty not to exceed $10,000 for each violation of section 4(b)(2) of this Act or of any rule or regulation issued thereunder, either in addition to or in lieu of any other liability or penalty which may be imposed under this Act. The head of any department or agency exercising any function under this Act relating to licensing, or any officer or employee of such department or agency specifically designated by the head thereof, may use the authority under this Act to suspend or revoke the authority of a person to export articles, materials, supplies, or information from the United States for each violation of section 4(b)(2) of this Act. Any charging letter or other document initiating proceedings by the Secretary of Commerce after enactment of the Foreign Boycotts Act of 1976 for the imposition of sanctions for violations of section 4(b)(2) of this Act shall be made available for public inspection and copying.".

(b) Section 7(c) of the Act is amended by striking the word "No" at the beginning thereof and inserting in lieu thereof the following: "Except as otherwise provided by this Act, no".

SEC. 205. Section 10(b) of the Act is amended by adding at the end thereof a new paragraph (3) as follows:

"(3) Each such report shall also contain a description of actions taken by the President and the Secretary of Commerce to effect the policy of section 3(5) of this Act.".

SEC. 206. Section 11 of the Act is amended by adding at the end thereof the following: "The term 'domestic concern' as used in this Act shall include but not be limited to banks, other financial institutions, insurers, freight forwarders, and shipping companies organized under the laws of the United States or any State or any political subdivision thereof.".

TITLE III—DISCLOSURE

SEC. 301. This title may be cited as the "Domestic and Foreign Investment Improved Disclosure Act of 1976".

SEC. 302. Section 13(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended to read as follows:

"(d)(1) Any person who, after acquiring directly or indirectly the beneficial ownership of any equity security of a class which is registered pursuant to section 12 of this title, or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of this title, or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940, is directly or indirectly the beneficial owner of more than 5 per centum of such class shall, within ten days after such acquisition, send to the issuer of the security at its principal executive office, by registered or certified mail, send to each exchange where the security is traded, and file with the Commission, a statement containing such of the following information, and such additional information, as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors—

"(A) the background, identity, residence, and nationality of, and the nature of such beneficial ownership by, such person and all other persons by whom or on whose behalf the purchases have been or are to be effected;

"(B) the source and amount of the funds or other consideration used or to be used in making the purchases, and if any part of the purchase price or proposed purchase price is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, or trading such security, a description of the transaction and the names of the parties thereto, except that where a source of funds is a loan made in the ordinary course of business by a bank, as defined in section 3(a)(6) of this title, if the person filing such statement so requests, the name of the bank shall not be made available to the public;

"(C) if the purpose of the purchases or prospective purchases is to acquire control of the business of the issuer of the securities, any plans or proposals which such persons may have to liquidate such issuer, to sell its assets to or merge it with any other persons, or to make any other major change in its business or corporate structure;

"(D) the number of shares of such security which are beneficially owned, and the number of shares concerning which there is a right to acquire, directly or indirectly, by (i) such person, and (ii) by each associate of such person, giving the background, identity, residence, and nationality of each such associate; and

"(E) information as to any contracts, arrangements, or understandings with any person with respect to any securities of the issuer, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guaranties of loans, guaranties against loss or guaranties of profits, division of losses or profits, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements, or understandings have been entered into, and giving the details thereof.".

SEC. 303. Section 13 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78m), is amended by adding at the end thereof the following new subsection:

"(g)(1) Every holder of record of, and any other person having an interest in, 2 per centum or more of any security of a class described in subsection (d)(1) of this section shall report such interest and such other information, in such form and at such intervals (but in no event more frequently than quarterly), as the Commission may, by rule, prescribe.

"(2) Any person required to make reports pursuant to paragraph (1) of this subsection shall file, publish, or disseminate such reports in such manner and to such persons,

including the Commission, as the Commission may, by rule, specify. Any issuer which receives reports pursuant to this paragraph shall include in any filing or registration statement it makes with the Commission, under the Federal securities laws as defined in section 21(g) of this title such of the information contained in such reports as the Commission may, by rule, require.

"(3) The 2 per centum figure in subsection (g)(1) of this section shall be reduced to 1 per centum on September 1, 1977, and to one-half of 1 per centum on September 1, 1978: *Provided, however,* That the Commission may shorten or extend such periods if the Commission first finds that such reduction or extension is not inconsistent with the protection of investors or the public interest, after giving appropriate consideration to, and receiving public comments, views, and data on, the following matters:

"(A) the incidence of avoidance of reporting by beneficial owners using multiple holders of record;

"(B) the cost of compliance to issuers and to record holders;

"(C) the effect on the securities markets of such action, including the system for the clearance and settlement of securities transactions;

"(D) the benefits to investors and to the public;

"(E) and bona fide interests of an individual in the privacy of his financial affairs;

"(F) the extent to which such reported information gives or would give any person an undue advantage in connection with activities subject to sections 13(d) and 14(d) of this title;

"(G) the need for such information in connection with the administration and enforcement of this title; and

"(H) such other matters as the Commission may deem relevant, including the results of any study or investigation it may undertake pursuant to this title and the information obtained pursuant to section 13(f) of this title.

The Commission shall report to the Congress on August 1, 1977, and again on August 1, 1978, the steps it has taken, or plans to take, to implement, accelerate, or defer the time periods set forth in this paragraph. In addition, the Commission shall no later than January 2, 1979, report to the Congress on the feasibility and desirability of reducing the per centum figure in paragraph (3) to one-tenth of 1 per centum, after studying the impact of such reduction on a reasonable sample of issuers, recordholders, and other persons required to report under this subsection and after full consideration of the matters referred to in clauses (A) through (H).

"(4) The Commission shall have the authority, by rule or by order, to exempt from the requirements of this subsection any security, issuer, or person, or any class of securities, issuers, or persons, if it finds that such exemption is not inconsistent with the public interest or the protection of investors.

"(5) It shall be unlawful for any person, in contravention of such rules as the Commission may prescribe, to make use of the mails or any other means or instrumentality of interstate commerce to effect any transaction (for his own account or the account of another) in any security of a class described in subsection (d)(1) of this section, if such person knew, or should have known, that information required to be filed, published, or disseminated in accordance with this subsection, either by the person effecting the transaction or by the person on whose behalf, directly or indirectly, the transaction is intended to be effected, has not been filed, published, or disseminated.

"(6) In exercising its authority under this subsection, the Commission shall take such steps as are within its power, including consulting with the Comptroller General of the United States, the Director of the Office of Management and Budget, the appropriate regulatory agencies referred to in section 34(D) of this title, and other Federal authorities which, directly or indirectly, require reports substantially similar to that called for by this subsection (A) to achieve uniform, centralized reporting of such information and (B) consistently with the objectives set forth in this subsection, to avoid unnecessarily duplicative reporting by and minimize the compliance burden on persons required to report.".

The title was amended so as to read: "A bill to amend and extend the Export Administration Act of 1969 to improve the administration of export controls pursuant to such act, to strengthen the antiboycott provisions of such act, to amend the Securities Exchange Act of 1934 to enhance the investor disclosure provisions of that act, and for other purposes."

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

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

The motion to lay on the table was agreed to.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendments to S. 3084.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Montana is recognized.

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

Mr. TOWER. Mr. President, I thank the distinguished majority leader for yielding to me. I simply wanted to set the record straight as to why I voted in opposition to passage of S. 3084. As I earlier stated, I had no objection to titles I and II. As a matter of fact, I think they are constructive legislation. I see no clear need for title III, the investment disclosure provision. I think that it can be potentially very costly to businesses and to investors. Therefore, I voted against the bill for that reason. Should this bill emerge from conference with title III dropped, I shall vote for the conference report.

ANTITRUST CIVIL PROCESS ACT AMENDMENTS OF 1976

Mr. MANSFIELD. Mr. President, I yield to the distinguished assistant majority leader.

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House on H.R. 8532.

The Chair laid before the Senate the following message from the House of Representatives:

AUGUST 24, 1976.

Resolved, That the House insist upon its amendment to the amendment of the Senate to the bill (H.R. 8532) entitled "An Act to amend the Clayton Act to permit State attorneys general to bring certain antitrust actions, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Rodino, Mr. Brooks, Mr. Flowers, Mr. Sarbanes, Mr. Seiberling, Ms. Jordan, Mr. Mezvinsky, Mr. Mazzoli, Mr. Hughes, Mr. Hutchinson, Mr. McClory, Mr. Railsback, and Mr. Cohen be the managers of the conference on the part of the House.

Mr. ALLEN. I ask that it be read.

Mr. MANSFIELD. Mr. President, I send to the desk——

Mr. ROBERT C. BYRD addressed the Chair.

Mr. ALLEN. I ask that the message be read.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the House amendment to the Senate amendment to H.R. 8532, with an amendment.

The motion offered by Mr. ROBERT C. BYRD is as follows:

That the Senate concur in the House amendment to the Senate amendment to H.R. 8532, with an amendment as follows:

That this Act may be cited as the "Hart-Scott-Rodino Antitrust Improvements Act of 1976".

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TITLE I—ANTITRUST CIVIL PROCESS ACT AMENDMENTS

DEFINITIONS

SEC. 101. Section 2 of the Antitrust Civil Process Act (15 U.S.C. 1311) is amended—

(1) in subsection (a)—

(A) by inserting "and" after the semicolon at the end of paragraph (1);

(B) by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) by striking out "(A)" and ", or (B) any unfair trade practice in or affecting such commerce" in paragraph (2) (as redesignated by subparagraph (B));

(2) by amending subsection (c) to read as follows:

"(c) The term 'antitrust investigation' means any inquiry conducted by any antitrust investigator for the purpose of ascertaining whether any person is or has been engaged in any antitrust violation or in any activities in preparation for a merger, acquisition, joint venture, or similar transaction, which, if consummated, may result in an antitrust violation;".

(3) by amending subsection (f) to read as follows:

"(f) The term 'person' means any natural person, partnership, corporation, association, or other legal entity, including any person acting under color or authority of State law;".

(4) by amending subsection (h) to read as follows:

"(h) The term 'custodian' means the custodian or any deputy custodian designated under section 4(a) of this Act.".

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HENDERSON: Committee of conference. Conference report on H.R. 5465 (Rept. No. 94–1456). Ordered to be printed.

Mr. ADAMS: Committee on the Budget. H. Con. Res. 728. Concurrent resolution revising the congressional budget for the U.S. Government for the fiscal year 1977 (Rept. No. 94–1457). Referred to the Committee of the Whole House on the State of the Union.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 9067. A bill to provide additional funds to the States for carrying out restoration projects and programs, and for other purposes; with an amendment (Rept. No. 94–1459). Referred to the Committee of the Whole House on the State of the Union.

Mr. FOLEY: Committee on Agriculture. H.R. 13613. A bill to assure low-income households the opportunity to attain adequate levels of nutrition by increasing their purchasing power, to strengthen the food sector of the economy, and for other purposes; with an amendment (Rept. No. 94–1460). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE: Committee on Science and Technology. H.R. 14965. A bill to amend the Solid Waste Disposal Act to provide certain authorities respecting research, development, and demonstration; with amendments (Rept. No. 94–1461). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of X rule bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. STRATTON: Committee on Armed Services. H.R. 14773. A bill to amend title 10, United States Code, to authorize cost-of-living adjustments of annuities under the retired serviceman's family protection plan, to suspend retired-pay deductions under the survivor benefit plan when there is no eligible spouse beneficiary, to reduce the duration-of-marriage requirement under the survivor benefit plan from 2 years to 1 year, and for other purpose; with amendments; referred to the Committee on Appropriations for a period not to exceed 15 legislative days with instructions to report back to the House as provided in section 401(b) of Public Law 93–344.

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. MORGAN (for himself, Mr. ZABLOCKI, Mr. FASCELL, Mr. NIX, Mr. FRASER, Mr. ROSENTHAL, Mr. HAMILTON, Mr. YATRON, Mr. BINGHAM, Mr. RYAN, Mrs. COLLINS of Illinois, Mr. SOLARZ, Mrs. MEYNER, Mr. BROOMFIELD, Mr. BURKE of Florida, Mr. WHALEN, Mr. BIESTER, Mr. WINN, Mr. GILMAN, and Mr. GUYER):

H.R. 15377. A bill to amend the Export Administration Act of 1969; to the Committee on International Relations.

By Mr. BENNETT (for himself and Mr. BOB WILSON):

H.R. 15378. A bill to authorize additional appropriations during the fiscal year 1977 for procurement of naval vessels for the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. GAYDOS:

H.R. 15379. A bill to impose quantitative limitations on the importation of mushrooms into the United States; to the Committee on Ways and Means.

By Mr. HANSEN:

H.R. 15380. A bill to establish a commission and task force to review all Federal Government programs, determine what economies and efficiencies can be achieved through program consolidation, review the functions carried out by each level of government, and make recommendations for more clearly defining the respective responsibilities of such levels, and for other purposes; to the Committee on Government Operations.

By Mr. HEINZ (for himself, Mr. BEVILL, Mr. BOLAND, Mr. BROYHILL, Mr. DAN DANIEL, Mr. EMERY, Mr. FITHIAN, Mr. HEFNER, Mr. HOWARD, Mr. LEHMAN, Mrs. LLOYD of Tennessee, Mr. LUNDINE, Mr. MILLER of California, Mr. RICHMOND, Mr. WIRTH, Mr. YOUNG of Florida, and Mr. KOCH):

H.R. 15381. A bill to establish a national commission on regulatory reform; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLLAND:

H.R. 15382. A bill to encourage the utilization of sound management practices in dredged material disposal areas of the Nation, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. JONES of Oklahoma:

H.R. 15383. A bill to amend the Internal Revenue Code of 1954 to change the method used to determine the rate of interest on tax deficiencies and overpayments; to the Committee on Ways and Means.

By Mr. KETCHUM (for himself, Mr. LAGOMARSINO, Mr. WINN, Mr. DERWINSKI, Mr. BURGENER, and Mr. BOB WILSON):

H.R. 15384. A bill to amend sections 206 and 208 of the Labor Management Relations Act, 1947 to provide that the national emergency procedures thereunder may be applied to strikes or lockouts which will cause losses of agricultural crops; to the Committee on Education and Labor.

By Mr. McKINNEY (for himself, Mr. CONTE, Mr. HUGHES, and Mr. EDWARDS of California):

H.R. 15385. A bill to amend the Mineral Leasing Act of 1920 and the Trans-Alaska Pipeline Authorization Act to require the development of a plan to assure the equitable allocation of available crude oil and petroleum products, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, and International Relations.

By Mr. TRAXLER:

H.R. 15386. A bill to amend the Equal Educational Opportunities Act of 1974 with respect to the transportation of students, and for other purposes; jointly, to the Committees on Education and Labor, and the Judiciary.

By Mr. UDALL:

H.R. 15387. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of Michigan:

H.R. 15388. A bill to establish a national commission on neighborhoods; to the Committee on Banking, Currency and Housing.

By Ms. BURKE of California (for herself, Mr. REUSS, Ms. BOGGS, Mr. REES, Mr. TSONGAS, Ms. FENWICK, Mr. ST GERMAIN, Mr. MCKINNEY, Mr. HANNAFORD, and Mr. MITCHELL of Maryland):

H.R. 15389. A bill to establish a national commission on neighborhoods; to the Committee on Banking, Currency and Housing.

By Mr. FOUNTAIN (for himself, Mr. BROOKS, Mr. ROSENTHAL, Mr. FUQUA, Mr. MEZVINSKY, Ms. JORDAN, Mr. JOHN L. BURTON, Mr. DRINAN, Mr. ENGLISH, Mr. LEVITAS, Mr. HORTON, Mr. WYDLER, and Mr. BROWN of Ohio):

H.R. 15390. A bill to establish an office of inspector general within the Department of Health, Education, and Welfare, and for other purposes; to the Committee on Government Operations.

By Mr. KREBS (for himself and Mr. BEDELL):

H.R. 15391. A bill to amend the meat import law in order to limit the quantity of certain prepared or preserved beef and veal which may be imported into the United States after 1976; to the Committee on Ways and Means.

By Mr. LAFALCE:

H.R. 15392. A bill to amend the Emergency Jobs and Unemployment Assistance Act of 1974 to provide for payment of assistance under such act to an individual who is entitled to regular unemployment compensation in an amount smaller than his weekly benefit amount determined under such act; to the Committee on Ways and Means.

By Mr. LAGOMARSINO:

H.R. 15393. A bill to amend the Internal Revenue Code of 1954 to increase the limitation applicable in the case of the sale of personal residences by the elderly from $20,000 to $60,000; to the Committee on Ways and Means.

By Mr. LEGGETT:

H.R. 15394. A bill to save the gray whale; jointly, to the Committees on Merchant Marine and Fisheries, and International Relations.

By Mr. MILLER of Ohio (for himself, Mr. EDGAR, Mr. ANDREWS of North Dakota, Mr. FOUNTAIN, Mr. LOTT, Mr. MYERS of Indiana, Mr. KEMP, and Mr. FLORIO):

H.R. 15395. A bill to amend section 901(a) (relating to prohibition of sex discrimination) of the Education Amendments of 1972 to exempt from the prohibition of such section musical programs or activities, and social programs or activities designed for parents and students; to the Committee on Education and Labor.

By Mr. MYERS of Pennsylvania:

H.R. 15396. A bill to amend the Atomic Energy Act of 1954 to provide criminal penalties for offenses committed under the act with the intent to convert nuclear material or facilities; to the Joint Committee on Atomic Energy.

By Mrs. PETTIS:

H.R. 15397. A bill to amend section 403(b) of the Federal Aviation Act of 1958 to permit the continuation of family fares; to authorize reduced rate transportation for handicapped persons and their attendants; and to authorize reduced-rate transportation for elderly people and young people on a space-available basis; to the Committee on Public Works and Transportation.

By Mr. ROGERS (by request):

H.R. 15398. A bill to provide minimum national standards for disclosure and consumer protection in condominium sales and condominium conversions; and for other purposes; to the Committee on Banking, Currency and Housing.

By Mr. SKUBITZ:

H.R. 15399. A bill to authorize and appropriate funds for the acquisition, improvement, rehabilitation, and maintenance of the national park system and the national wild-

ment of the Navy to sell certain defense articles to Australia (transmittal No. 7T-33), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3935. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Navy to offer to sell certain defense articles and services to Iran (transmittal No. 7T-34), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3936. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Army to offer to sell certain defense articles to Saudi Arabia (transmittal No. 7T-35), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3937. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Air Force to offer to sell certain defense articles and services to Iran (transmittal No. 7T-36(a) and (b)), pursuant to section 36(b) of the Arms Export Control Act; to the Committtee on International Relations.

3938. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Air Force to offer to sell certain defense articles to Saudi Arabia (transmittal No. 7T-37), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3939. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Army to sell certain defense articles to Saudi Arabia (transmittal No. 7T-38), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3940. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Army to offer to sell certain defense articles to Saudi Arabia (transmittal No. 7T-39), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3941. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Army to offer to sell certain defense articles to Saudi Arabia (transmittal No. 7T-40), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3942. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Navy to offer to sell certain defense articles to Israel (transmittal No. 7T-41), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3943. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Army to offer to sell certain defense articles to Norway (transmittal No. 7T-42), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3944. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Army to offer to sell certain defense articles to Korea (transmittal No. 7T-43), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3945. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Air Force to offer to sell certain defense articles and services to the Philippines (transmittal No. 7T-44), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3946. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Air Force to sell certain defense services to the Federal Republic of Germany (transmittal No. 7T-45), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3947. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Navy to offer to sell certain defense articles to Iran (transmittal No. 7T-46), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3948. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Navy to sell certain defense articles to Israel (transmittal No. 7T-47), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3949. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Air Force to sell certain defense articles to Pakistan (transmittal No. 7T-48), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3950. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Army to sell certain defense articles to Pakistan (transmittal No. 7T-49), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3951. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Army to offer to sell certain defense articles to Pakistan (transmittal No. 7T-50), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3952. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Navy to offer to sell certain defense articles to Korea (transmitted No. 7T-51), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3953. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(1) of the Immigration and Nationality Act, together with a list of the persons involved, pursuant to section 244(c) of the act [8 U.S.C. 1254(c)]; to the Committee on the Judiciary.

3954. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to authorize the operation of lake regulation control works under the jurisdiction of the Department of the Army in the St. Marys River at Sault Ste. Marie, Mich., in the interest of minimizing damages to shore property on the Great Lakes during periods of high lake levels and for other purposes; to the Committee on Public Works and Transportation.

3955. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms for July 1975 to May 1976, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Small Business.

3956. A letter from the Administrator of Veterans' Affairs, transmitting reports for fiscal year 1976 on the exchange of medical information and sharing of medical resources programs, pursuant to 38 U.S.C. 5057; to the Committee on Veterans' Affairs.

RECEIVED FROM THE COMPTROLLER GENERAL

3957. A letter from the Acting Comptroller General of the United States, transmitting the third annual report of the joint financial management improvement program; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under caluse 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRASER: Committee on International Relations. H. Res. 1506. Resolution relating to the sentencing of 18 South Koreans; with amendments (Rept. No. 94-1462). Referred to the House Calendar.

Mr. SOLARZ: Committee on International Relations. H. Res. 1509. Resolution urging the President not to extend diplomatic or other recognition to the Transkei territory, (Rept. No. 94-1463). Referred to the House Calendar.

Mr. MORGAN: Committee on International Relations. H. Con. Res. 726. Concurrent resolution to urge the Soviet Union to release Georgi Vins and permit religious believers within its borders to worship God according to their own conscience (Rept. No. 94-1464). Referred to the House Calendar.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 14041. A bill to amend the Railroad Retirement Act of 1974 with respect to the computation of annuity amounts in certain cases, and for other purposes; with amendments (Rept. No. 94-1465, pt. I). Ordered to be printed.

Mr. PEPPER: Committee on Rules. House Resolution 1519. A resolution providing for the consideration of H.R. 14940. A bill to authorize the obligation and expenditure of funds to implement for fiscal year 1977 the provisions of the Treaty of Friendship and Cooperation between the United States and Spain, signed at Madrid on January 24, 1976, and for other purposes (Rept. No. 94-1466). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 1520. A resolution providing for the consideration of S. 2371. An act to provide for the regulation of mining activity within, and to repeal the application of mining laws to, areas of the national park system, and for other purposes (Rept. No. 94-1467). Referred to the House Calendar.

Mr. TAYLOR of North Carolina: Committee of conference. Conference report on S. 327 (Rept. No. 94-1468). Ordered to be printed.

Mr. MORGAN: Committee on International Relations. H.R. 15377. A bill to amend the Export Administration Act of 1969; with an amendment (Rept. No. 94-1469). Referred to the Committee of the Whole on the State of the Union.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 13374. A bill to establish the Minnesota River Valley National Wildlife Refuge, and for other purposes; with amendments (Rept. No. 94-1470). Referred to the Committee of the Whole House on the State of the Union.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. S. 1414. An act to make the Trust Territory of the Pacific Islands eligible to participate in certain Federal fisheries programs, and for other purposes; with amendments (Rept. No. 94-1472). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUNGATE: Committee on the Judi-

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 828. An act to provide for addition to the Fort Clatsop National Memorial of the site of the salt cairn utilized by the Lewis and Clark Expedition, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 2135. An act to authorize the construction and maintenance of the Gen. Draza Mihailovich Monument in Washington, District of Columbia, in recognition of the role he played in saving the lives of approximately 500 U.S. airmen in Yugoslavia during World War II; to the Committee on House Administration.

S. 2946. An act to amend the act of July 2, 1940, as amended, to remove the limit on appropriations; to the Committee on Merchant Marine and Fisheries.

ENROLLED BILLS SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5071. An act to amend section 584 of the Internal Revenue Code of 1954 with respect to the treatment of affiliated banks for purposes of the common trust fund provisions of such Code; and

H.R. 9811. An act to designate the Veterans' Administration hospital in Madison, Wisconsin, as the "William S. Middleton Memorial Veterans' Hospital," and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 327. An act to amend the Land and Water Conservation Fund Act of 1965, as amended, to establish the National Historic Preservation Fund, and for other purposes; and

S. 3283. An act to authorize various Federal reclamation projects and programs, and for other purposes.

ADJOURNMENT

Mr. WEAVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until Thursday, September 16, 1976, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4024. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Agriculture for "Agricultural Marketing Service, Marketing Services" for fiscal year 1977 has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679(e)(2) of the Revised Statutes; to the Committee on Appropriations.

4025. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee, and insurance transactions supported by Eximbank during July 1976 to Communist countries; to the Committee on Banking, Currency and Housing.

4026. A letter from the Mayor of the District of Columbia, transmitting his response to the Comptroller General's report on "What Can Be Done to Improve the Management of Money and Staff? District of Columbia Public Schools," pursuant to section 736(b)(3) of Public Law 93-198; to the Committee on the District of Columbia.

4027. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council act No. 1-151, to amend the District of Columbia Code and Regulations to enact a statute providing for the creation and governance of condominiums and regulating the offering of condominium units, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

4028. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Ambassador-designate Edward E. Masters and his family, pursuant to section 6 of Public Law 93-126; to the Committee on International Relations.

4029. A letter from the Secretary of Commerce, trnsmitting the annual report on the relative cost of shipbuilding in the various coastal districts of the United States, pursuant to section 213(c) of the Merchant Marine Act, 1936; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EILBERG: Committee on the Judiciary. H.R. 14535. A bill to amend the Immigration and Nationality Act, and for other purposes; with amendments (Rept. No. 94-1553). Referred to the Committee of the Whole House on the State of the Union.

Mr. DANIELSON: Committee on the Judiciary. H.R. 4580. A bill to amend the Organic Act of Guam to provide for the reorganization of the judicial system of Guam, and for other purposes; with an amendment (Rept. No. 94-1554). Referred to the Committee of the Whole House on the State of the Union.

Mr. DRINAN: Committee on the Judiciary. H.R. 15460. A bill to allow the awarding of attorney's fees in certain civil rights cases (Rept. No. 94-1558). Referred to the Committee of the Whole House on the State of the Union.

Mr. FLOOD: Committee of conference. Conference report on H.R. 14232 (Rept. No. 94-1555). Ordered to be printed.

Mrs. SULLIVAN: Committee of conference. Conference report on H.R. 13035 (Rept. No. 94-1556). Ordered to be printed.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 1545. A resolution providing for the consideration of H.R. 12112. A bill to provide additional assistance to the Energy Research and Development Administration for the advancement of nonnuclear energy research, development, and demonstration (Rept. No. 94-1557). Referred to the House Calendar.

Mr. SHIPLEY: Committee of conference. Conference report on H.R. 14238 (Rept. No. 94-1559). Ordered to be printed.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 4345. A bill to amend the act entitled "An Act to authorize the sale of certain public lands in Alaska to the Catholic Bishop of Northern Alaska for use as a mission school", approved August 8, 1953; with amendments (Rept. No. 94-1560). Referred to the Committee of the Whole House.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 13101. A bill to provide for consideration of the comparative productive potential of irrigable lands in determining nonexcess acreage under Federal reclamation laws; with amendments (Rept. No. 94-1561). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 15446. A bill to designate certain lands as wilderness; with an amendment (Rept. No. 94-1562). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.J. Res. 915. Joint Resolution to authorize the placement of the bell known as the American Legion's Freedom Bell in the District of Columbia on land of the national park system, and for other purposes; with amendments (Rept. No. 94-1563). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 1548. A resolution providing for the consideration of H.R. 14932. A bill to amend the Regional Rail Reorganization Act of 1973, the Railroad Revitalization and Regulatory Reform Act of 1976, the Rail Passenger Service Act, and the Interstate Commerce Act (Rept. No. 94-1564). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 1549. A resolution providing for the consideration of H.R. 15377. A bill to amend the Export Administration Act of 1969 (Rept. No. 9-1565). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. H. Res. 1540. Resolution creating a select committee to conduct an investigation and study of the circumstances surrounding the death of John F. Kennedy and the death of Martin Luther King, Jr., and of any others the select committee shall determine (Rept. No. 94-1566). Referred to the House Calendar.

Mr. MURPHY of Illinois: Committee on Rules. House Resolution 1550. A resolution providing for the consideration of S. 22. An act for the general revision of the copyright law, title 17 of the United States Code, and for other purposes (Rept. No. 94-1567). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calender, as follows:

Mr. FISH: Committee on the Judiciary. H.R. 10645. A bill for the relief of Lilia Araujo (Rept. No. 94-1551). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 11809. A bill for the relief of Ljudevit Previc; with an amendment (Rept. No. 94-1552). Referred to the Committee of the Whole House.

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. 15566. A bill to amend section 8(b) of the Soil Conservation and Domestic Allotment Act with respect to the election of county and local committees; to the Committee on Agriculture.

Keys	Nolan	Simon
Koch	Nowak	Sisk
Krebs	Oberstar	Skubitz
Krueger	Obey	Slack
Lagomarsino	O'Brien	Smith, Iowa
Leggett	O'Hara	Solarz
Lehman	O'Neill	Spellman
Lent	Ottinger	Spence
Levitas	Patten, N.J.	Staggers
Lloyd, Calif.	Patterson, Calif.	Stanton, J. William
Long, La.	Pattison, N.Y.	Stanton, James V.
Long, Md.	Perkins	Stark
Lundine	Pettis	Steiger, Wis.
McClory	Pike	Stokes
McCloskey	Pressler	Studds
McDade	Preyer	Sullivan
McFall	Pritchard	Symington
McHugh	Quie	Symms
McKay	Railsback	Talcott
McKinney	Randall	Taylor, N.C.
Madden	Rangel	Teague
Madigan	Rees	Thompson
Mann	Regula	Thone
Martin	Reuss	Traxler
Mathis	Richmond	Treen
Mazzoli	Riegle	Tsongas
Meeds	Rinaldo	Udall
Melcher	Risenhoover	Van Deerlin
Metcalfe	Roberts	Vander Jagt
Meyner	Rodino	Vander Veen
Mezvinsky	Roe	Vanik
Mikva	Rogers	Walsh
Miller, Calif.	Roncalio	Wampler
Miller, Ohio	Rooney	Waxman
Mills	Rose	Weaver
Mineta	Rosenthal	Whalen
Minish	Rostenkowski	White
Mitchell, Md.	Roush	Whitehurst
Mitchell, N.Y.	Roybal	Wilson, Bob
Moakley	Russo	Wilson, Tex.
Moffett	Ryan	Winn
Mollohan	St Germain	Wirth
Moore	Santini	Wolff
Moorhead, Pa.	Sarasin	Wright
Morgan	Sarbanes	Wydler
Mosher	Scheuer	Yates
Moss	Schroeder	Yatron
Motti	Schulze	Young, Ga.
Murphy, Ill.	Seiberling	Zablocki
Murtha	Sharp	Zeferetti
Myers, Pa.	Shipley	
Natcher	Shriver	
Nedzi	Sikes	
Nichols		

NAYS—82

Alexander	Hall, Tex.	Passman
Anderson, Ill.	Hammer-schmidt	Paul
Archer	Hansen	Pickle
Armstrong	Hutchinson	Poage
Ashbrook	Hyde	Price
Bafalis	Ichord	Quillen
Beard, Tenn.	Johnson, Colo.	Rhodes
Bell	Johnson, Pa.	Robinson
Bevill	Karth	Rousselot
Breckinridge	Kazen	Runnels
Brinkley	Kelly	Satterfield
Brown, Calif.	Kindness	Schneebeli
Brown, Ohio	Landrum	Sebelius
Broyhill	Latta	Shuster
Butler	Lloyd, Tenn.	Snyder
Carter	Lott	Stephens
Cederberg	Lujan	Stratton
Clawson, Del	McCormack	Stuckey
Collins, Tex.	McDonald	Taylor, Mo.
Conable	McEwen	Thornton
Crane	Mahon	Ullman
Daniel, R. W.	Michel	Vigorito
Derrick	Milford	Waggonner
Devine	Montgomery	Whitten
Erlenborn	Moorhead, Calif.	Wiggins
Forsythe	Myers, Ind.	Wylie
Ginn		Young, Alaska
Hagedorn		Young, Fla.

ANSWERED "PRESENT"—1

Conlan

NOT VOTING—34

Boggs	Heinz	Nix
Brown, Mich.	Helstoski	Pepper
Clancy	Henderson	Peyser
D'Amours	Hinshaw	Ruppe
Early	Jarman	Smith, Nebr.
Esch	LaFalce	Steed
Evins, Tenn.	McCollister	Steelman
Frey	Maguire	Steiger, Ariz.
Gialmo	Matsunaga	Wilson, C. H.
Gradison	Mink	Young, Tex.
Green	Murphy, N.Y.	
Hébert	Neal	

The Clerk announced the following pairs:

Mrs. Boggs with Mr. Jarman.
Mr. Murphy of New York with Mr. Brown of Michigan.
Mr. Nix with Mr. Frey.
Mr. Pepper with Mr. Gradison.
Mr. Matsunaga with Mr. Peyser.
Mr. LaFalce with Mr. Esch.
Mr. Early with Mrs. Smith of Nebraska.
Mr. Gialmo with Mr. Steelman.
Mr. Hébert with Mr. Evins of Tennessee.
Mr. D'Amours with Mr. Ruppe.
Mr. Helstoski with Mr. Steiger of Arizona.
Mrs. Mink with Mr. Maguire.
Mr. Neal with Mr. Henderson.
Mr. Charles H. Wilson of California with Mr. Clancy.
Mr. Green with Mr. Heinz.
Mr. Steed with Mr. McCollister.

Mrs. LLOYD of Tennessee changed her vote from "yea" to "nay."

Mr. PRITCHARD and Mr. O'BRIEN changed their votes from "nay" to "yea." So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROHIBITING DEPRIVATION OF EMPLOYMENT OR OTHER BENEFIT FOR POLITICAL CONTRIBUTION

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 11722) to amend title 18 of the United States Code to prohibit deprivation of employment or other benefit for political contribution, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, strike out all after line 6 over to and including line 20 on page 2 and insert:

"(a) Whoever, directly or indirectly, knowingly causes or attempts to cause any person to make a contribution of a thing of value (including services) for the benefit of any candidate or any political party, by means of the denial or deprivation, or the threat of the denial or deprivation, of—

"(1) any employment, position, or work in or for any agency or other entity of the Government of the United States, a State, or a political subdivision of a State, or any compensation or benefit of such employment, position, or work; or

"(2) any payment or benefit of a program of the United States, a State, or a political subdivision of a State;

if such employment, position, work, compensation, payment, or benefit is provided for or made possible in whole or in part by an Act of Congress, shall be fined not more than $10,000, or imprisoned not more than one year, or both.

Page 3, line 10, strike out "(1)" and insert: "(A)".

Page 3, line 11, strike out "(2)" and insert: "(B)".

Page 3, line 13, strike out "(3)" and insert: "(C)".

Page 3, line 15, strike out "(4)" and insert: "(D)".

Page 3, line 17, strike out "(5)" and insert: "(E)".

Page 4, line 15, strike out "purposes on" and insert: "purposes, on".

Mr. HUNGATE. Mr. Speaker, H.R. 11722 passed the House under suspension of the rules on April 5 of this year. In the Senate, the bill was referred to the Senate Judiciary Committee's Subcommittee on Criminal Laws and Procedures. That subcommittee, and the Senate Judiciary Committee, reported the bill favorably, but with some amendments. Just yesterday the Senate voted to pass the bill with those amendments.

The amendments added by the Senate are acceptable to the Subcommittee on Criminal Justice and to Representative J. EDWARD ROUSH, the chief sponsor of the bill. In fact, Representative ROUSH and the subcommittee were consulted by the Senate Judiciary Subcommittee on Criminal Laws and Procedures in the drafting of the amendments. We indicated at that time that the amendments were agreeable to us. The amendments added by the Senate are those the subcommittee and Representative ROUSH helped draft and that we approved.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

A motion to reconsider was laid on the table.

ELECTION AS MEMBER OF COMMITTEE ON THE BUDGET

Mr. RHODES. Mr. Speaker, I offer a privileged resolution (H. Res. 1562) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1562

Resolved, That John H. Rousselot, of California be, and is hereby, elected a member of the Committee on the Budget.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENDING THE EXPORT ADMINISTRATION ACT

Mr. MORGAN. 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. 15377) to amend the Export Administration Act of 1969.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MORGAN).

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. 15377, with Mr. EVANS of Colorado in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania (Mr. MORGAN) will be recognized for 30 minutes and the gentleman from Michigan (Mr. BROOMFIELD) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. MORGAN).

Mr. MORGAN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the bill before us, H.R. 15377, is a measure to extend the Export Administration Act of 1969 and to make various improvements in that act.

It is an important and necessary piece

of legislation. The Export Administration Act, as Members know, safeguards the national interest by providing authority to restrict exports under certain conditions.

The present act is scheduled to expire on September 30. A companion bill to extend the law already has been passed by the Senate.

Because this is the first time that the Committee on International Relations has had the responsibility for acting on this legislation, the committee has made a special effort to investigate fully the various problems and questions that have been raised regarding export controls.

The committee requested several studies by the Congressional Research Service.

Two of our subcommittees held hearings on specific aspects of export control issues.

The full committee then held 8 days of hearings on the Export Administration Act.

H.R. 15377 thus reflects hard and serious work by the committee. We have produced what we believe to be a very worthwhile bill.

The first 13 sections of H.R. 15377 are aimed principally at improving the export licensing process. Included in these sections are:

A 1-year extension of the act, through September 30, 1977; provision for a specific authorization for appropriations after fiscal year 1977; an increase in the penalties for violation of the act; a clarification of congressional access to information collected under the act; a directive to consider means to simplify the U.S. control list; strengthening of the intent of Congress that licenses be processed within a 90-day period.

These 13 sections were developed, for the most part, pursuant to extensive hearings before the Subcommittee on International Trade and Commerce, headed by Congressman BINGHAM. The full committee owes a note of thanks for the hard work and thought the subcommittee and its chairman have put into these amendments.

Section 14 strengthens the existing policy statement in the act that declares it to be U.S. policy to oppose boycotts of countries friendly to the United States. It prohibits any U.S. person from complying with a request to participate in such a boycott.

The committee strongly favored this strengthening of our resistance to the Arab boycott of Israel through prohibiting U.S. compliance with secondary and tertiary boycotts.

The last two sections of the bill, 17 and 18, deal with the matter of nuclear exports. Section 17 reinstates in law a provision of the Foreign Assistance Act that prohibits the use of aid funds for the construction of nuclear powerplants in foreign countries.

Section 18, a committee amendment, seeks to strengthen U.S. nuclear export control standards and safeguards. It attempts to assure that foreign reprocessing of U.S. nuclear fuel will occur only under safeguards that provide genuine protection against the possible use of plutonium for nuclear explosives.

This amendment was offered by Congressmen ZABLOCKI and FINDLEY pursuant to extensive hearings before the Subcommittee on International Security and Scientific Affairs. Their strong case convinced the committee that we should adopt this proposal as a necessary step toward controlling the spread of nuclear weapons.

Mr. Chairman, questions have been raised as to: Whether this committee amendment is germane to this bill; whether it is within the committee's jurisdiction; and whether the Committee on International Relations has attempted to end-run the Joint Committee on Atomic Energy on this issue.

I would like to make several points.

This amendment on nuclear exports is clearly germane to H.R. 15377. H.R. 15377 amends the Export Administration Act, the primary purpose of which is to provide the executive with guidelines for imposing export controls. A 1974 amendment to that act directed a review of all laws and regulations relating to nuclear exports. The committee amendment was written so as to carry out the recommendations of the resulting report.

The Committee on International Relations has jurisdiction over matters relating to this Nation's foreign policy and national security and over export controls. This amendment clearly affects our country's foreign policy and security and it controls our nuclear exports.

The only reason the committee adopted this provision as a committee amendment was in order to assure speedy consideration of H.R. 15377. This bill extends the Export Administration Act, the current authority for which expires September 30, 1976. There are some 40 to 50 items of difference between this bill and the Senate bill. The conference committee will require adequate time to resolve the differences and get a law enacted within the next 2 weeks.

Further, the Rules Committee set a date of September 10 as a cut-off for receiving requests for rules. The Export Administration Act is an important law which has to be renewed; that is the reason this committee has sought to bring this entire matter before the House without delay.

Mr. Chairman, the committee has worked hard in drafting H.R. 15377. The bill was approved by voice vote with bipartisan sponsorship. I urge its favorable consideration by the House of Representatives.

Mr. GRASSLEY. Mr. Chairman, my question is in regard to section 16 that deals with agricultural commodities. Is section 16 in this bill absolutely necessary from this standpoint? Without it could a country be prohibited from receiving grain that that country had bought, paid for, and stored in this country? In other words, without this amendment would it be impossible for that country to receive that grain?

Mr. MORGAN. Section 16, of course, exempts from export limitation certain agricultural products purchased for use overseas, stored in the United States. I am sure the gentleman from Illinois (Mr. FINDLEY) has proposed some additional language and could answer that question.

I yield to the gentleman from Illinois (Mr. FINDLEY) for an answer.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORGAN. Mr. Chairman, I yield myself 5 additional minutes.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman for yielding.

The language in the bill provides a safeguard to certain interests in the event that curtailment or embargo of farm commodities should occur under authority of this act.

Under certain conditions it gives assurance that commodities purchased for export may be exported notwithstanding a general curtailment or embargo.

Mr. REES. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from California.

Mr. REES. I thank the gentleman for yielding.

I would like to ask the distinguished Chairman as to his interpretation of the intent of the bill on page 15, section (k). It says that any person—which is a firm—receiving a request for furnishing information or entering into an agreement as specified must report it to the Secretary of Commerce, and then it is made open for public inspection. So the mere receiving of the request, even though the request is not accurate, means that a firm must furnish this to the Department of Commerce, and then that information shall be made public.

Mr. MORGAN. Mr. Chairman, I yield to the gentleman from New York (Mr. BINGHAM) for a response, the author of this section.

Mr. BINGHAM. I thank the gentleman for yielding.

I am sorry; would the gentleman repeat the question?

Mr. REES. On line 11 it says there are two circumstances by which a businessman must furnish information to the Department of Commerce. One is if he receives a request for furnishing information, say, from an Arab country, he must report that request to the Department of Commerce, and then that is made public; and, No. 2, if they actually enter into the agreement, they must report that to the Secretary of Commerce and that is made public.

Mr. BINGHAM. That is correct. What is the gentleman's question?

Mr. REES. My worry is that someone by the mere fact that he has received a request for information, and that being made public, might subject him to harassment, just the mere fact of receiving a request for information.

Mr. BINGHAM. The requirement for the receipt of a request for information is in the law today, and such information supplied was a matter of discussion in the subcommittee headed by the gentleman from California (Mr. Moss) which investigated very extensively the responses to that requirement of the filing of information.

Mr. REES. But the law today is not that it shall be made public.

Mr. BINGHAM. I do not understand the gentleman's point. To what particular point in the bill is he referring?

Mr. REES. I am referring to page 15, section (k), and then the next section, section (B). It says that all of this information shall be made public, and it is my impression that that is not in the law.

Mr. BINGHAM. If the gentleman will yield further, the purpose of this entire amendment is to require disclosure of what goes on under the efforts of the Arab nations who oppose the boycott. Disclosure is an essential part, and disclosing the request for the receipt of information is part of that disclosure.

Mr. REES. I would like to ask the Chairman if it would be possible for me to get time. I have two more questions as to the legislative intent of the bill.

Mr. MORGAN. I will try to yield the gentleman some time and he can ask the author of the amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. BROOMFIELD. Mr. Chairman, H.R. 15377 marks the first time that the Committee on International Relations has exercised its authority over export administration, and I commend the committee and its distinguished chairman for an outstanding performance.

The legislation before us contains significant improvements in the export licensing process, procedures that should facilitate the flow of American exports and serve the interests of the American business community; H.R. 15377 also includes important provisions designed to arrest the dangerous process of nuclear proliferation; and it seeks a legislative remedy to a situation we all find obnoxious: Commercial discrimination and the use of economic blackmail against the State of Israel.

Let me state at the outset that I am totally opposed to the Arab boycott of Israel and I am determined to do whatever I can to render the boycott ineffective. I voted for the Bingham amendment in committee and I shall vote in favor of H.R. 15377 today.

President Ford has made it clear, in deed and in word, that discrimination of any sort is repugnant to the American character and totally unacceptable to the American people.

One need only refer to Secretary Simon's June testimony before the Committee on International Relations to appreciate that the Ford administration has not confined itself to passive or verbal disapproval of the boycott. On the contrary, President Ford has acted to insure that exclusionary policies of other states do not apply to the selection of American contractors or personnel for overseas assignments. In January of this year the administration submitted legislation to prohibit the use of economic means to coerce any person or entity to discriminate against any U.S. person or entity on the basis of race, color, religion, sex, or national origin.

In addition, the Department of Commerce now requires U.S. firms to indicate whether or not they supply information on their dealings with Israel to Arab countries, and Commerce refuses to accept or circulate documents containing boycott conditions.

I recognize that there are those who will contend that the administration, in an effort to avoid confrontation with certain states important to our Middle East peace initiative, has not moved far enough or fast enough; the language of this bill is a reflection of such an attitude. In stating my support for H.R. 15377 and the Bingham resolution, I would nevertheless suggest that the administration is acting in good faith on the boycott issue. Differences President Ford may have with the Congress on this matter are differences of tactics and not of principle. I sincerely hope that our legislative proposals on the boycott, drawn with the most honorable intentions, produce the intended effect. I think they will, and I urge support of this legislation.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of this legislation, which would, among other things, improve export licensing procedures and make illegal complicity by American firms in the Arab boycott of Israel. As one who actively participated in the deliberations of the Oversight and Investigations Subcommittee on this issue, I was pleased to note that many of the recommendations in our recent report on the boycott would be implemented in H.R. 15377.

I was especially pleased to see the inclusion of a provision I have long advocated which would prohibit the withholding of boycott information from Congress under section 7(c) of the Export Administration Act.

Almost a year ago, I sponsored H.R. 9932, to amend section 7(c) to provide that no material obtained by the Secretary of Commerce pursuant to that section could be withheld from the Congress. My bill was introduced in response to the heated controversy over whether then Secretary of Commerce Rogers Morton was legally permitted to turn over U.S. Exporter Reports obtained by the Department to the Oversight Subcommittee. Attorney General Levi ruled that he could not.

The committee report on H.R. 15377 states that this provision, which incorporates the language of H.R. 9932, "should not be necessary," and that it is made necessary only because of the administration's interpretation of section 7(c) "in a manner inconsistent with the intent of Congress." With all due respect to the committee, I believe there is ample justification for the interpretation put upon the existing section 7(c) by the executive branch. If Congress wants access to information, it should be willing to make that intent clearly known when it drafts legislation. Hence, I view the inclusion of this provision as a victory for not only statutory clarity, but also for better executive-legislative relations and for improved congressional oversight of the enforcement of the Export Administration Act.

Mr. BURKE of Florida. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Florida.

Mr. BURKE of Florida. Mr. Chairman, as a member of the Committee on International Relations I cosponsored H.R. 15377. I am proud I did and I now strongly support this bill which will extend and amend the Export Administration Act of 1969. I now emphasize in the strongest possible terms the need for the support of section 14 of this bill, namely the foreign boycott section—which would make illegal American complicity in the Arab boycott. This is, I believe, one of the most significant pieces of legislation to come to the floor of the House in recent years.

There is no doubt that the Arab boycott constitutes one of the most monstrous and most sinister campaigns ever to be directed against the United States, and yet, Mr. Chairman, it is one of the most subtle. In this seemingly innocuous effort, every aspect of American life comes under attack.

In the first instance, compliance with this boycott requires that American corporations violate the basic principles of the free enterprise system. Free competition is replaced by a process of racially discriminate bargaining.

Secondly, the primary symbols of the American political life—freedom and equality under the law—are ruthlessly challenged; and, finally, American sovereignty itself—most clearly manifested in the ability of the United States to conduct an independent foreign policy—is undermined and made subject to foreign interests. Domestically and internationally, the Arab boycott threatens our American way of life, and my colleagues, this we cannot tolerate.

Mr. Chairman, in counting up this dread-balance sheet, the U.S. House of Representatives has before it no other viable alternative. We cannot stand idly by waiting to be tamely and abjectly enslaved. Rather, we must strike at the very heart of this unparalleled and deliberate act of political and economic aggression. We must pass H.R. 15377 with section 14, which is presently under consideration. In so doing, we will bear witness to the American people and to the rest of the world that America is still the land of those who love freedom, and the home of those who have the courage to live and make sacrifices for that freedom.

To see the wide-spread character of this boycott, it is only necessary to consider briefly its nature. From the very founding of Israel in 1948, the Arab States ceased to do business with that state. This severance of economic ties has precedent in international relations and resembles American policy with respect to countries such as Cuba, North Vietnam, and North Korea. This action is known as the primary boycott and has been viewed by the United States as an acceptable form of international behavior.

But, Mr. Chairman, the Arab boycott has other dimensions which make it

totally unacceptable to the United States. Contrary to what can be tolerated, the Arab States carry this practice to include the internal affairs of all trading partners — including the United States. This extension of the Arab boycott to include a penetration of American society though our American business community, has two aspects commonly called the secondary and the tertiary boycott.

The secondary boycott focuses its impact upon American businesses. A much publicized blacklist has been developed which contains mostly American companies and individuals allegedly connected in some way with Israel or with Jews. The secondary boycott employs this blacklist in accordance with a very simple principle. No company on the blacklist can expect to do business with any Arab State or business. Conversely, any company doing business with an Arab State or business cannot do business with Israel. The basic thrust of this principle is that no company could expect to have access to lucrative Arab markets if it was engaged in trade with Israel or with Jews anywhere.

In practical terms. the following kinds of conditions are imposed upon those who would do business with any Arab State. First. exporters are asked to certify that they do not sell to Israel. Second. shipping lines must confirm that vessels stopping at Arab ports have not stopped in Israel. Third, manufacturers must stipulate that they have no Israeli operations and that their products contain no Israeli-made components. Fourth, banks will honor certain letters of credit only for customers who certify that they have no dealings with Israel. The upshot of these actions is that the Arab States not only refuse to do business with Israel, they also refuse to trade with those who do.

However, the Arab boycott has a further devious dimension. The tertiary boycott extends throughout the entire economic life of those countries who would trade with the Arab States. Any business which trades with the Arab States is forbidden—if it desires to continue that trade—from doing business with any other company which does in fact trade with Israel. The significance of this is simple. U.S. firms are forced to discriminate against other American firms and are thus made subject to the express policy of a foreign government. This violates the basic principles of American sovereignty and seriously undermines the American way of life.

Mr. Chairman, running throughout the entire spectrum of the Arab boycott is another theme which I feel we should bring into the clear light. There can be no doubt that the overriding character of the Arab boycott is nothing other than a hate crusade against the Jewish people with a view to the deliberate and systematic destruction of the State of Israel. Every since 1948 when we followed the British lead it has been the policy of the United States to give its active support and assistance to Israel to make it a viable and self-sustaining state. My colleagues, regarding our failure now to actively participate in any boycott of the kind under discussion will be to give credence and material assistance to a policy of anti-Semitism. I cannot condone this because it would violate the sacred trust and honor we owe to those who fought and died in Europe in World War II.

Mr. Chairman, it has been just over 30 years since the world recognized Hitler's national policy of racial discrimination and religious bigotry. What we are witnessing today in the Arab boycott is another start toward the hates of other days. The demand that American firms practice religious and racial discrimination in hiring, promotion, job assignment, selection of corporate officers and in dealing with other American firms sound all too familiar. It is in all honesty repugnant to the American belief of fairness and as an American I cannot condone it. Any and all attempts by foreign countries to intrude into American domestic life and to coerce American foreign policy must be defeated with dispatch and an open willingness to face those who would try by threats to bring us to our knees.

We would be naive if we did not anticipate at least the thought of the Arab States' undertaking certain actions of reprisal. For instance, there could be some short-term diversion of trade to other European countries or to Japan. It is to be expected that the Arabs will express their displeasure when they realize that their scheme no longer enjoys even tacit, let alone explicit, support by the American public.

Mr. Chairman but I am willing to bet that any major shift in commercial dealings would work a much more unacceptable hardship upon the Arab business community than could be anticipated in the United States. The fact is that some Arab businessmen have expressed private misgivings about the operation of the boycott. They feel that they have become unnecessarily restricted in their dealings with the blacklisted companies. There is considerable evidence which indicates that failure to comply with a boycott request would not necessarily lead to a termination of commercial relations. The Morgan Guaranty Bank officials testified that the offensive boycott language was stricken by the Arab and other foreign banks, in 23 out of 24 times where the bank refused to process such letters of credit which contained objectionable language. In other words, there are strong indications which would lead me to the conclusion that the Arabs would rather waive boycott conditions rather than deprive themselves of American goods and services.

Mr. Chairman, in the final analysis. we who are called upon to vote on this measure must admit, that even if a high price is to be exacted from us, there is no alternative but to take the course of action presently being considered. Fundamentally what is in question, is not the price of oil or the profits of corporations—although these are important, but is the willingness of the American people to support its principles and its own sovereignty. That to me is the basic issue. It is simply a matter of justice, and if there is any common truth to which we must all subscribe, it is that justice cannot be measured in terms of dollars alone. Since when, have we in America used the dollar sign as our symbol of justice or as a substitute for right.

I strongly urge my colleagues to approve H.R. 15377. We must once again put an end to a policy of racial and religious discrimination. Our action today will also serve notice to all the peoples of the world, that the United States intends to remain the principle defender of freedom regardless of the economic pressures by others. To do anything less would be to betray our principles for which so many have fought and died and would be a sorrowful beginning for the hopes of our citizens for a free tomorrow.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of H.R. 15377 and the provision in the Export Administration Act (H.R. 15377) which seeks to reduce the danger of nuclear proliferation.

The purpose of this provision is to insure that adequate safeguards are in effect to prevent the spread of nuclear weapons. Readily fissionable nuclear material, specifically plutonium, is the direct byproduct of reprocessing spent fuel for nuclear reactors. Without adequate safeguards to protect the disposition of those byproducts, we cannot justify a policy which promotes the export of the means for nuclear reprocessing. Current adequate safeguards do not exist. Any nation which has access to plutonium is only a few days, if not hours, away from the ability to produce a nuclear weapon.

The effect of this provision would be to prohibit the U.S. export of reprocessing facilities and the reprocessing of U.S.-supplied fuel by foreign countries until tighter safeguards can be put into operation.

This provision will also serve to set a firm guideline for a more consistent U.S. nuclear export policy. We cannot expect other nuclear supplier nations to control the access to nuclear reprocessing if we do not set definite limits of our own.

Mr. Chairman, I repeat, we must adopt this provision.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, I want to say forthrightly why I voted against the antiboycott measure approved by the House Committee on International Relations.

To begin with, the amendment offers no hope of actually terminating or materially reducing the impact of the existing boycott. Indeed, there is every likelihood that this legislation will simply serve to stiffen matters in this regard. None of us ought to ignore the practical consequences of legislative acts, however well intentioned those acts may on their surface appear.

Second, the policy of the U.S. Government on this issue has already been strong and unambiguous. Indeed, few countries, save Israel and the United States herself, have made such explicit

and public antiboycott pronouncements. Thus, the moral requirement of a firm U.S. declaratory policy has already been satisfied.

Third, persistent, behind the scenes efforts have already been somewhat successfull in moderating the effect and the intensity of the boycott.

Most importantly, however, this legislation is sure to aggravate improved but still delicate relations with Arab States. Certain of these states are of course instrumental to a long term and peaceful solution to the Middle East conflict. These states have already committed themselves—perhaps unwisely—to assuring that the boycott remains in at least formal effect until a comprehensive settlement has been achieved. Although regrettable, such tactics are not new in the affairs of states.

I very much fear that our action will not only aggravate the Arab States into taking harsher action, but that it may also undermine the moderate leadership in key Arab countries. Such results are sure to complicate if not retard our efforts for a final settlement.

The consequences of this well-intentioned amendment then can be seen to affect adversely the prospects for peace instead of war, for economic stability instead of continued poverty and ruin, for life instead of death. These are also moral considerations of the highest order. And to my mind they are compelling enough to outweigh the desirability of a confrontational intervention of the Congress—especially one that is sure to have only the most meager impact upon the boycott of Israel itself.

I continue to believe that my vote served the best interest of Israel because it served the best interest of peace.

Mr. MORGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Chairman, I rise in support of this bill.

I urge the passage of this bill which will make illegal American complicity in the Arab boycott. In 1965, the Congress thought it was ending American participation in the boycott of Israel when it made such participation against U.S. policy and it gave strong authority to the Commerce Department to enforce this policy.

As the years have passed, we in the Congress have waited vainly for the Commerce Department to take strong action. Instead we have seen the Commerce Department circulating to industry trade offers containing boycott conditions and counseling U.S. companies in ways to evade the requirements of the act. As recently as this March, Commerce Department officials were telling a select group of businessmen how to disregard even the weak civil rights prohibitions which the Department had been forced to enact only 4 months before.

As the Commerce Department procrastinated, boycott demands against American businesses multiplied. Discrimination among American businesses spread. The blacklist of American companies which refused to suffer foreign dictation in their commercial dealings swelled. Today the blacklist includes over 1,500 firms and individuals.

Recent figures released by the Commerce Department to the Government Operations Subcommittee on Commerce, Consumer and Monetary Affairs which I chair reveal how pervasive the pressures against American businesses have become. Banks are the principal enforcers of the boycott. They are the ones who exact compliance with the boycott as the price for payment by the Arab importer.

According to the Department, during the period from April 1 through June 30, 1976, 131 U.S. banks reported that they had engaged in 8,026 transactions involving 15,392 requests to enforce restrictive trade practices. The total amount involved in these transactions was $479 million. Equally troubling, the number of transactions conditioned on compliance with the boycott had grown by over 25 percent from the immediately preceding 4-month period.

Based upon statistics such as the above, the Los Angeles Times recently made a dire prediction:

> Not too many years in the future, the nation could have two kinds of auto companies, steel makers, trading firms and banks: those that deal with the Arabs, and those that don't. If that happened, the two groups would be hampered by the blacklist in their dealings with each other. Imagine the effects on the nation's economy, its sense of nationhood, its integrity.

FOCUS OF THE BOYCOTT

The Commerce, Consumer and Monetary Affairs Subcommittee held 2 days of hearings on the boycott in early June. Their inquiry focused on the pressures exerted on the American financial community and, through it, American industry, to comply with Arab boycott demands. Among the witnesses were Chairman Roderick Hills of the SEC; the General Counsel of the Federal Reserve Board; the head of the Commerce Department's Office of Export Administration, and officials of Chemical Bank and Morgan Guaranty. These hearings put the lie to one of the prime contentions of boycott apologists that the boycott is directed solely against Israel. As the top bank and Federal officials made clear, the Arab boycott, is largely a boycott of American business.

In its secondary aspect, the boycott seeks to prevent American industry from doing business with one of this Nation's principal trading partners—Israel—and precludes blacklisted American firms from doing business in the growing markets of the 20 states of the Arab League. In the boycott's so-called tertiary aspect, American companies are pressured into discriminating against other American companies; that is, those on the boycott list.

BOYCOTT BACKGROUND AND THEORY

It is important to understand how the boycott of American business operates. Virtually from the founding of Israel in 1948, Arab States ceased to do business with that state. While an unfortunate consequence of the hostilities in the Middle East, this severance of economic relations has precedents in international relations and resembles U.S. policy with respect to countries such as Cuba, Vietnam, and North Korea. But the Arab States carried this practice further and elected to include innocent third parties, including American businesses, not otherwise involved in the Middle East dispute. This escalation led to the development of a list of mostly American companies and individuals allegedly connected in some way with Israel or with Jews with which no Arab State or company could do business. This is the Arab blacklist which, in the 1970 Saudi Arabian version made public by the Senate Subcommittee on Multinational Corporations, contains the names of over 1,500 U.S. companies, financial institutions, and individuals.

The theory of the boycott is simple. No company on the blacklist should expect to do business with any Arab State or business. Conversely, any company doing business with an Arab State or business cannot do business with Israel. In practice, as a condition of doing business with Arab interests—

Exporters are asked to certify that they do not sell to Israel;

Shipping lines must confirm that vessels stopping at Arab ports have not stopped in Israel;

Manufacturers must stipulate that they have no Israeli operations and their products contain no Israel-made components; and

Banks honor certain letters of credit only for customers who certify they have no dealings with Israel.

This economic pressure by Arabs directly against U.S. firms has been called the secondary boycott.

But the reach of the boycott can be far wider to encompass not only doing business with Israel but also doing business with any company which does business with Israel. U.S. firms are thus put in the position of discriminating against other U.S. firms pursuant to the dictates of foreign governments. In any form it is equally repugnant in restricting the freedom of American concerns to do business with whom they wish.

BOYCOTT IMPACT

The Arab boycott has an enormous impact upon American business. The House Commerce Investigations Subcommittee reported in May that American firms are complying with over 90 percent of the boycott requests as the cost of doing business with Arab States. The subcommittee, headed by Representative Moss, also found that during 1974 and 1975, 637 U.S. exporters sold at least $352.9 million and as much as $781.5 million in goods and services under boycott conditions. The actual figure is unknown since many firms reporting to the Commerce Department on boycott pressures refused to admit whether they had given in. The Commerce Department has required information as to compliance only since late 1975.

In the hearings before my subcommittee, banks gave graphic evidence of the pervasiveness of boycott requests. The resident counsel of Morgan Guaranty testified that in the 4 months from December 1975 to April 1976, his bank had received 824 letters of credit in a total amount of $41,237,815 containing boycott clauses. These letters of credit were issued not only by Arab banks but also by banks in other Asian and African countries which have joined the boycott against American businesses. In each of these instances, Morgan Guaranty ex-

acted compliance with the boycott as a condition of payment to the American exported under the letter of credit.

Appearing on the boycott list can have a significant impact upon a U.S. company's business. RCA Corp. offers a typical example. Prior to being included on the blacklist, RCA did about $10 million worth of business annually with the Arab world. The company had every reason to believe, it has said, that its sales would have increased substantially over this figure. Today, as a consequence of being boycotted, RCA operations in Arab countries have shrunk to under $1 million, a direct loss of over $9 million.

The boycott not only is hurting American businesses which must choose between dong business with Arabs or Israelis, it is also having a dire impact upon Israel. This impact has been greatest in certain high technology areas where the compliance of a few American firms with the boycott precludes access to vital new developments. In the area of energy exploration, for example, Israel has been unable to draw upon the services of the American petroleum giants for assistance in finding new sources of oil. This has forced Israel into a partnership with a non-American company and has prompted strict secrecy as to the identity of this company for fear of reprisal. Communications technology is another area where Israel has had to look elsewhere at greater expense for the assistance which American companies could better provide.

This impact on both U.S. companies and Israel threatens to increase substantially unless strong action is taken to curb the domestic boycott. A Saudi Arabian minister was recently in the United States exploring American investment in a Saudi development plan. In an interview, he made it clear that investors would have to make boycott declarations and certifications, thereby excluding the 1,500 American companies on the blacklist and undoubtedly widening the number of companies which will feel constrained to avoid business with Israel. The Commerce Department estimates that Arab-American trade, which amounted to $5.5 billion in 1975, is likely to double by 1980. Action is urgently required before large segments of American industry are divided into two groups, each one excluded from the other's Mideast market.

BOYCOTT AS EXTORTION

It is important to point out that the Arab boycott is not an ironclad and impermeable structure. Indeed, the many leaks in the boycott create an evil of their own in that they have created a new cottage industry based on evading the boycott or getting off the boycott list.

There is no single boycott list. Although there is a coordinating body based in Damascus which has power to recommend addition or deletion from the blacklist each of 20 Arab countries and the Arab League itself has its own blacklist with its own wrinkles. The situation is further complicated by the length and complexity of the boycott regulations which contain 100 pages of detailed rules.

Finally, confusion is guaranteed by the secrecy surrounding the list and the regulations. The boycott office has refused to make available copies of either. The only published versions, dated 1970 and 1972 respectively, were first made public in February 1975 by the Senate Subcommittee on Multinational Corporations.

The nature of the boycott as a capricious and extortionist device is clear from the reactions of some American companies to the discovery that they were on the 1970 Saudi Arabia list. A spokesman for the Hertz system, which has licensed auto rental outlets in both Israel and Egypt, declared:

We are puzzled to find ourselves listed. From time to time we get applications from parties in Arab lands for licenses.

The chairman of Lord & Taylor department store chain said that he first learned of the blacklist in 1971 when a shipment of goods was impounded in Saudi Arabia. He said:

So we know we are on the list, but we don't know why, never having been told.

A Burlington Industries official noted:

I did not know we were on any blacklist and don't know why we should be. We are shocked to hear it. We do business with both Israel and the Arab world—far more business in the Arab world, in fact.

The Republic Steel Corp. observed that it had been put on the list "although we have neither any investments or interest in the Mideast." American Electric Power Co. spokesmen were similarly bewildered as to their company's appearance on the list.

Those companies which could ascribe reasons to their being blacklisted disclosed a catalog of capricious and arbitrary actions by Arab boycott administrators. Xerox Corp. attributed blacklisting to a documentary on Israel sponsored in 1966. Coca-Cola was on because it granted a franchise to an Israeli bottling company in the mid-1960's. Sears, Roebuck & Co. said its inclusion was due to the mistaken impression that a British company, Sears Holding, Ltd., was in some way an affiliate. It is not. General Tire & Rubber appeared because a subsidiary, since sold, once had a service arrangement with an Israeli company.

Fortune magazine has noted that dozens of firms listed cannot be found and some no longer exist. A spokesman for Laurance Rockefeller speculated that Laurance Rockefeller Associates—which never existed—is mentioned because Rockefeller and a few colleagues once had a minor interest in Elron Electronics Industries, an Israel company, which they sold in 1967.

The experience of American companies in trying to get their names off or keeping their names off the blacklist throws a different cast upon the nature of the boycott. Instead of being a weapon in the war against Israel, the boycott appears more as a means of extorting bribes and additional business from U.S. concerns. Earlier this year, the SEC accused General Tire and Rubber Co. of failing to disclose that it had paid $150,000 to a Saudi Arabian to get its name off the boycott list. The alleged recipient was none other than Adnan Khashoggi, the same individual who has been implicated in other Mideast "commissions." General Tire subsequently agreed to a court injunction barring future violations.

Bulova had a similar experience. Despite having no dealings in the Middle East apart from its watches being on sale at duty free shops, Bulova was placed on the blacklist. Later a Syrian lawyer approached the company and offered for a retainer to get its name removed. Unfortunately, the lawyer was executed in a Damascus public hanging before he could fulfill his promise.

Undoubtedly other American companies have been forced to resort to similiar payoffs to get themselves off the blacklist. But the usual method of "negotiation" to expunge a name or keep it off is somewhat subtler. What appears to be required is a willingness to make an appropriate contribution to the economies of the Arab world. Sometimes the contribution reportedly can be a strict quid pro quo. Secretary Simon testified to this extortionist arrangement before the committee.

Hence, Xerox is "negotiating" to have its name stricken. The documentary film about Israel which prompted the blacklisting cost the company $230,000 to produce. Xerox has been told that an investment of a like amount in an Arab State would suffice for delisting. Ford Motor Co. is talking with the Egyptians about a similar arrangement—assembling in Egypt automobiles to offset the 5,000 Ford cars annually produced by an Israeli concern. The New York Times reported that Sony was approached with a like arrangement—an electronics enterprise in an Arab country to "compensate" for one in Israel.

Sometimes exceptions are made without explicit agreement due to the bargaining position of the American concern. Hence, defense contractors such as McDonnell Douglas, United Aircraft, General Electric, Hughes Aircraft, and Texaco do business in both Israel and the Arab States without any apparent boycott interference. This is also true of Hilton and IBM. But how many smaller American exporters or manufacturers can affort to enter into similar agreements with the Arabs? And why should they be forced to submit to such extortion which is a violation of express U.S. policy?

According to recent indications, this bribery may become even more widespread. An article by the Arab Press Service cites pressures on the Central Boycott Office being exerted by individual Arab States to allow multinational companies to buy their way off the blacklist by making investments twice the size of their investments in Israel. This would institutionalize the current informal extortion and bribery which characterizes the listing and delisting process.

TERTIARY BOYCOTT

Thus far I have dealt with the direct impact of the boycott on American firms—the so-called secondary boycott. I would like now to turn to an aspect of the boycott which has occasionally been called the tertiary boycott—the discrimination of certain American firms against other American and European firms under pressure from Arab States. This form of compliance with the boycott is illustrated by the following examples:

According to the testimony of SEC Chairman Hills before my subcommittee, a "$30 to $40 million American company" interested in receiving Arab investments felt compelled to end its sizable account with an American investment banking firm because of the latter firm's close relations with Israel.

A U.S. bus manufacturer had its contract to sell buses to an Arab State terminated when it was learned that the seats were to be made by an American company on the blacklist.

Two American investment banking firms were discliplined by the National Association of Security Dealers—NASD—for violating that organization's rules of fair practice in substituting nonblacklisted affiliates for blacklisted firms in underwritings with Arab participation.

Bechtel Corp. was sued by the Justice Department for violating the Sherman—antitrust—Act in refusing to deal with blacklisted American subcontractors and requiring American subcontractors to refuse to deal with blacklisted persons or entities.

As the last example makes clear, there are many who feel that this so-called tertiary boycott, that is, American firms discriminating against American firms, violates the antitrust laws which outlaw conspiracies in restraint of trade. President Ford apparently shares that opinion. In a thoughtful and innovative statement made on November 20, 1975, he clarified his administration's position on the boycott and modified agency practice to outlaw compliance with the religious and racial, but not economic, aspects of the boycott. As part of his address, he remarked:

> The Department of Justice advises me that the refusal of an American firm to deal with another American firm in order to comply with a restrictive trade practice by a foreign country raises serious questions under the U.S. antitrust laws.

Other commentators suggest that the antitrust laws extend even to the secondary boycott where an American firm refuses to deal with Israel in compliance with boycott pressures.

I welcome and commend the actions of the President and the Justice Department in this regard. I share their conclusions about the applicability of the antitrust laws at least to the tertiary boycott. But we all know that actions through the courts to enforce the antitrust laws can be extremely lengthy, time-consuming and unpredictable. Bechtel has raised numerous defenses to the lawsuit including the undisputed fact that the U.S. Government at times has encouraged trade with Arab League countries knowing that boycott compliance was a commercial requirement and that an alleged exemption from the antitrust laws for foreign acts of state may be applicable.

According to the San Francisco Examiner, Bechtel itself is apparently continuing to bow to blacklist pressures and has circulated letters to its subcontractors stating that Israeli goods or materials shipped on blacklisted vessels could not be used in a $20 billion seaport construction project in Saudi Arabia. Enforcement of the antitrust laws, while laudable, is therefore not the most expeditious or effective means of ending this boycott of American businesses.

UN-AMERICAN PRESSURES

I have so far addressed myself to the economic aspects of the boycott. There is another side. Few people seriously maintain that the boycott is not also anti-Jewish. Senate investigators and others have uncovered numerous instances where American individuals or companies were apparently denied business with Arab states solely because they or their officers, employees or shareholders were Jewish. Two colonels in the Army Corps of Engineers admitted to a Senate subcommittee that the corps had given in to Arab pressure to exclude Jewish personnel from projects in Saudi Arabia. They admitted that private U.S. companies were subject to the same anti-Jewish requirement.

I will not, however, dwell on this important aspect of the boycott because I feel it has been well-documented and is the subject of the executive memorandum dated November 20, 1976. I wish only to say that the illegality of such discrimination based on religion, national origin, sex, or race should be clarified and expanded to all American companies as this bill does.

DENUNCIATIONS OF THE ECONOMIC BOYCOTT

Many American businesses have joined in the denunciation of the Arab boycott which has put them in the unconscionable position of having to refuse to do business with an ally and major trading partner of the United States—Israel—in return for business from the Arab world. They urge the passage of legislation such as this which, once and for all, will enable, indeed require, them to turn down such requests. Among the American firms reported taking this position are General Mills, Bausch and Lomb, Pillsbury, First National Bank of Chicago, Northwestern National Bank of Minneapolis, Provident National Bank of Philadelphia and the Marine National Exchange Bank of Milwaukee. I think it is fair to say that these sentiments are shared by large segments of the American business community.

Important Federal officials have also urged strong Congressional action to end the discriminatory impact on American business of boycott compliance. Principal among these has been Chairman Arthur Burns of the Federal Reserve Board who in a letter to my subcommittee dated June 3 stated:

> The time has come for Congress to determine whether it is meaningful or sufficient merely to "encourage and request" U.S. banks not to give effect to the boycott. It is unjust, I believe, to expect some banks to suffer competitive penalties for responding affirmatively to the spirit of U.S. policy, while others profit by ignoring this policy. This inequity can be cured if Congress will act decisively on the subject.

CURRENT LAW

To place in perspective the changes embodied in this bill, let me summarize the present provisions of the Export Administration Act which pertain to the boycott and some other statutory weapons against the boycott which have unfortunately not proven wholly effective.

There are three sections of the current Export Administration Act relating to the boycott. The first, section 3(5), declares in effect that it is U.S. policy to oppose boycotts imposed by foreign countries against countries friendly to the United States. A second provision requires companies to report to the Commerce Department all requests for boycott compliance.

In December 1975, the Department announced it had fined four companies and warned 212 others for failure to report boycott requests properly. Tightened Department regulations now extend these reporting requirements to banks, insurers, freight forwarders, shipping companies and other businesses that serve exporters, and include the obligation to report whether or not they plan to go along with boycott requests.

Moreover, Department regulations outlaw compliance with boycott requests which involve discrimination against Americans based upon their race, color, religion, sex or national origin. These prohibitions are widely known.

There is, however, a third provision of the Export Administration Act which, if enforced, would obviate having to strengthen the act to protect American concerns from the boycott. This is section 4(b)(1) of the act which gives the President the power to "effectuate the policies set forth in section 3"—including the antiboycott policies—through limiting export privileges and imposing other unspecified sanctions against related service companies which act contrary to these stated policies.

In a letter to the Government Operations subcommittee, then Commerce Secretary Rogers Morton admitted that this language was the only authority he needed to outlaw all compliance with the boycott. Unfortunately, neither he nor his successor has seen fit to use this power despite the clear congressional intent that it be used.

Other laws or regulations which apply to the Arab boycott include the following:

The Sherman Act outlaws contracts, combinations or conspiracies in restraint of trade. According to the Justice Department—in the Bechtel suit—an agreement not to do business with American companies that deal with Israel would almost certainly be a violation. An American company's promise not to trade with Israel may also be a violation.

The Securities Exchange Act of 1934 requires the disclosure of information which could have a material impact upon a public company. SEC Chairman Hills in testimony before my subcommittee, suggested that compliance with the boycott might have to be disclosed where the company's business or the market value of its shares would be affected by such disclosure as where customers of a bank might be concerned that such bank was aiding the Arab cause.

In their duty to oversee the privileges and benefits of the banking community and to prevent unsafe or unsound practices, the Federal bank regulatory agencies have outlawed religious discrimina-

tion in accepting deposits, investing or lending. Chairman Burns of the Federal Reserve Board even suggested that processing letters of credit with boycott stipulations violated banks' Federal responsibilities.

Pursuant to the far-reaching Presidential statement of November 20, a number of departments and agencies have issued orders or regulations barring any boycott-related discrimination based upon religion, race or national origin.

Legislation embodying the principles of the Presidential directive has been passed in Illinois, New York, Maryland, and Massachusetts. These States, as well as Pennsylvania, where similar legislation is under active consideration, are bearing the burden of the belated, piecemeal and insufficient Federal action against the boycott.

Let me summarize the current legal status of the boycott. The Export Administration Act declares the furtherance or support of the Arab blacklist to be against U.S. policy. Companies must report all boycott requests. They are prohibited from complying with any boycott request which furthers or supports discrimination against U.S. citizens or firms on the bases of race, color, religion, sex, or national origin. They also may be forbidden from discriminating against other U.S. firms, although the Justice Department acknowledges that a foreign boycott has never been held to violate the Sherman Act.

Thus, U.S. law already appears to outlaw the anti-Jewish features of the boycott as well as the so-called tertiary economic aspects of the boycott. But these prohibitions are embodied in the first instance in regulations based solely on U.S. "policy" and in the second instance on an antitrust statute only first being applied in a test case.

Moreover, no U.S. law is addressed to the most pervasive, sinister and direct symptom of the boycott—the blacklisting of 1,500 American firms and individuals. It must be made clear, as this bill does, that no foreign nation can involve innocent American businesses in its warfare against a nation friendly to the United States.

PROJECTED IMPACT OF THIS BILL

Concern has been expressed in some quarters that outlawing compliance with the boycott may adversely affect U.S. trade and diplomatic relations with the Arab world. I would be naive if I did not admit some risk in the course of action pursued by this committee. There could be some short-term diversion of trade to other European countries or Japan as the Arabs express anger that their scheme no longer enjoys tacit, if not explicit, American support. But there are several grounds for optimism that the disruption of trade would be neither severe nor long-term.

First, the long-standing and generally amicable commercial relations between this country and the Arabs have survived earlier political vicissitudes. Iraq currently offers a fine example where radical rhetoric and divergent political philosophies have not interfered with a thriving American business relationship. The Arabs have become used to the high quality goods and services which only this Nation can provide in such abundance. Any major shift in commercial dealings would, I believe, work an unacceptable hardship upon the Arab business community and its customers.

Second, numerous Arab businessmen have expressed private misgivings about the operation of the boycott. They feel it unnecessarily restricts their dealings with blacklisted companies. It also alienates executives of other companies who resent being questioned about their company's business relations or who find it morally repugnant. No fewer than 22 larger American firms have recently pledged not to comply with Arab boycott demands. These include American Brands, Beatrice Foods, El Paso Natural Gas, General Motors, Greyhound, Kennecott Copper, G. D. Searle, Texaco, Textron, and U.S. Gypsum. Typical of this pledge was that of the chairman of General Motors, T. A. Murphy, who said:

> General Motors has received occasional requests from Arab countries that it agree not to participate in future dealings with Israel or with Israeli companies. . . . General Motors has made no such agreements and would not make any such agreements.

Third, Arab companies have demonstrated in past dealings that an objection to a boycott request would not necessarily lead to a termination of relations. When the Commerce Department in November 1975 outlawed compliance with requests involving discrimination on ethnic or religious grounds, banks were forced to reject letters of credit containing objectionable language. Morgan Guaranty testified before my subcommittee that in 23 of the 24 instances where the bank refused to process such letters of credit the offensive boycott language was voluntarily stricken by the Arab or other foreign banks involved. There is considerable reason to believe that Arab countries would waive boycott conditions rather than deprive themselves of vital American goods and services.

Fourth, it is by no means clear that all European and developed countries would welcome compliance with the Arab boycott as a price for additional Arab trade. Indeed, some developed countries appear to have taken a harder line against boycott compliance than the United States.

Germany offers a fine example. It is Israel's largest trading partner after the United States. It is also the principal competitor of the United States in the sale of high technology equipment and services to the Arabs. Yet German industry has vigorously opposed compliance with Arab boycott conditions. There are virtually no reported instances of German acquiescence in boycott demands.

Indeed as recently as March, the Hamburg Chamber of Commerce labelled the Arab boycott as a "particularly grotesque strain of discrimination against freedom of trade." Since 1965, West German chambers of commerce have refused to validate all so-called negative certificates of origin, and so forth, declarations that goods are not of Israeli origin. This position has the support of almost all German business organizations. This resolve has evidently been successful since Bonn's Economic Ministry claims to have no record of any export contract breach resulting from this refusal to validate boycott documents. Although there are reportedly 200 German firms on the Arab blacklist, many businesses maintain parallel links with the Israelis and the Arabs.

One highly publicized instance of German resistance to boycott pressures involves a recent license granted by Volkswagen to an Israeli firm for the production of the Wankel rotary engine. The Arab boycott committee had responded by threatening to place VW on the blacklist. VW refused to withdraw the license and to the best of my knowledge maintains its opposition to any Arab dictation related to its substantial Israeli trade.

The Common Market has also been outspoken in its opposition to the Arab boycott. Article 85 of the Treaty of Rome establishing the EEC prohibits "the conclusion of contracts subject to acceptance by other parties of supplementary obligations which have no connection with the subject of such contracts." In trade agreements concluded or being negotiated with Arab States, the EEC is insisting upon insertion of clauses outlawing discrimination among nationals, companies, or firms of the Common Market.

While the Arab signators, including Tunisia, Egypt, Lebanon, Morocco, and Algeria, have issued reservations against these clauses, the EEC has informed Egypt that it considers a proper respect for the nondiscrimination clause essential to the full implementation of the trade agreement. As one member of the EEC Commission put it:

> The Commission considers [that] Arab discriminatory boycott measures are contrary to the principles of cooperation which the community wishes to establish with the Arab countries.

The British position on the boycott was expressed in November 1975 by the then Secretary of State for Trade, Peter Shore, as follows:

> This Government deplores and is opposed to any boycott that lacks international support and authority.

In a celebrated case last winter, the British Foreign Office Race Relations Board required Gulf Oil Co. to award compensation and to reinstate a secretary whose promotion had been withdrawn when Gulf had discovered that she had married a Jew. British efforts directed against the boycott are coordinated by a committee composed of numerous influential businessmen and civic leaders. They are in the process of developing and promoting legislation which would outlaw all compliance with the boycott.

Other examples of European opposition to the boycott include the Dutch government's prohibiting notaries from validating boycott documents and the adoption of article 15 of the Convention establishing the European Free Trade Association, which prohibits "concerted practices between enterprises which have as their object or result in the prevention, restriction or distortion of competition within the area of the Associa-

tion." The former law has not prevented widespread and growing relations between Dutch industry and the Arabs.

According to press reports, Saudi Arabia has recently placed huge orders with Dutch firms for the construction of harbors in Damman and Jubail and for the expansion of the Saudi telephone system. Moreover, Egypt is expected to place an important order for the construction of ships in Dutch shipyards.

In Canada, the 1975 amendments to the Combines Investigation Act forbid conspiracies to restrict competition. Parties to an agreement which reduces competition in Canada are subject to criminal prosecution.

The impression I and my staff gather from numerous conversations with foreign diplomatic officials is that the Arab boycott is a matter of great concern to other developed countries. Representatives of countries which have not outlawed compliance with the boycott expressed considerable interest in the prospect that a strong American initiative might prompt their countries to do likewise.

The above analysis should lay to rest the speculations of those who fear that U.S. opposition to the boycott would send the Arabs into the arms of a welcome and compliant Europe. Indeed should some developed countries be slow to follow the American lead, the United States is not without recourse. The General Agreement on Tariffs and Trade—GATT—to which not only developed countries but even Egypt and Kuwait are parties almost certainly forbids the imposition of discriminatory boycotts such as the Arabs' against third parties to a conflict. As long as the United States submitted to boycott pressures, it was naturally reluctant to raise these prohibitions with other developed countries. This reluctance should end with the passage of strong domestic antiboycott legislation such as this.

While no one can predict to a certainty the impact on United States/Arab trade relations of antiboycott legislation, the evidence suggests any trade diversion would be small and short-lived. The Arabs are highly unlikely to allow enforcement of a secondary boycott to interfere with their long-term development plans, and they are not going to find that other developed countries are substantially more willing than the United States over the long run to tolerate such discriminatory and anticompetitive practices.

These views are long but I feel compelled to make the strongest possible case for the prompt and favorable consideration of this bill. Our Nation must no longer acquiesce in the shameful, extortionist pressures of the Arab blacklist which offend American principles of free trade and fair play and which are having a destructive, divisive, and anticompetitive effect upon American business.

Mr. MORGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, I rise in support of H.R. 15377, extending the Export Administration Act.

Mr. Chairman, the time is short and my remarks will be brief. Primarily I take this time to speak in support of section 18, which deals exclusively with the issue of nuclear exports.

Mr. Chairman, more specifically, it is intended to help solve one of the most challenging problems facing us today—that of nuclear proliferation.

Let me say at the outset that I am proud to be associated with this amendment. Together with a bipartisan group of 14 cosponsors from the House International Relations Committee, I was pleased to sponsor it with our distinguished colleague from Illinois (Mr. FINDLEY).

Nuclear proliferation is a subject on which the Subcommittee on International Security and Scientific Affairs has held extensive hearings. One result of those hearings was House Concurrent Resolution 570, a resolution adopted by the House on May 3. What that resolution did was to urge certain specific courses of action aimed at stopping the rising worldwide spread of nuclear technology and the resulting increased threat of nuclear war.

One provision in the original version of House Concurrent Resolution 570 dealt with the reprocessing of nuclear fuel, an important aspect of the nuclear proliferation problem. During the extended course of our deliberations, however, serious questions arose regarding the wisdom and adequacy of that provision. Thus, rather than advocate an ill-advised or inadequate solution, the subcommittee decided to delete the provision in markup.

Since that time, several important developments have taken place. First, under the distinguished and able leadership of our esteemed chairman, Dr. MORGAN, the House International Relations Committee as well as the subcommittee have held additional hearings. Those hearings have concentrated chiefly on important new studies conducted by respected nuclear scholars. In addition, five separate GAO reports have been developed. The end result of this exhaustive and dedicated effort is the approach contained in section 18 of H.R. 15377.

I go into this somewhat lengthy background only by way of reflecting the care and seriousness with which the issue has been considered. Because nuclear proliferation is a complex issue, and because the failure to control proliferation could result in the extinction of civilization, it has demanded care and precision.

In effect, then, the committee amendment actually picks up where we prudently left off several months ago. On the basis of very careful and exhaustive review, I believe it is a sound, balanced, and effective legislative remedy to an extraordinarily complex and dangerous problem.

Evidence accumulated during our hearings points up the seriousness of the danger. For example, nuclear material from which nuclear explosives could ultimately be made now exist in approximately 30 countries. By 1985—9 short years from now—it is estimated that nearly 50 countries will have nuclear powerplants producing enough plutonium each year for at least several dozen nuclear explosives. By the year 2000, the annual rate of plutonium production worldwide will be nearly 1 million kilograms—enough to make 100,000 nuclear explosive devices.

Clearly, a spread of this magnitude will not only erode world stability but will also seriously degrade the effectiveness of our own nuclear forces as well.

It is this urgent and frightening prospect to which this amendment addresses itself. I believe the amendment achieves its goal prudently and without damage to our domestic nuclear industry.

In closing I would only observe that the time for responsible legislative initiative is short. Action is needed and it is needed now. I am convinced that this amendment is necessary and responsible. I urge my colleagues to vote for it.

Mr. MORGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, I rise in support of this legislation.

Mr. MORGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, this bill improves and strengthens the export control program of the United States. It reaffirms the need for effective control of exports on national security grounds, and at the same time for maximum trade consistent with the national security in the interests of a healthy economy, fuller employment, and a strong balance-of-payments position. It also strengthens the ability of this country and its businesses to resist attempts by foreign countries to force us into compliance with boycotts of third countries friendly to the United States.

This bill has received extensive consideration at both the subcommittee and full committee levels. The Subcommittee on International Trade and Commerce, which I have the honor to chair, held 5 days of hearings this year on "Export Licensing of Advanced Technology," which everyone involved agrees constituted the most thorough scrutiny to which the export-licensing process has been subjected since the passage of the Export Administration Act in 1969.

Witnesses included administration officials, industry and trade association representatives, and specialists from the Congressional Research Service, the General Accounting Office, and major universities. We considered both general principles and specific cases. The subcommittee also held 4 days of hearings last year on the Arab boycott. The full International Relations Committee then held further hearings on all aspects of the bill.

Mr. Chairman, this bill is the product of full cooperation between the subcommittee and the full committee, and between the majority and minority. I am proud to have been a part of it, and I urge the support of my colleagues for the committee bill.

Mr. Chairman, sections 1 to 13 of H.R. 15377 are designed to continue and build on the improvements in the export-licensing process which were instituted

by the Committee on Banking and Currency, which previously had jurisdiction over the Export Administration Act. All but one of these sections grow out of five days of hearings before the Subcommittee on International Trade and Commerce, which I have the honor to chair, on "Export Licensing of Advanced Technology." The amendments had unanimous support in the full Committee and have broad support in the business community and are also responsive to the recommendations of experts on the export-licensing process in the Congressional Research Service and the General Accounting Office as well as the Nation's universities.

I hope these amendments will complement and stimulate the administration's own internal studies and reforms, under the leadership of the very able Deputy Assistant Secretary of Commerce, Mr. Arthur T. Downey.

It is clear from my subcommittee's hearings that there are major problems with the export-licensing system. It is true, as the administration is quick to point out, that the vast majority of the more than 50,000 export license applications submitted annually to the Department of Commerce are processed routinely, efficiently, and without major disagreement among the parties involved in the procedure. But the test of the system is not how well it processes the majority of the applications which present no problems, which are always approved. The test of the system is how well it processes those relatively few but vitally important applications which present the most severe analytical problems. Such applications are most typically for the export of advanced technology to communist destinations. The evidence is that, on these applications, the system does not produce rational decisions in a timely fashion.

The most immediate reason for this is the unwieldiness of the export-licensing system. The Office of Export Administration is inadequately staffed with technically competent personnel and backward in its administrative procedures. The system is top heavy with interagency review structures designed to compensate for inadequate personnel at the working levels and to avoid responsibility for licensing decisions. The interagency review process operates on the basis of an informal unanimity rule under which any interested agency can block an application. A system of interagency consultation which was designed to facilitate the balancing of all relevant considerations in licensing decisions has become a system where the most obstructionist agency can delay applications indefinitely.

The Department of Commerce, which is supposed to be the lead agency in the process, has been too content to rely on unanimity as a basis for decision, and has failed vigorously to exercise its leadership role to forge a consensus among the responsible agencies. My amendments address four underlying problems which contribute to the unwieldiness, inefficiency, and ineffectiveness of this system.

First, we in Congress have not done well enough at providing the administration with clear policy directives to guide it in making licensing decisions. As the Export Administration Act has been successively amended, inconsistent and even contradictory language has crept into the act. We have failed on occasion to state our intent with sufficient strength and clarity. My amendments seek to strengthen congressional intent and clarify policies.

Second, the administration has been unable to develop adequate criteria for determining which exports are most in need of control on national security grounds. It is apparent from my subcommittee's hearings that it is necessary to move away from the concept of controlling countries and toward the concept of controlling commodities. But this would require the development of better criteria for determining which commodities should be controlled. The process can never become significantly more efficient until the agencies involved learn to focus their resources more narrowly on the truly critical aspects of technology.

Third, we have to begin to reverse two related presumptions which underlie the licensing system. One is that we start by controlling everything, and that the burden of proof rests on those who seek removal of an item from the list. The other is that exporting is not a right which, like other rights, may be limited for specific and justifiable reasons, but rather a privilege which is granted by the State. These two presumptions, which are enshrined in the rules and the practice of the export-licensing system, contribute to the length of the commodity control list and the complexity of the Export Administration Regulations.

Fourth, for a quarter century the process has been closed to effective public scrutiny and congressional oversight. Most information about the functioning of the system has been deemed either security-classified or business-confidential. Secrecy is the atmosphere in which bureaucracy is most likely to feed on itself. A system so insulated will not reform. The national security and confidentiality arguments have been overdone in this field as in others. We have to open it up. For this purpose, the bill contains a number of "sunshine" amendments.

Mr. Chairman, section 1 of the bill extends the Export Administration Act for 1 year, to September 30, 1977. This short extension is necessary to give the committee, for which export controls are a new subject, an early opportunity to make such further changes in the act as may be indicated by further study. Some of my amendents call for detailed administration studies of particularly difficult aspects of the export administration program, and the committee hopes to have the benefit of these studies before providing a longer extension. And a 1-year extension will facilitate the close and continuing oversight of the program by the Committee that is necessary to stimulate the desired reforms.

Section 2, which increases the penalties for violations of the act, was offered by the distinguished chairman of the full committee at the request of the administration, and I am happy to have it included with my amendents. The penalties are unchanged since 1969 and need to be increased to take account of inflation, as well as to increase their deterrent value.

Section 3, like section 1, has the objective of facilitating congressional oversight of the export administration program—in this case by requiring specific authorization of appropriations for the program by the appropriate legislative committees. This amendment will also bring us into clear conformity with the House rules requiring prior authorization of appropriations. I am gratified that, in a previous exchange of correspondence, the gentleman from West Virginia (Mr. SLACK), the distinguished chairman of the Appropriations Subcommittee with jurisdiction over the program, indicated that he would welcome more adequate guidance by the committee with legislative jurisdiction.

Section 4 speaks to one of the most serious flaws in the export-licensing system, by providing that goods freely available from other countries shall not be controlled for export from the United States on national security grounds unless it is demonstrated by the President and justified to Congress that the absence of controls would damage the national security. There are disturbing indications that the administration's failure to adhere to such a policy is resulting in loss of business by American companies to their foreign competitors. The current language of the act is unclear as to what the policy on "foreign availability" should be. This amendment clarifies the language in a way which protects both the national security and commercial interests.

Section 5 contains a strengthened statement of congressional intent that license applications be decided up or down in a reasonable period of time, and provides applicants in certain cases with an opportunity to respond to objections to their applications. Although it is clear that Congress intends that applications be decided within 90 days except in unusual circumstances which are meaningfully explained to the applicant, applications still languish in the bureaucracy for months, as documented in the committee report and the subcommittee hearings, and the applicant cannot find out why.

Paragraph one requires issuance of a license for any application not decided within 90 days unless the agency raising an objection makes a positive finding that more time is needed and tells the applicant the specific reasons for the delay.

Paragraph two introduces an element of "due process" into the system by requiring that within the limitations of national security, an applicant for a license not decided within 90 days be informed of and given an opportunity to respond to questions or negative considerations raised in the interagency review process. This provision guards, for example,

against the possibility that the objection is based on a misunderstanding or misinterpretation of the documentation submitted by the applicant. Together, these two paragraphs seek to make the export-licensing process more expeditious and accountable, while fully protecting the national security.

Section six reaffirms the intent of Congress that the secrecy provisions of the act do not authorize the withholding of information from Congress, and provides for submission of any information obtained under the act to any committee or subcommittee of Congress, upon request, with appropriate safeguards for protecting confidentiality. Most of the information acquired under the act is deemed confidential by the administration, and Congress gets it, even in executive session, only by the grace of the administration and under conditions imposed by the administration. It is inconceivable that Congress intended by the secrecy provisions of the act to deny itself access to such information as it might later deem necessary for the effective exercise of its legislative and oversight responsibilities.

Section 7 requires reporting to Congress on the impact of the technical advisory committees. These industry-Government committees were authorized as part of the 1972 amendments to the act to advise the Department of Commerce on technical matters, foreign availability, and licensing procedures, and in general to facilitate communication between business and Government. Heretofore these committees have been unable to determine whether anyone in the bureaucracy takes their recommendations seriously. Since the technical advisory committees function pursuant to legislation, the administration should be accountable to Congress for the use made of them.

Section 8 requires simplification of the rules and regulations issued pursuant to the act, to make them more understandable to the average businessman and thereby to facilitate compliance. Mastery of these lengthy, complex, and constantly changing regulations is costly for any business and is particularly difficult for small businesses which cannot afford to maintain staffs of experts on export regulations. Testimony suggests that much noncompliance is probably inadvertent, the result of an inability to determine what the requirements are.

Section 9 amends sections 4(h) and 6(b) of the act to bring them into conformity with the basic purposes and policies of the act as a whole, thereby providing the administration with more coherent policy guidance. This is accomplished by removing specific references to communist countries, and by providing stricter guidelines for restricting exports on national security grounds. Section 4(h) of the act, added in 1974, gives the Secretary of Defense a special voice in reviewing exports on national security grounds. This amendment preserves that special voice, but it both broadens it and narrows it. The amendment broadens the authority of the Secretary to review exports on national security grounds, by authorizing him to do so for exports "to any nation to which exports are restricted for national security purposes," rather than just for Communist-country exports as under current law. And the amendment narrows the authority of the Secretary to recommend against exports on national security grounds, by requiring him to show not only that the export would increase the military potential of another country, as under current law, but also that such increase would be detrimental to the national security of the United States. In so doing, this amendment brings section 4(h) into conformity with the basic policies of the act, which are to control exports to any nation which would prove detrimental to the national security of the United States.

Finally, this section makes a conforming amendment to section 6(b) of the Act by providing that the felony penalties of the act apply to exports in willful violation of the act with knowledge that such exports will be used for the benefit of any "country to which exports are restricted for national security or foreign policy purposes", rather than of any "Communist-dominated nation" as in the current law.

Section 10 repeals title II of the Mutual Defense Assistance Control Act of 1951, which provides for multilateral controls on the export to Communist countries of nonmilitary strategic items. This title has been superseded by the Export Administration Act and is now obsolete.

Section 11 requires reporting to the Secretary of Commerce of any technology exchange agreement which may result in transfer of technical data from the United States and the monitoring of technology transfers under such agreements by the Secretary, and a study by the Secretary of the problem of the transfer of technical data in scientific publications. This amendment responds to concerns voiced in hearings and in the press that significant transfer of technology from the United States takes place by means not subject to the export-licensing process.

Section 12, in a further attempt to facilitate oversight of the act by Congress, specifies the information to be included in the semiannual reports to Congress already required by the act.

Section 13 requires the submission within 12 months of a special report on multilateral export controls. These controls are currently governed by an informal 15-nation group of advanced industrial democracies known as COCOM. There are disturbing indications that COCOM is inefficient, slow to reflect changes in technology, unable to promote uniform application of export controls by its members and to monitor compliance with end-use guarantees, and as a consequence ineffective in controlling the flow of technology and disadvantageous to American business. This amendment will provide Congress with a better informational basis for possible future legislation, and will stimulate the administration to think about how the system might be reformed.

Mr. Chairman, section 14 of this bill is an important provision which seeks to protect Americans and American firms from discrimination and to preserve the right of Americans to do business abroad without political pressure. The provision would prohibit Americans from intentionally complying with any foreign boycott of a country friendly to the United States.

As the committee report points out, this provision is aimed principally at American complicity in the Arab economic boycott of Israel. This boycott involves Americans in several respects. Arab nations may refuse to do business with any American person or firm that deals with Israel or that is owned or managed by Jewish Americans. This is the so-called "secondary" boycott.

Similarly, Arab nations or firms may refuse to do business with any American person or firm which does business with another American person or firm that is Jewish or that has dealings with Israel. This so-called "tertiary" boycott compels Americans to discriminate against other Americans in order to do business with Arab nations and firms.

The "primary" Arab boycott of Israel—under which Arab nations and firms refuse to do business directly with Israel and Israeli firms—is outside American jurisdiction and is not affected in any way by this legislation. Contrary to some press reports and the comments mostly of opponents of this measure, this bill is not intended to stop the direct Arab boycott of Israel. It would only end the secondary and tertiary aspects of that boycott insofar as American firms are concerned.

As far back as 1965, the Senate passed legislation similar to the provision in this bill banning all compliance with foreign boycotts. The House, however, was persuaded by executive branch arguments that the way to deal with this boycott was by quiet negotiation. So with that in mind, the Congress settled for a policy statement which is contained in the current Export Administration Act, which encourages American firms to refrain from complying with the terms of foreign boycotts but does not prohibit such compliance.

Diplomatic efforts to reduce the impact of the Arab boycott have not been successful after more than 10 years. With the growth of Arab economic strength, the boycott has grown. Investigations by my Subcommittee on International Trade and Commerce, by the Subcommittee on Investigations of the Interstate and Foreign Commerce Committee, and by the Subcommittee on Commerce, Consumer and Monetary Affairs of the Government Operations Committee have all found extensive evidence of boycott requests in business contracts and letters of credit. All have recommended and endorsed legislation along the lines contained in this bill to prohibit U.S. compliance with foreign boycotts.

In weighing the possible Arab response to this measure, two considerations should be kept in mind. First, considerable interdependence has developed in recent years between the United States and the Arab world. We are dependent upon the Arab nations for much of our oil. But the Arab nations have purchased billions of dollars in military equipment. They

will need technical assistance and spare parts for that equipment for many years, and will undoubtedly wish to continue to obtain more of this kind of equipment.

Second, sales to Arab countries by European nations that have taken the hardest line against compliance with the embargo, such as the Netherlands, have increased as fast or faster than the European nations that have generally complied with the boycott, such as France.

Mr. Chairman, a number of arguments have been raised by businesses and interest groups in this country, such as the National Association of Arab Americans, in opposition to this antiboycott provision to which I wish to respond.

The first such argument is that this provision would prohibit U.S. trade witn Arab countries. It would do no such thing, nor is it intended to. Certainly there is nothing in this bill that prohibits United States-Arab trade. Its impact on trade will depend upon how the various Arab nations choose to respond to it. We know that a number of the Arab nations have little interest in continuing the embargo and have implemented it only very loosely in recent years.

Even the countries that implement it most rigorously do business with a number of large companies that have refused to comply with the embargo—companies that do business openly with both Israel and Arab countries.

Finally, the boycott is implemented mostly against trade involving U.S. investment. Much trade which does not involve investment is unaffected by the boycott. Presumably much of this trade—noninvestment trade, trade by companies which already refuse to comply with the embargo, and trade with Arab countries which are not deeply committed to continuing the embargo—would be unaffected by this provision. Many firms have existing contracts with Arab firms or governments—some of them long-term contracts. Since under international law contracts are generally entered into subject to any government restrictions, such existing contracts would remain valid and enforceable even if they contained boycott requirements with which the American parties could no longer comply.

A second argument, Mr. Chairman, is that this provision will cost American jobs—"up to 650,000 jobs in the United States" according to an ad appearing yesterday in the Washington Post and other newspapers under the sponsorship of the National Association of Arab Americans. That argument presumes that this provision would stop all trade with Arab countries which, of course, is not the case.

American business has long shown its ability to sell its superior products at home and abroad. The Arab nations need American products and technology. In my judgment they will accept the reality of the new situation and will continue to import American products and technology.

Even under existing conditions Arab countries have often ignored the black list when it was important to them to do so.

Also, if we continue to bow to the pressure of the Arab boycott, we open ourselves to similar blackmail and involvement in other foreign political disputes that would cost far more jobs than might be lost if we stand firm on principle now against compliance with or complicity in such foreign boycotts.

It is ironic, Mr. Chairman, that some of the American companies that have written me in opposition to the prohibition in this bill against compliance with foreign boycotts say they oppose that prohibition because they do not like the U.S. Government telling them who they can and cannot do business with. Consider the inconsistency of that argument.

In the first place, this provision as I have already pointed out, does not tell American businesses that they can not trade with the Arabs—only that they can not trade in compliance with boycott demands. More importantly, this argument puts American business in the position of rejecting restrictions imposed by the American government while accepting restrictions imposed by Arab governments.

Yet another argument that is made by opponents of this measure is that it will create a massive shift of Arab business to our foreign competitors. In the words of a Mobil Oil Co. advertisement printed in various newspapers such as the New York Times on September 16, this provision would "be the most gigantic subsidy for foreign business ever enacted by Congress—a Marshall Plan for America's competitors abroad." This is a most irresponsible charge. Most of the goods and services provided to Arab nations by the United States are available from two other sources—Japan and Europe. The Arabs have shown little inclination to do business with the Japanese.

With respect to Europe, it would be naive to suppose that there are not European firms that are more than ready to take any business they can away from American firms. But that may not be as easy as the Arabs and some American firms suppose.

In the first place, some products will not be available in Europe in quantities and quality equal to those available from the United States. Second, while some European governments permit compliance with Arab boycott demands, the European Economic Community is taking an increasingly strong stance against such compliance. The Treaty of Rome—the "constitution" of the European Economic Community—contains strong antidiscrimination provisions, and those provisions are being included in bilateral trade agreements which the EEC is presently in process of concluding with the Arab countries.

Article 85 of the Treaty of Rome proscribes any concerted practices which are likely to affect trade between the member states and which have as their object or result the prevention, restriction or distortion of competition within the Common Market.

Article 86 proscribes action by one or more enterprises to take improper advantage of a dominant position within the Common Market or within a substantial part of it. Both articles prohibit "making the conclusion of contracts subject to acceptance by other parties of supplementary obligations which by their nature or according to commercial usage, have no connection with the subject of such contracts."

Bilateral trade agreements concluded so far by the EEC with Algeria, Morocco, Tunisia, and Egypt prohibit business arrangements which "give rise to any discrimination between the member states—of the EEC—their nationals, or their companies or firms."

In view of these policies of the EEC, as well as the policies of some European national governments, against compliance with foreign boycotts, it may not be as easy as Arab leaders and some American firms think for the Arabs simply to shift their business to Europe and still maintain the secondary and tertiary aspects of their embargo.

Finally, Mr. Chairman, it is a mistake to speak of this legislation as being intended to hurt the Arab countries or to help Israel. Neither is the case. No American company would be forced in any way by this bill to do business with Israel. Indeed the bill specifically states that the fact that a company that does no business with Israel but does business with Arab nations does not itself constitute or indicate compliance with the embargo. The main injury this bill tries to remedy is the injury to American business that are forced to choose between doing business with Israel and doing business with the Arab nations.

I should like to add comments at this time on the Committee amendment which will be proposed as section 18, and which was offered in the Committee by Messrs. ZABLOCKI and FINDLEY.

While I share the concern of a number of my colleagues that this language does not go far enough toward strengthening our nonproliferation efforts. I am most confident that the amendment represents a positive first step in the right direction.

It tightens our control over reprocessing by foreign nations which import U.S. nuclear material. It improves IAEA inspection procedures. It strengthens the role of the State Department in assuring that detection systems designed to guard against diversion of special nuclear material overseas are adequate to prevent the development of nuclear weapons by still more nations. And the amendment includes a firm declaration of congressional policy regarding proliferation of reprocessing capabilities, as well.

Facts and figures which serve to dramatize the grave nature of what has rapidly become a proliferation crisis abound; I shall not belabor my colleagues here today with a complete recitation of the grim statistics. But I should like to stress one point at the outset of my remarks; the time for action on the proliferation crisis is now. We simply cannot afford to let Executive inaction or congressional infighting imperil our efforts to address the proliferation dilemma.

The proliferation of nuclear technology and nuclear weapons-capability endangers the security of the United States and threatens, indeed, the security of every human being on this planet. And

yet this spread of nuclear hardware and nuclear weaponry has continued unabated while the administrations of Richard Nixon and Gerald Ford have failed to address the crisis with any effective initiatives. This tail-dragging has continued through 7½ years of Republican maladministration; thus it has clearly become incumbent upon this Congress to seize the initiative in a policymaking area which has traditionally been left to the Executive branch and to formulate some strong nonproliferation objectives.

The Ford administration has long maintained that plodding agency reports and special study groups will suffice as a manner of dealing with the problem, and are in fact preferable to any legislative action. Evidently the President is just now preparing to make public a recent in-house study which might shed some light on what actually is this administration's nonproliferation policy, if it can even be said to have one.

Why must the President wait until years after the onset of this problem, until months after the issuance of a detailed and comprehensive statement on the matter by his Democratic opponent, to even get around to speaking to the issue, not to mention suggesting some hard solutions?

The present position of the Ford administration, or at least the position of its chief spokesman on the nonproliferation question, Robert Fri, is one of great timidity. "We no longer have any significant leverage over the international nuclear marketplace," Mr. Fri explained to me and a dozen colleagues at a recent breakfast meeting. This is the line we hear from other Ford spokesmen at ERDA and the NRC, that we only have 60 percent of the foreign reactor market, that our share of the enriched uranium market will decrease rapidly in the near future, that we have little significant influence with which to advance nonproliferation goals.

This weak position completely belies the fact that while we control but 60 percent of the foreign reactor market, those nations which supply the other 40 percent of reactor sales are almost totally reliant upon us for delivery of enriched reactor fuel. And while France and West Germany may have the potential to gain a small degree of our share of the free world market for enriched uranium sometime in the decades ahead, the United States still dominates this market today by a factor of 71 to 1. In short, the United States has any number of levers with which to address the proliferation crisis, should its Congress and its President choose to act.

I have heard the arguments advanced that it is not for the House International Relations Committee to address this issue, similarly that it is not proper for the Senate Committee on Goverment Operations and Foreign Relations to draft legislation aimed at easing the proliferation crisis, that all such initiatives must come from the membership of the Joint Committee on Atomic Energy. I reject this argument categorically. It is for all of us, all of us here in the Congress and the Government to address this momentous issue, without deference to intrabureaucratic squabbles.

Certain members of the Joint Committee on Atomic Energy have seen fit to denigrate the International Relations Committee amendment, calling it an "amateurish," "piecemeal" approach to the proliferation dilemma. The opponents of our amendment, including my colleague Mr. ANDERSON of the Joint Comittee, maintain that they "have the real answer to the proliferation problem," which will be forthcoming in their own proposals. H.R. 15419, which Mr. ANDERSON has, upon occasion, held up as "the professional approach," certainly is a more comprehensive statement of objectives. But I would submit that this Joint Committee proposal is far too little, far too late. Far too little, because H.R. 15419 completely emasculates the compromise nonproliferation bill worked out by the chairman of the JCAE, Senate Government Operations, and Senate Foreign Relations by watering down most of the compromise bill's substantive provisions. Far too late, because H.R. 15419 was not acted upon by the Joint Committee until after the Rules Committee deadline for considerationtion of legislation to be brought to the floor this session. Even then the bill was voted out of the JCAE without so much as a precursory reading of a host of amendments.

Frankly, I am forced to call into question the supposed good faith of those Joint Committee members who claim, as Mr. ANDERSON did before Rules last Wednesday, that "proliferation matters are being considered expeditiously elsewhere in Congress." These matters have not been considered in a thorough expeditious fashion by the Joint Committee. That committee is severely divided on the proliferation question. It has even seen fit to reject the wisdom of its own chairman, whose compromise bill could not get the votes to get out of his committee.

The record shows that Mr. ZABLOCKI's subcommittee or the full International Relations Committee held hearings on this problem for several days last October, and then again in November of 1975. The committee received several detailed reports on the proliferation question from the GAO. Testimony was again received by the full committee in June and August of 1976, making a total of 21 witnesses addressing the committee on proliferations questions and particularly on the advisability of the amendment before the House today. Meanwhile, the Senate Foreign Relations Committee worked strenuously on the proliferation problem and the Senate Government Operations Committee held a remarkable series of hearings, compiling a more than 2,000-page document supporting the passage of strong nonproliferation legislation.

Yet now the members of the International Relations Committee are charged with maliciously circumventing House rules by offering the amendment before us today as a committee amendment and not including it in the legislation we brought before the Rules Committee last week. If we had not followed this perfectly legitimate route, the bill would have routinely been referred to the JCAE where it would most certainly have languished and died, dashing any hope that this Congress might take even this small step in stemming nuclear proliferation.

When did the Joint Committee act on this crisis and report out a bill, any bill, even attempting to deal with the realities at hand? Not until last Tuesday, after the Rules Committee deadline, and only then, I suspect, to hold up its watered-down, paste-up legislation, H.R. 15419, as the answer to the proliferation crisis, even though the bill—upon which no real hearings were held by the Joint Committee—had no chance to reach the floor at such a late hour. The legislation emerging from all these political shenanigans is a poor excuse for forward-thinking policy and does not deserve to be held up as "THE answer" to the problem, and most certainly is not so meritorious as to warrant Congress to defer action on the well-considered amendment before us today.

As a final point, I would just reiterate that there is no single solution to the proliferation crisis. Congress and the executive branch must work relentlessly to make progress in this area. I have concluded, along with a number of my colleagues, that proceeding with one small constructive step today is far more desirable than rushing through a paste-up bill which purports to "solve" the problem—but is actually retrogressive—and then abandoning the topic. Thus I urge my colleagues to support the proposed committee amendment.

Mr. MORGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, 2 weeks ago both Governor Carter and President Ford went before the national convention of B'nai B'rith in Washington to declare their opposition to the Arab economic boycott. Their support is welcomed both to overhaul administration implementation of the boycott, which is sloppy, fainthearted, and ineffectual, and even more important, to expedite new legislation making cooperation with the Arab boycott flatly illegal. The administration's decade-long record of nonfeasance and malfeasance shows that legislative action is necessary.

On September 7, the House Commerce Committee released a report on the Arab economic boycott which indicates that during 1974 and 1975 at least $4.5 billion worth of U.S. sales and proposed sales to Arab countries were subject to boycott requests.

For the past 11 years the Commerce Department has failed to execute vigorously our foreign policy as expressed by the Congress and by successive Presidents and Secretaries of State. The Commerce Department has also opposed every legislative attempt to strengthen our antiboycott stand. The report indicates that the Commerce Department at best, did a bare minimum to carry out the mandate of the foreign boycott provisions of the Export Administration Act. Actually they furthered the boycott by implicitly condoning activity declared against national policy, and overtly facilitated the boycott in several important respects:

Commerce Department forms on which companies receiving boycott requests

were to report such actions contained language which stated that, while it was against U.S. policy for corporations to comply with boycott requests it is not against U.S. law to do so, thereby sending out a clear signal for companies to do as they wished.

These same forms made it optional for companies to declare whether they were, or were not, complying with boycott requests, making it impossible for the Commerce Department even to measure, much less to evaluate, the impact of the boycott on our foreign commerce.

The Commerce Department itself distributed to U.S. businesses bid documents on Arab trade opportunities requiring compliance with boycott provisions. Last March, Commerce Department officials met with American businessmen to discuss ways in which U.S. export firms could evade the reporting requirements of antiboycott legislation by setting up foreign subsidiaries, thus making the Commerce Department an active agent of the Arab boycott office.

The Commerce Department's reporting system was so slipshod and inaccurate as to be misleading and to obfuscate the true effects of the boycott. Export forms were designed to make the compilation and computerization of data difficult, and analysis of 30,000 reporting forms virtually impossible.

Antiboycott legislation will not have a negative effect on Arab-American trade because the Arabs have repeatedly stated that they will not allow the boycott to interfere with their own economic development. The report documents that since 1973 Arab trade with staunchly antiboycott nations has increased substantially—Holland, 83 percent; Sweden, 93 percent; West Germany, 100 percent; and the United States, 109 percent—while Arab trade with a nation like France which supinely acquiesces to boycott threats, increased by less than 50 percent.

Indeed, the United States which—at least theoretically—has the most clearly enunciated antiboycott policy, currently enjoys only 18 percent of the world export market, but nevertheless provides 40 percent of the goods and services purchased by the Arabs in the world market.

Quite clearly, there is absolutely no hard evidence that defying the Arab boycott has any adverse impact on a country's ability to do business, and indeed, increase trade with the Arab nations. IBM, Hilton, and TWA are all doing major business with Israel and the Arab world. General Electric, which provides the jet engine for the K'fir jet fighter—Israel's first military jet—does extensive business throughout the Arab world. Clearly, the Arabs will buy goods and services where they can be found at the most favorable prices and the most favorable terms, and they have made clear that they will not let boycott operations interfere with their own economic development.

Therefore, I urge all my colleagues to support section 14 of Export Administration Act extension which would effectively end the immoral and demeaning Arab economic boycott in America.

Mr. MORGAN. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. REES).

Mr. REES. Mr. Chairman, I would like to ask the distinguished chairman of the subcommittee several questions on specific sections of the bill that we were just discussing.

On page 16, which is section (2)(A) it says that no United States person shall take any action with intent to comply with or to further or to support any trade boycott fostered or imposed by any foreign country, et cetera. If a person signs a boycott form, and I have never seen one, but merely states that they do not have any business at the present time in Israel, would the signing of this statement be intent?

This refers also back to page 17, section (IV), line 8, which says it is illegal to furnish information about any past, present, or proposed business relationship; so that if a person merely signed a form saying that they did not do business in Israel and sent that back to the intended purchaser of equipment, say Egypt, they would then, it seems to me in reading this, be in violation of the act.

Mr. BINGHAM. Mr. Chairman, if the gentleman will yield, let me respond to the gentleman in this way.

The committee was very careful to prohibit only actions taken with intent to comply with or further the boycott. Obviously, it was not the intention of the committee to require any business concern to do business with Israel. We so stated on lines 6 to 8 on page 16 of the bill, that the mere absence of a business relationship with a boycott country does not indicate the existence of the intent required by the preceding sentence.

So it is perfectly clear that a company is free to do business or not to do business with Israel, as it sees fit.

The question of intent, which is a question that is frequently found in criminal statutes as to whether an act is prohibited by law or not, the matter of intent is often a key consideration and that is a question of proof that must be adduced in a court of law if the person is to be punished.

In the case the gentleman raises, I believe that the supplying of a statement such as the gentleman has in mind—that the concern does not do business with Israel—would presumptively disclose the intent constituting a violation of law.

Mr. REES. Mr. Chairman, it concerns me, because it seems to me if one signs a statement that represents intent and if the statement merely states they do not have any business with Israel, it would be in violation of section IV.

I might ask the gentleman further what would happen with those American firms doing business in the Middle East?

The CHAIRMAN. The time of the gentleman from California (Mr. REES) has expired.

Mr. MORGAN. Mr. Chairman, I yield 2 additional minutes to the gentleman from California.

Mr. REES. Mr. Chairman, to continue my question, how would this affect U.S. firms now doing business in the Middle East who have already signed a form stating that they have not been doing business with Israel?

Mr. BINGHAM. Mr. Chairman, if the gentleman will yield further, there are many statutes which are passed which affect existing contracts. We recognize there may be some time required to adjust to the provisions of this legislation if it is enacted into law; but existing business relationships which depend on a continuation of compliance with a boycott would be affected, yes.

Mr. REES. So if a company had signed the form say 4 years ago upon enactment of this act, would they then be in violation of the act?

Mr. BINGHAM. Not by the fact of the signing of the form 4 years ago. We are certainly not engaging in ex post facto legislation here. What would be determinative would be the behavior of that company following the enactment of the law.

Mr. REES. If the company merely fulfilled its contract it already had and was not asked to sign any boycott form by the Arab country involved, then the gentleman is saying that they would not come under this act in terms of intent?

Mr. BINGHAM. Again, that would be a matter of proof to be brought in court.

Mr. REES. The gentleman does not know the nature of the proof?

Mr. BINGHAM. It would be composed of other communications, I suppose, if there were other communications indicating that the business was going to continue to comply with the boycott; the kind of proof that is offered in, let us say, antitrust cases, where intent is a very important aspect of the problem.

Mr. REES. I thank the gentleman.

Mr. BROOMFIELD. Mr. Chairman, I yield as much time as he may consume to the gentleman from Pennsylvania (Mr. BIESTER).

Mr. BIESTER. Mr. Chairman, I rise in support of H.R. 15377, the Export Administration Act Amendments of 1976

The bulk of this bill is aimed at improving the export licensing process. That it must be improved has not been disputed by any witnesses who have testified before the House International Relations Committee or its Subcommittee on International Trade and Commerce, of which I am the ranking minority member. Some of the problems arise from lack of clarity in the Export Administration Act itself. Past and periodic amendment of the act has compounded the contradictions of policy language, prompting the committee to make a start in this new area of its jurisdiction to begin the task of making more consistent the policies and procedures of the act.

The first area of broad concern of our amendments is the fundamental right to export. In a free enterprise economy such as ours which has repeatedly pledged its commitment to free trade among nations, the right to export is a basic presumption, and it should be abridged only for specific and overriding national security reasons. However, the current act, taking its cue from the days

of 1949 when practically all trade with Communist countries was curtailed, operates with the assumption that everything is controlled, even though current policy focuses on control of only those items which might contribute to another country's military potential to the detriment of U.S. national security.

Several of our amendments clarify this focus including, for example, section 9, which deals with the special role of the Defense Department in the licensing process, and section 4, which directs the President to remove unilateral export controls on goods freely available elsewhere unless he can demonstrate that the absence of those controls would damage the national security. Our amendments also highlight the fundamental right to export in, for example, section 5, which provides that any export license application not decided within 90 days is deemed to be approved and the license shall be issued unless the applicant is notified in writing of the specific reasons for a delayed decision.

Another area of broad concern to us is the traditional focus of export control in law and practice on country destinations—particularly Communist ones—rather than the intrinsic nature of the commodity itself. Our bill recognizes that Communist countries may vary in the extent to which they constitute a threat to the national security of the United States, and that non-Communist countries—and therefore, exports to them—may also constitute such a threat, direct or indirect. We expect that increased efforts to identify the commodities most likely to contribute to foreign threats would lead to increased efficiency and effectiveness in the export control process.

A third aim of our amendments was to provide for more accountability in the export control process. We extended the act for 1 year—section 1—modifying the administration's request for 3 years, because we felt the need for close and continuing congressional oversight. For this reason among others we require specific authorization in section 3 for funds to carry out functions prescribed by the act. In other sections we reaffirm the right of Congress to obtain information acquired under the act, we give license applicants certain opportunities to respond to objections raised by officials, we call for a simplification of the export control regulations, and we require various reports to be submitted to the Congress. However, throughout all of these provisions we have taken care to safeguard the legitimate need for confidentiality so that proprietary trade secrets and national security information are duly protected.

Sections 1 to 13 of this bill represent a bipartisan effort at remedying some of the shortcomings of the export control system. This effort was spearheaded by Congressman BINGHAM whom I wish to commend for his receptivity to modifying suggestions offered by both his colleagues and administration officials. In conclusion, Mr. Chairman, I urge my fellow House Members to vote for this bill.

Mr. BROOMFIELD. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I rise in support of the legislation before us today, H.R. 15377, a bill to amend the Export Administration Act of 1969.

This legislation seeks to clarify and make more consistent the policies and procedures of the Export Administration Act. In addition, it represents a bold step forward by the Congress to help define and direct United States export policy in such areas as foreign trade boycotts and nuclear exports.

The majority of the recommended changes to the existing law as represented in this bill have evolved from extensive and meticulous consultation with the executive branch of the Government and other public and private concerns. These changes, for the most part, have broad support from all parties concerned and are basically designed to strengthen and simplify procedures for export control programs. In addition, the authority of the act is extended for a 1-year period, reflecting the desire to maintain a close and continuing congressional oversight.

One of the major features of H.R. 15377 is section 14, to end compliance with the discriminatory practices of foreign boycotts. These not so subtle attacks on U.S. foreign policy pit one American against another because of his racial, ethnic or religious background. Such forms of economic blackmail must not be allowed to continue.

Current policy statements in the Export Administration Act state our opposition to such restrictive practices. However, we need not only to oppose and discourage such acts, but to prohibit them. With the adoption of section 14, the same principles of freedom from repression, nondiscrimination and rights of religious tolerance upon which this great Nation was founded would be applied to the conduct of commerce.

Another important feature of this legislation, section 18 concerns nuclear exports. Current safeguards applied to nuclear equipment and materials are designed to detect diversion of from peaceful to nonpeaceful uses. The safeguards do not, however, work to prevent such diversions.

The effectiveness of such safeguards, however, can be greatly enhanced when applied to the nuclear reactors that we export. In this manner, we can insure that other countries will not be able to circumvent current United States and international controls and use the spent fuel from a non-U.S. source to obtain plutonium. It is this plutonium, a by-product of spent reactor fuel, that can be diverted for the purpose of making a nuclear bomb.

By requiring that the United States retain control over all nuclear materials from reactors we have exported and by prohibiting the reprocessing of American supplied fuel by foreign countries, we can better control the equipment and material needed to produce a nuclear weapon.

While the adoption of this amendment by itself will not stop the proliferation of nuclear material and nuclear weapons, it will be a significant step forward in that direction. Had such safeguards been part of our past policies, American material might not have been used to detonate India's first bomb.

The United States has led the way in seeking new and more effective safeguards. We must continue to set the example by establishing these needed controls over the reprocessing stages. Section 18 will continue this tradition.

As an initial cosponsor of both the proposed amendments on foreign boycotts and nuclear exports, I strongly urge their passage. As a cosponsor of H.R. 15377 itself, I believe it represents responsible legislative leadership and deserves the consideration and support of my colleagues. I urge its adoption.

Mr. Chairman, I would like to take this opportunity to commend our distinguished chairman, the gentleman from Pennsylvania (Mr. MORGAN), not only for his leadership in bringing this measure to the floor, but I would also like to take this opportunity to note that this may be our distinguished chairman's last debate on the House floor as the chairman of the Committee on International Relations.

While we all regret that Chairman MORGAN has seen fit to bring to an end his distinguished 30-year career of public service in the House of Representatives, we recognize his outstanding 18 years of leadership as chairman of our Committee on International Relations; a tenure of leadership that has spanned five Presidencies and many severe international crises.

To Chairman MORGAN go our heartfelt wishes for many years of health and happiness in his deserving retirement.

Mr. BROOMFIELD. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Chairman, I rise in support of H.R. 15377, the Export Administration Act Amendments of 1976.

This bill contains a variety of provisions, including sections with conditions attached to nuclear exports, antiboycott language, and specific exemptions from controls—such as for petroleum products refined in U.S. foreign trade zones under carefully delimited circumstances.

However, the major subject addressed by this legislation is the overall framework of export controls. This is a very complicated subject, both in a technical and a policy sense. To start with, the Congress has enunciated two contradictory policy objectives: To promote trade, and to restrict it when necessary. This creates an inevitable dilemma: In the grey area that exists between proposed trade that has clearly dangerous national security risks and proposed trade which as clearly entails no such risks, which objective should receive top priority? As in many other areas of foreign economic policy, such as the Trade Reform Act of 1974, the Congress has seen fit to stand on the fence and has given no guidance one way or the other.

This policy dilemma has been further complicated by numerous accretions to

the act over the years, and the thrust of many of the committee's proposals in this bill is to resolve the inconsistencies as best as can be done.

Second, on the practical side, there were a set of common threads of discontent running throughout the testimony of many witnesses we heard during subcommittee and committee hearings. These related particularly to the operation of the informal coordinating committee known as COCOM, the international body that meets to discuss common rules on categories of export restriction and exceptions to the categories established. These discontents were five in number:

First. The charge was made that there is old technology or dated technology on COCOM's list;

Second. The charge was made that there is technology on the list which has no substantial security impact;

Third. It was charged that there is a lack of manufacturer input, both domestically in the decisionmaking process as well as at COCOM meetings.

Fourth. It was claimed that there is undue delay in the decisions made domestically; and

Fifth. It was alleged that there is unequal enforcement by other COCOM countries, to the detriment of the U.S. firms.

The various and sundry proposals of H.R. 15377 have attempted to deal conscientiously with these core problems, perhaps not in a definitive manner, but to jog the system in the direction of greater efficiency and effectiveness, as well as greater equity.

Mr. Chairman, this bill before us has been carefully worked over in a bipartisan effort and I would like to urge my colleagues to support its final passage.

Mr. BROOMFIELD. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. WINN).

Mr. WINN. Mr. Chairman, that the spread of reprocessing facilities vastly increases the danger of nuclear proliferation is an accepted fact. Exactly what to do to restrict the acquisition of reprocessing technology is, however, unfortunately still in dispute. While Congress continues to mandate studies and to legislate wishful thinking rather than solutions, nuclear proliferation becomes more certain.

This amendment is a positive step toward reinforcing U.S. efforts to stem nuclear spread. It would restrict the reprocessing of U.S.-supplied fuel by recipient states until such time as effective safeguards can be applied. This is little enough to ask.

U.S. agreements for cooperation give us a veto over the reprocessing of U.S. fuel by recipient nations. Our agreements stipulate that we will not permit reprocessing to occur unless effective safeguards can be applied. But we have never defined what we mean by effective safeguards. This amendment defines what should be our safeguard standard for reprocessing. It sets a standard in terms of time—warning time. This is a minimum condition and not necessarily the only one our Government may want to apply.

This standard of reliable warning time must apply to reprocessing, no matter where it is located, in national or international centers. To suggest that international centers solve the problem of proliferation is to obscure what is really at stake. A country that receives reprocessed fuel from an international center has available to it about 50 bombs worth of plutonium per reactor. It is not simply the reprocessing that is dangerous, it is also the fuel itself. Plutonium fuel is convertible—overnight—into nuclear explosive devices.

If the United States encourages international reprocessing centers, it should only do so with the secure knowledge that effective safeguards can be applied to reprocessing and reprocessed fuel. With the stimulus this amendment gives to safeguards research, international reprocessing can be made safeguardable by the time it is economic, which it currently is not.

Until the United States can be assured that its safeguards, when applied to reprocessing and reprocessed fuel, can provide timely warning of diversion, it should not aid or permit nations or groups of nations to reprocess U.S.-supplied fuel.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. WINN. I yield to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Chairman, I want to compliment the gentleman on his statement. I think it was an excellent description of the situation. However, there was one point that the gentleman made that I would appreciate if he could clarify.

I think the gentleman referred to the language of the amendment as prohibiting the reprocessing of American-supplied fuel for use as nuclear weapons. My reading of the language of the amendment is that it would also prohibit the reprocessing of any fuel, regardless of source, if the reactor was supplied by the United States. Am I in error on that?

Mr. WINN. No. The gentleman is correct.

Mr. BROWN of California. I thank the gentleman for clarifying that point.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, I would like to take a moment or two to ask a question of the gentleman from New York, the author of the amendment here that I find so repulsive in this legislation.

If the gentleman will recall my remarks during consideration of the rule, I mentioned the multinational corporation in my district, Caterpillar Tractor Co., the largest returner of dollars to this country in export trade. They have plants around the globe, in France, Belgium, England, Australia, and elsewhere. There are, for example, components of Caterpillar's equipment which are made in France, which are made in Belgium, which are made in England, and which are shipped to the Arab countries. None of those countries have the same feeling about this issue as this country is about willing to express if the gentleman's amendment is adopted. Having this differing view toward the Arab countries, what effect does that have on equipment that is built in those countries in Caterpillar's subsidiaries, married up with the equipment in this country, and then shipped to the Arab countries? Are they barred? We have no right to bar shipment of those component parts or machines of companies over whom we have no control, who are free to negotiate, free to trade with Arab countries, as they choose.

Does this amendment, by any stretch of the imagination, have any effect on those transactions?

Mr. BINGHAM. Let me say, first of all, to the gentleman, if he will yield, that it is clearly not the intent of the committee to attempt to prohibit the application of the primary boycott. A primary boycott is something which we ourselves engage in, with respect to various countries.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. MICHEL) has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 additional minutes to the gentleman from Illinois (Mr. MICHEL).

Mr. BINGHAM. If the gentleman from Illinois will yield further, we are, therefore, not intending to prohibit the application of the primary boycott which the Arabs impose on products coming from Israel and which contain Israeli components.

However, the gentleman's question could also be directed to his own legislature in Illinois which has adopted legislation very similar to this and which prohibits compliance with the boycott. One of the reasons we need Federal legislation is that States like Illinois, New York, and Maryland have adopted antiboycott legislation. Pennsylvania has a bill pending, and these States have adopted legislation prohibiting compliance with the boycott. So we need a uniform approach.

Of course, the interpretation of the legislation would have to be an intelligent interpretation. As I indicated in my colloquy with the gentleman from California (Mr. REES), we must show an intent to cooperate with the boycott before one can be found to have violated it.

Mr. MICHEL. Mr. Chairman, would it be possible to avoid the provisions of this antiboycott legislation by transshipment from the parent company to a subsidiary and then have the material sold to one of the Arab countries through one of the company's subsidiaries, even though the normal channel of the transaction would not take that course?

Mr. BINGHAM. If the intent of that transaction would amount to an intent by the American company to further the boycott and comply with it, then I would say, yes, that would be a violation.

Mr. MICHEL. Mr. Chairman, it may be that during the consideration of the bill and the reading of the bill under the 5-minute rule we will have further questions to propound. I do not want to delay the Committee's moving into the amendment stage.

Mr. BROOMFIELD. Mr. Chairman, I yield back the balance of my time.

Mr. MORGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Chairman, I wish to commend the committee for this very important bill, and I wish to commend particularly the distinguished gentleman from New York (Mr. BINGHAM), who has developed this legislation.

If I may, I will say parenthetically to the gentleman from New York (Mr. BINGHAM) that there is another State involved here; namely, Massachusetts, that has also passed a State antiboycott law. I agree completely with the gentleman from New York (Mr. BINGHAM) that the existence of these five laws in these five States adds one more reason why we need a national law.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield momentarily?

Mr. DRINAN. I am happy to yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. DRINAN) for his comments, but I would like to say that this is a joint product of a number of members of the committee, including particularly my colleague, the gentleman from New York (Mr. ROSENTHAL) and the gentleman from New York (Mr. SOLARZ). A number of the members of the committee contributed to the formulation of this legislation. I am glad to know that Massachusetts has also adopted it.

Mr. DRINAN. Mr. Chairman, I thank the gentleman very much.

Mr. Chairman, I am pleased to rise in support of H.R. 15377 which would bring to an end American complicity in the insidious Arab economic boycott of Israel. Our Nation's policy of opposing restrictive trade practices is established by statute. While section 4(b)(1) of the Export Administration Act gives the Secretary of Commerce the authority to prohibit compliance with boycott demands, Secretary Richardson and his predecessor, Rogers Morton, have refused to exercise that power.

In the midst of this executive branch paralysis, the boycott has continued to grow in size and strength. The tremendous expansion of American trade with Middle Eastern nations has transformed the boycott from a minor nuisance into a festering cancer within the American economy. We have all received a copy of the excellent report issued by the Interstate and Foreign Commerce Subcommittee on Oversight and Investigations. That report stated that American firms were acquiescing to boycott demands in more than 90 percent of all cases. Thus, in the absence of sanctions imposed by the administration to enforce American policy, it is apparent that the vast majority of companies doing business in the Middle East have succumbed to economic blackmail and are actively participating in the strangulation of our ally, Israel.

The impact of the boycott on the Israeli economy is readily apparent. Numerous American firms are also adversely affected by domestic compliance with boycott demands. More than 1,500 American companies appearing on the Arab blacklist are unable to do business with Arab countries or with other American firms which have agreed to comply with the regulations of the Arab Boycott Office. Such regulations prohibit doing business with a blacklisted firm. Thus, American companies are presently faced with the choice of succumbing to Arab demands or suffering a loss of business to other American firms. A uniform prohibition on compliance with boycott demands would end this dilemma and place all firms on an equal competitive standing in seeking business in the Middle East and elsewhere.

It is apparent that the only effective remedy of this intolerable situation lies in the enactment of appropriate legislation to carry out the policy set forth in the Export Administration Act. Section 14 of the legislation before us today constitutes such a remedy. The bill would prohibit all forms of compliance with boycott demands, including the furnishing of information and the refusal to do business with Israel or with American companies blacklisted by the Arab League. Stringent civil and criminal penalties are authorized to be imposed for violations of the act. Moreover, reports submitted concerning boycott requests, currently kept confidential by the Department of Commerce, would be disclosed to the public.

I am pleased to note that this antiboycott section of the bill, authored by the gentleman from New York (Mr. BINGHAM) incorporates to a great extent the provisions of H.R. 5913 which I introduced in April 1975, along with 28 cosponsors in the House. That bill, like the legislation before us today, prohibited all forms of boycott compliance and established civil and criminal penalties for noncompliance. One significant characteristic of H.R. 5913, also contained in the bill before us, is the inclusion of foreign subsidiaries and affiliates of domestic firms within its scope. Thus, American companies will not be able to evade the provisions of the act by channeling their Arab business through subsidiary firms. This bill would thus prohibit ARAMCO, as well as the major oil companies themselves, from complying with boycott demands.

The overwhelming margin of 27 to 1 by which the Committee on International Relations approved this section indicates that Congress will no longer tolerate American involvement in the Arab boycott. The committee wisely rejected administration contentions that the proposed legislation would jeopardize American trade in the Middle East and interfere with diplomatic efforts to achieve a lasting solution to the Arab-Israeli conflict. As the committee report states—

> The current legislation does not abandon or preclude continued use of diplomatic pressures and efforts to end boycott demands on American businesses. Indeed, the Committee encourages such efforts. . . . But the proposed legislation would back up such efforts with a clear and uniform ban on compliance.

Mr. Chairman, I am proud that the House is taking action today to solve a problem which the Ford administration has preferred to ignore. The entire world is watching us today to see whether the Congress will be true to the principles which we espouse as a nation. I am confident that we will stand firm in support of economic freedom and nondiscrimination should the President unwisely veto this bill.

Mr. MORGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Chairman, I rise in support of H.R. 15377, but I have serious reservations about the Bingham antiboycott provisions in it. Apparently no attempt will be made today to strike or to moderate those provisions.

It is my sincere hope, however, that the conference committee from the House and the Senate will take a careful new look at it in an effort to so moderate the language as to prevent many of the serious consequences which may well result from its passage into law.

As I stated in committee I am sympathetic with BINGHAM's amendment objectives.

Mr. Chairman, certainly, all of us are opposed to discrimination of any kind based on a person's religion or his ethnic heritage, and none of us want American firms involved in carrying out the Arab boycott against Israel.

However, I do not believe this particular antiboycott provision will accomplish what its sponsors hope for.

To the contrary, we have had substantial testimony before the International Relations Committee indicating that the provision will have a harmful effect—not only on our diplomatic efforts toward a Middle East settlement, but also on employment in the United States.

For example, Mr. Chairman, we had testimony from Mr. Edwin L. Jones, Jr., representing the Associated General Contractors of America. This association represents 8,100 general contracting firms, in every State of the Union.

The AGC opposed such legislation on grounds—and I quote—that it "would prevent American construction companies from working abroad in certain countries, and would have a serious effect on the domestic employment situation for U.S. suppliers and construction companies which are now experiencing the highest unemployment rate of any industry in this Nation."

The AGC estimated that American firms over the next 5 years are expected to participate in at least $30 billion worth of construction programs in the oil-rich nations.

But this American trade association at the same time warned us—and again I quote: "It has been estimated that the adoption of legislation requiring all U.S. industry to refuse to adhere to the boycott provisions would result in the loss of 800,000 jobs throughout the United States."

I am certainly opposed to the Arab boycott, whether at its primary level against Israel or in its second—and third-level impact on American firms. I support efforts to resist and counter that boycott, most particularly those aspects of it which seek to prevent one American firm or individual from doing business with another American firm or individual.

I think we all agree on the objective. But I have great doubts about the ability

of the legislation before us to achieve our goals. Why?

Because we are trying to deal with a complex issue by striking a noble pose. The dramatic gesture certainly has its place in affairs of state. It also has its consequences, and we owe it to the American people who elected us to reflect on the consequences before we adopt the kind of policy embraced in the Bingham amendment.

Let me be more specific about some additional likely consequences of our adopting the language proposed by the distinguished gentleman from New York (Mr. BINGHAM).

The measure is aimed at the Arab countries and is intended to make them either abandon their boycott or lose access to American goods and services. There is a possibility that this kind of confrontation will succeed. But we must recognize that we are challenging Arab pride in a very public form, and we should not be surprised if pride alone causes the Arabs to respond with anger.

That anger could take various forms. Certainly a tightening of the boycott is one possibility.

Restrictions on oil exports to this country are another possibility. And we are now importing 40 to 45 percent of the oil we use, much of it from Arab lands.

Perhaps most serious of all is the likelihood that the gradual reduction of tension in the Middle East which has occurred over the past several years will abruptly end. Our role as a mediator will no longer be credible to the Arabs, who will see our action as tantamount to a counterboycott.

Finally, the amendment is drafted so broadly that it will force foreign subsidiaries of U.S. firms to cease selling to Arab countries as long as the Arab boycott remains in effect. Take a look at the language on page 18, lines 14 and 15, which reads: "and any foreign subsidiary or affiliate of any domestic business concern." We will be telling firms in France, in Japan, in Belgium—firms affiliated with American companies—that they must stop selling to the Arabs, that they must lay off workers and forego foreign exchange earnings.

The governments of some of our closest allies and business partners unfortunately do not share all of our views with regard to the Arab-Israeli situation. How will they react when they find that we are trying to force companies in their countries to comply with our views, which they see as in conflict with their own interests?

The more I read this amendment, the more it appears to me that we are guaranteeing that the Arabs will be supported by some of our own closest friends in reacting strongly and loudly. We must continue to resist the Arab boycott; we must do more to protect American firms from tertiary boycotts. But we must not let zeal run ahead of wisdom. I urge you to vote against this amendment.

Therefore, Mr. Chairman, not only because the antiboycott proposal will fail to achieve its intended goal, but also because of its harmful effect on jobs for American workers if enacted into law, I urge the House and the Senate to reject this provision as now contained in the bill before us.

I include the following:

[From U.S. News & World Report, Sept. 27 1976]

FIGHTING THE ARAB BOYCOTT—A MOVE THAT COULD BACKFIRE ON UNITED STATES

Fears are growing that an attempt by Congress to crack down on American firms that go along with the Arab boycott of Israel will boomerang against the United States.

Already, there are signs that the Arabs are likely to retaliate with these steps:

An increase of $1.50 or more per barrel in the price of oil produced by the Organization of Petroleum Exporting Countries (OPEC) cartel of which the Arabs are key members. That would mean a boost in what U.S. motorists pay for gasoline—as much as 2 cents a gallon.

A cutback in production from Arab wells just as economic recovery has caused an upswing in worldwide demand for oil—a move that could imperil the business rebound, especially in European nations that are heavily dependent on oil imports.

Loss of business for American firms that have been cashing in on the billions of petrodollars that Arab nations are spending on vast development plans.

White House officials, as well as U.S. business leaders, say that the steps taken by Congress will prove of little help to Israel in its conflict with the Arabs and will hamper U.S. peace efforts in the Middle East.

At issue are two bills—almost certain to become law in a matter of days—that seek to prevent American firms from participating in the boycott.

Under the boycott, Arab nations refuse to do business with companies on their blacklist, which includes 1,500 American firms. The list is made up of firms that deal with Israel, assist its economic development or refuse to fill out questionnaires on such matters.

One of the antiboycott measures is contained in the new tax-reform bill. As outlined in the box on page 30, any U.S. company found to have agreed to terms of the Arab boycott will be stripped of certain tax benefits.

The second part of the congressional crackdown, an amendment to a bill extending the Export Administration Act, is even stronger. The House version of the bill forbids American companies, under the threat of criminal penalties, to participate in the boycott.

Insiders say the tough House measure probably will be passed rather than the milder Senate version, which would permit companies to refuse to do business with Israel but would ban them from agreeing not to deal with firms blacklisted by the Arabs. The final bill probably will require firms to reveal whether they will bow to boycott demands.

American business leaders are upset with the new measures. Robert Norris, director of the Foreign Trade Council, argues that the nation's tax laws should not be used to deal with complicated foreign-policy issues.

Officers of the Mobil Oil Corporation contend that the new legislation will result in a loss of business for American firms in the Mideast and that U.S. export trade will suffer as Arabs shift their business to other nations.

POTENTIAL LOSERS

The oil firms stand to lose the most from the tax-penalty measure, since they have huge fixed investments in Arab lands. It is probable that they would accept the loss of the tax breaks rather than risk angering the Arabs with a tough antiboycott stand.

In recent weeks, Arab leaders such as Shiek Hisham Nazer, Saudi Arabia's Minister of Planning, have let it be known that they will take their business elsewhere if the U.S. adopts the antiboycott measures.

Many American business executives assert that there are few, if any, products and services now supplied by U.S. firms that could not be purchased from other countries.

Ruddick Lawrence of Continental Oil, the president of the U.S.-Arab Chamber of Commerce, an American group that fosters Mideast trade, observes that the Arabs are already stepping up their trade with the Japanese, Germans and even Communist nations such as Rumania and Poland.

Supporters of the new antiboycott measures counter that the Arabs are bluffing and are too dependent on American products and know-how to turn to other nations.

Roger Majak, staff counsel for the House International Relations subcommittee on trade, thinks that at worst there might be a few temporary reprisals. He believes: "The Arabs might kill a big U.S. contract or go to the Japanese or Germans on a major deal, but in the end they'll swallow it and come back to U.S. firms."

Ze'ev Sher, the economic minister of the Israeli Embassy in Washington and a strong force behind the new legislation, also contends that the Saudi Arabian development plan is "totally dependent" on the U.S.

Last year, U.S. firms did 5.5 billion dollars' worth of trade with the Arab countries that observe the boycott, and this year's business could total more than 7 billion dollars' worth. The U.S. Army Corps of Engineers is in charge of Saudi Arabian construction projects valued at nearly 18 billion dollars.

ACHILLES' HEEL

In addition to the potential loss of billions in trade, the U.S. is vulnerable to retaliation because of its increasing reliance on oil from the Arab nations of the Mideast and Africa.

Since the 1973–74 Arab oil embargo, the U.S. has more than doubled its imports from the Arab world. Saudi Arabia, the staunchest defender of the boycott, is now the No. 1 supplier of oil imported by this country.

In recent days, Saudi Arabian spokesmen have hinted that the oil-rich Kingdom will not try to stop other members of OPEC from seeking oil-price increases of 10 to 20 per cent above the current basic price of about $11.50 a barrel. Saudi leaders have said they may cut oil production from 8.2 million barrels a day to 5 million—a step that would assure that the cartel could make the price boost stick.

The only current U.S. law specifically dealing with the boycott is one that requires American companies to report any Arab demands to the Commerce Department and to report whether they intend to go along with them.

Commerce, however, keeps this information confidential, and its handling of the reports has upset many lawmakers. A study just released by the House Interstate and Foreign Commerce Committee's investigations subcommittee contends that the Department's regulations contain many loopholes that allow firms to evade their reporting obligation. In some cases, the study said, Commerce has actually promoted business opportunities with the Arabs, knowing that the potential deals had boycott provisions attached to them.

The study also shows that in 1974 and 1975 combined, at least 4.5 billion dollars' worth of U.S. sales and proposed sales to Arab countries were subject to boycott requests.

Says Senator Abraham Ribicoff (Dem.), of Connecticut, chief sponsor of the tax-penalty measure: "It is intolerable to have Americans discriminate against their fellow countrymen at the behest of any foreign nation. Amer-

icans must be free to trade with Americans, with Arabs and with Israelis."

The White House, though strongly protesting the boycott, argues that no new legislation is needed to curb it.

The thinking of the Ford Administration is that laws already on the books, such as those dealing with civil rights and unfair business practices, are sufficient to deal with the boycott problem. One example cited is the antitrust suit that the Justice Department brought early this year against Bechtel Corporation. The giant construction company is accused of refusing to deal with subcontractors on the Arab boycott list.

"One thing's for sure—these new laws won't end the boycott," says Assistant Treasury Secretary Gerald Parsky, "and they'll add fuel to the arguments of those in the Arab world who are against the United States."

Administration officials claim there is evidence that the Arabs have been taking steps to soften the boycott themselves. They cite the fact that earlier this year Saudi Arabia removed from its visa applications a request for information on religion.

There are also reports, according to Treasury Secretary William Simon, that the Arabs may exempt firms that make as significant a contribution to their countries as they do to Israel.

GRANDSTAND PLAY

What is happening, say critics of the new legislation, is that lawmakers are attempting to make political points in an election year by portraying the boycott as a vehicle for religious discrimintaion against those of the Jewish faith. However, the House Commerce subcommittee's study found that only 15 of 4,000 boycott requests examined had clauses of a religious or ethnic nature.

Arab leaders justify their boycott as an economic sanction against Israel applied in the same way that the U.S. has curbed trade with Cuba.

Representative Paul Findley (Rep.), of Illinois, the only member of the International Relations Committee to vote against the extension of the Export Administration Act and its antiboycott provision, says he has received "furious" letters accusing him of religious bigotry. Mr. Findley asserts that he voted against the measure because it would harm U.S. peace efforts in the Mideast.

That is a minority view in Congress, where the antiboycott measures have won overwhelming support and have been attached to bills that President Ford may find virtually impossible to veto.

If he signs the measures, the months ahead will reveal whether the Arabs will actually carry out their threats against the U.S.

Mr. MORGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. SOLARZ), a member of the committee.

Mr. SOLARZ. Mr. Chairman, I had planned to deliver an impassioned plea in defense of the antiboycott provisions of this bill, but in deference to the masterful management of the chairman of the committee and of my good friend, the gentleman from Florida (Mr. FASCELL), a member of the committee, who are interested in expediting the debate on this bill, I will be consent to revise and extend my remarks.

Mr. MORGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. BLANCHARD).

Mr. BLANCHARD. Mr. Chairman, I rise in support for H.R. 15377, the Export Administration Act amendments. Among the measures in this bill are the Bingham-Rosenthal provisions which considerably strengthen U.S. policy with respect to foreign boycotts. It is vital that we enact these provisions if we wish to end Arab blackmail in this country.

It has been the policy of the United States to oppose restrictive trade practices and boycotts with countries friendly to the United States. However, while firms were supposedly discouraged from participating or complying with boycott requests, the law did not prohibit it.

Evidence from the House Commerce Committee and from other sources clearly demonstrates the need for this legislation. According to the Commerce Committee report, during 1974–75 U.S. companies complied with Arab boycott requests about 90 percent of the time and at least $4.55 billion was involved in these transactions. It is also evident that the Commerce Department was extremely lax in using its power to stop these abuses.

This situation cannot continue. We cannot and we will not shy away from our commitment to religious freedom. We cannot and we will not condone discrimination because we fear losing Arab dollars.

Earlier this year, in anticipation of this legislation, I offered an amendment to H.R. 13876, the International Banking Act of 1976 which banned discrimination by foreign banks and bank holding companies on the basis of "race, color, religion, sex, or national origin." This amendment was specifically aimed at stopping discrimination against persons of the Jewish faith or heritage.

This measure, too, will be effective in halting discrimination. It will make it clear that compliance with the Arab boycott is prohibited and it will set penalties for violators. I wholeheartedly support this measure and urge all my colleagues to do so.

Mr. BRODHEAD. Mr. Chairman, the retention of antiboycott language in this bill is essential. Voluntary action by the U.S. Commerce Department has clearly been a failure—it is time and long past time that Congress acted on this matter. We must firmly establish the principle that foreign powers cannot be allowed to dictate commercial practices in this country. We must firmly reject the Ford administration's position on this matter and stand up and be counted for what we know is right.

Ms. ABZUG. Mr. Chairman, I strongly support the provisions of H.R. 15377 which makes illegal American complicity in the Arab boycott. I have strongly supported such a change as a sponsor of various bills that would accomplish it, as a witness before the International Relations Committee, and on many occasions in and out of the Congress.

As my colleagues are aware, Congress previously tried in 1965, by adopting amendments to the Export Control Act of 1949, to encourage U.S. companies to refuse to cooperate with the boycott. This provision has proven to be ineffective in attempting to deal with this problem and it is quite clear that stronger measures against the boycott are now required. Section 14 of this bill sponsored by my colleague Mr. BINGHAM, provides such a stronger stance by prohibiting U.S. citizens and companies from complying with either a secondary or tertiary boycott request. I compliment Mr. BINGHAM for his work on this measure.

Although it has been U.S. policy since 1965 to encourage U.S. companies to refuse to cooperate with the Arab boycott, the effect of the boycott has deepened and widened, primarily as a result of Commerce Department unwillingness to enforce the law. In fact, the Commerce Department has counseled U.S. companies in ways to evade the requirements of the Act and the blacklist has swelled until it today includes over 1,500 firms and individuals.

The impact of the boycott is enormous. The House Interstate and Foreign Commerce Investigation Subcommittee found that during 1974 and 1975, 637 U.S. exporters sold at least $352.9 million and as much as $781.5 million in goods and services under boycott conditions. And one bank, Morgan Guaranty Trust Co., testified before the Government Operations' Subcommittee on Commerce, Consumer and Monetary Affairs Subcommittee that in one 4-month period the bank received 824 letters of credit, in a total amount of over $41 million, containing boycott clauses.

The Arab boycott has various aspects. It involves the primary boycott by Arab countries and companies refusing to do business with Israel and Israeli companies; the secondary boycott seeking to prevent American industry from doing business with Israel by precluding blacklisted American firms from doing business with Arab countries; and in its tertiary aspect, it involves American companies which are pressured into refusing to deal with other American companies which are on the boycott list. The bill before us would go far to eliminate these boycotts.

Other aspects of the boycott have come to my attention in my capacity as chairwoman of the Subcommittee on Government Information and Individual Rights. Over the past year this subcommittee has heard testimony on discriminatory assignment policies overseas by Federal agencies. These hearings spurred the White House to issue in November 1975, a "Memorandum to the Heads of Executive Departments and Agencies," stating that exclusionary policies of the country to which a potential assignment is being considered "must not be a factor in any part of the selection process of a Federal agency." In my opinion, President Ford's directive did not go far enough, in that it does not flatly prohibit Federal employees from providing information on their race, religion, or national origin when traveling abroad on official business. Accordingly, I have continued to urge the administration to refuse to accede to discrimination by Arab countries in the assignment of U.S. personnel abroad.

Another effect of the boycott is the impact on U.S. investors of company involvement in the Arab boycott. In this connection, I recently inquired of SEC Chairman Roderick Hills as to whether

American companies participating in the Arab boycott are required to disclose information about such involvement. I am pleased to report that in response to my letter, Chairman Hills stated that American companies participating in the boycott are required to disclose such information where there is a "material adverse effect upon corporate income, assets—including good will—or profits." I maintain that any participation, no matter how small the monetary amount, is of vital interest to investors and the public, and I have asked that the SEC disclose all information it possesses regarding actual participating by American companies and that it require all companies subject to the securities laws to make public disclosure of any participation in the Arab boycott on their part.

Mr. Chairman, it is time to put teeth into the Export Administration Act by amending the act to forbid any American or entity doing business here from participating in any boycott based wholly or in part upon race, religion, or national origin, or a boycott fostered or imposed by any foreign country against another country friendly to the United States, and to require reporting and public disclosure of any such participation.

It is time to face the invidious nature of foreign boycotts based upon such arbitrary factors as religious association. They have no place in this great country and we must enact this legislation to make it clear that they have no place here.

Mr. FRENZEL. Mr. Chairman, because of the interest in the anti-boycott provision and in the sections relating to nuclear exports, the main provisions of the Export Administration Act have been getting less attention.

I believe the improvements in the licensing procedures, and the change in standards as to what material may be shipped to Communist countries, are a welcome reversal of standards and procedures which have crept into the law, and into regulations, over the past several years.

Unwisely, the Congress especially on the 1974 version of the Export Administration Act, set up obstacles to trade expansion which reduced the ability of American firms to compete abroad, those restrictions, which are being reduced by this bill, only exacerbated our balance-of-payments problems, and limited our ability to develop more U.S. jobs.

Therefore, Mr. Chairman, I support the bill as an enormous improvement over existing law. I congratulate the committee for its wisdom, and urge that the bill be promptly passed.

Mr. DERWINSKI. Mr. Chairman, I rise in support of H.R. 15377, the Export Administration Act Amendments of 1976.

The major area of concern in this bill is the overall framework of export controls. The Committee on International Relations heard testimony that expressed concern with the administration of these controls, and much of the bill is designed to deal with these complaints. The President is directed, for example, to further limit unilateral export controls, to simplify export regulations, and to take other measures which will expedite the processing of license applications.

Furthermore, the committee has added various report requirements which will assist us in our oversight responsibilities. For instance, the Secretary of Commerce will be required to include in his semiannual report to Congress an accounting and analysis of the consultations undertaken with the technical advisory committees, the use made of their advice, and their contributions to carrying out the purposes of the act.

Finally, there are various special provisions which have been added to the bill. The most notable are specific exemptions from controls, such as for petroleum products refined in U.S. foreign trade zones under carefully delimited circumstances, and conditions attached to certain nuclear exports with a view to stemming the spread of nuclear weapon proliferation. I support the anti-boycott section.

In conclusion, Mr. Chairman, I support this legislation and urge my colleagues to do the same. I make these points since most of the debate centers around amendments unrelated to the original bill.

Mr. KOCH. Mr. Chairman, I rise in support of H.R. 15377, the Export Administration Act Extension of 1976. I commend the committee for this piece of legislation which contains an amendment to prohibit any American company from participating in the boycott of any other American company or any country friendly to the United States in response to a foreign boycott demand. This amendment, sponsored by Congressmen JONATHAN BINGHAM, STEPHEN SOLARZ, and BENJAMIN ROSENTHAL, closely parallels the language and intent of the bill introduced earlier this year by Congressman JAMES H. SCHEUER and myself. Our bill, H.R. 11463, also sought to end American complicity in the Arab boycott of Israel or of any other nation friendly to the United States, and it was cosponsored by 76 other Members of Congress. That bill has been passed by the U.S. Senate as S. 3084, and its sponsor in the Senate was Senator ADLAI STEVENSON, JR.

I also want to commend the able leadership of Chairman THOMAS MORGAN of the International Relations Committee for his assistance in conducting an excellent set of hearings and for supporting this language which deals with the Arab boycott. We will all miss him when he retires from the Congress at the end of this session.

The bill we are considering today would explicitly outlaw both the boycott of another American company and the boycott of Israel or any Israeli company in response to a foreign country's boycott request. In addition, it provides that a company or person who loses business as a result of another company's participation in the boycott may institute a civil action in a U.S. District Court for three times actual damages and attorneys' fees. This provision, which was not contained in the Koch-Scheuer-Stevenson proposal, is an innovative and effective addition to the legislation. No longer will an aggrieved American citizen have to rely on the sporadic and unenthusiastic enforcement of the Export Administration Act prohibitions by the Commerce Department. In the future, an injured party may bring his own action and recover treble damages. This will be an effective deterrent to complicity in the boycott.

In certain other respects the bill under consideration today is not as strong as the bill I proposed. The Koch-Scheuer-Stevenson bill would have required disclosure to the public of all boycott demands and the companies' reactions to them. From my reading of this bill it apparently does not require such public disclosure, but I nevertheless feel it is a significant and effective piece of legislation which will prevent compliance with the boycott, particularly in light of the private treble damage actions which can be brought. This bill prohibits boycott compliance by prohibiting bills of lading or other commercial, shipping, insurance, sale, purchase, or legal documents from including information which would facilitate boycott compliance. I am sure the drafters of the legislation intend to embrace bank letters of credit within these prohibitions, and I would hope that any language excepting them from the scope of these prohibitions, which may have been added in the Senate consideration of S. 3084, would be deleted in conference.

The boycott provisions deal with the three-tiered boycott, instituted by the Arab League and their member Arab countries against—

First. Israeli goods and services;

Second. Blacklisted companies, defined as those doing business with or having investments in Israel, or as being a Zionist firm; and

Third. Companies supplied by blacklisted companies.

The Arab boycott is particularly pernicious and intolerable, because it requires that one American company not do business with another American company simply because the latter is engaged in commercial dealings with Israel or because some of its officers are Jewish. The Arabs claim that their boycott is not a religious matter, and instead an economic extension of their war against Israel. But, firms are blacklisted for their Jewish or Zionist identities as much as any other reason. In fact, a firm will be blacklisted without any reason being given, and one can only guess at the real reason.

We may not be able to force Arab countries to deal with Israeli firms, but the United States can surely respond strongly to any attempt to gain cooperation or participation by U.S. companies in any aspect of the boycott.

Last fall the President directed that new regulations be issued dealing with this subject. But they are not adequate. Those regulations prohibit an American firm from acceding to a boycott demand that would cause discrimination on the basis of race, religion, sex, or national origin by virtue of either the information they provide or the refusal to do business with a particular company. The Commerce Department also requires that a company report any request that it provide boycott related information or that it participate in the boycott. But, as I read the regulations, this still allows

a company to discriminate against Israeli firms or against a fellow American company which the Arabs have labeled as being "Zionist" or a firm which is doing business with Israel. Furthermore, the Commerce Department's regulations do not require a company to report whether or not it intends to comply with a boycott demand, only whether it has been asked to provide boycott related information or to participate in a boycott of a company or country.

All reports received by the Commerce Department are held in confidence by the Commerce Department so that the public does not know whether the Department is enforcing the law. The Department has announced recently that it will make public any "charging letters"—letters charging illegal boycott practices—it issues against companies, but it has not issued any such "letters" to date. And the five companies that have been found in violation of the reporting requirements — AGIP–USA of New York; Inter-Equipment Co. of New York; Continental EMSCO of Houston; National Cash Register of New York; and Getty Oil of Los Angeles—have been fined only $1,000 each and not suffered the possible revocation of their export license.

The tertiary boycott is particularly hideous because it requires an American company such as General Motors wanting to sell buses to Saudi Arabia, not to buy any parts from another American company whose officers may be Jewish, or which may have been labeled as Zionist, or which has commercial ties with Israel. The President's Executive order simply prohibits an American company from furnishing information to any country or to participate in a boycott where such action would lead to discrimination against an American citizen on the basis of race, religion, sex, or national origin.

This, of course, is inadequate because the Arabs, being as smart as anyone else, do not blacklist a company on the grounds that the firm has a Jew in their operations. They will simply say the firm is "Zionist." In effect, the Arab boycott officials have picked up the Soviet Union's anti-Semitic line. There, too, the Russians never slander Jews as Jews; they cloak their slander by using the word "Zionist." This legislation would effectively end this disguised discrimination and would give American companies the legal backbone to refuse to comply with Arab boycott demands.

The administration takes the position that it can end tertiary boycotts by the use of the antitrust laws, and it has brought one suit against the Bechtel Co. I suspect that, if we see the end of that antitrust lawsuit within the next two decades, we will have a unique situation. Such antitrust litigation generally drags on in the courts for years. The lawsuit also does not attempt to outlaw a secondary boycott—requiring a company to refuse to deal with Israel, if the company wants to do business with the Arabs. If the administration were sincere in its desire to end both the secondary and tertiary boycotts, it would support this legislation.

Mr. Chairman, there is a fundamental question of morality which transcends everything else in this matter. There are some who will say, "If we do what KOCH and others want, won't it affect business?" Perhaps it will in the short run. Even if it does, there are some instances in which principle and morality must prevail. This is one of them.

This situation is similar to the question of whether we should sell arms to bloodthirsty dictators. Some argue that they do not want to lose the business and if we do not supply the arms, others will. I respond that, indeed, there is something more important than money: our morality and conscience.

Who will dare defend the practice of one American businessman discriminating against another American businessman at the behest of a foreign power?

There is another reason that a comprehensive national policy is needed to deal with the boycott. A national policy is needed against the boycott, because those States like New York who attempt to take action against discriminatory practices have been losing business as a result. Since January of this year, when the New York State "Lisa law," which bans commercial discrimination based upon a person's race, color, creed, national origin, or sex, went into effect, the Port of New York has experienced a loss in traffic to other ports that may be as high as 10 percent this year. Even though this new law does nothing that is not done by existing Commerce Department regulations that already outlaw discrimination on the basis of race, religion, sex, or nationality by exporters, shippers, banks, and insurance companies, New York State has apparently been identified as taking a strong stand against the boycott, and it is being penalized for this courageous stand. We need national legislation that explicitly outlaws participation in the boycott by American companies and we need strong enforcement by the Commerce and Justice Departments so that courageous acts by our local governments will not be penalized.

Mr. Chairman, all of us interested in this subject had hoped that the administration would act to protect not only American businessmen from foreign extortion, but also to preserve America's conscience and morality. It has failed to do that, and so this Congress must do it by enacting this legislation.

I want again to commend my colleagues Congressmen BINGHAM, ROSENTHAL, and SOLARZ for having made the case so clearly that in their committee these antiboycott provisions were adopted 27 to 1.

Mr. ANDERSON of California. Mr. Chairman, I rise in vigorous support of H.R. 15377, the bill to extend and amend the Export Administration Act of 1969. This bill merits the House's unanimous approval inasmuch as it calls attention to two potentially explosive issues—the increasingly imminent threat of nuclear proliferation and the foreign manipulation of America's domestic business behavior.

International sales of nuclear material and technology have multiplied at an alarming rate over the last decade, a trend unfortunately evidenced by India's and Israel's recent acquisition of a nuclear capability. The ominous consequence of these sales becomes magnified when viewed in terms of the ease in which countries, such as India, have been able to transform nuclear material designated for peaceful use into military weaponry.

The past policy of the United States regarding nuclear sales has emphasized selectivity in determining which allies should be granted access to radioactive materials and the technology required to exploit its potential. The report on H.R. 15377 points out significant flaws in our policy which adoption of the bill would alleviate. First, it exposes the ineffectiveness of present safeguards in precluding the possible diversion of reprocessed nuclear waste for strategic use. Inasmuch as scientists have yet to devise a formula which could accurately determine the amount of plutonium produced from reprocessed waste, auditing techniques which represent the primary safeguard against misuse are incapable of detecting diversions of this type of fuel.

The bill proposes to freeze the sales of reprocessing plants until adequate safeguards can be developed to effectively account for and control the use of plutonium.

A second flaw exists in our supervision of U.S. manufactured reactors using material originating outside of the United States. Current policy doesn't require inspectors to oversee the use of fuel acquired from foreign countries in spite of the obvious fact that this material can as easily be used to develop nuclear explosive devices as U.S. supplied material.

The amendment would require the United States to retain control over all nuclear material processed by the reactors we export. This would preclude any attempts by a foreign country to circumvent stringent U.S. controls insuring the peaceful use of nuclear energy.

H.R. 15377 insists that it is the responsibility of the United States, as the Nation which pioneered the development of nuclear energy, to set an instructive example for other nuclear-exporting countries—an example characterized by caution and inspired by a sense of moral obligation. Is it not only fair that a country which expects other nations, that is, France, to abstain from nuclear sales adopt a similar, if not more restrictive policy regulating the exportation of our Nation's nuclear technology. We certainly have little to lose, and literally a world to gain.

The second part of the bill addresses the anti-Israel Arab-sponsored boycott which has, in effect, attempted to impose an economic stranglehold upon U.S. businesses which deal with Israel. My dismay over these findings became even more intense after discovering that over 90 percent of the companies faced with the Arab requests willingly complied. U.S. companies with the assistance of the Arab governments compiled lists, including the names of U.S. corporations and individuals which

were currently or had previously engaged in business dealings with Israel. According to the committee report, the total amount involved in the transactions between Arab governments and the compliant businesses came to a staggering $479 million, a figure which is likely to grow since the number of firms supporting the boycott had increased 25 percent during the previous 4-month period.

A superficial examination of the Arab embargo might produce the conclusion that it is perfectly legitimate, inasmuch as the United States has imposed similar boycotts against Cuba, Vietnam, and North Korea. The Arab embargo, however, is much more pervasive, passing into the stages of secondary and tertiary boycotts-terms undoubtedly coined by the global economists to confuse the layman. The secondary boycott forbids Arab governments from conducting business with U.S. corporations dealing with Israel. The tertiary boycott essentially amounts to a demand by Arab states that U.S. corporations which desire to do business with the Arab nations, terminate their business activities with other U.S. corporations or individuals financially linked with Israel.

The destructive consequence of this boycott has not only been felt by its target, Israel, but also by U.S. businesses which refuse to submit to the Arab's unreasonable demands. RCA, a corporation whose name appeared on the blacklist, experienced a $9 million dollar cut in profits after a year in which most indicators had predicted an increase.

A third harm attributed to the embargo is the obvious moral implication of Arab requests demanding that client corporations remove Jews from their list of officers, employees, and shareholders. In response to these requisites, the bill offers a section which expressly prohibits discrimination based on religion, national origin, sex, or racial background.

In light of the Secretary of Commerce's unwillingness to act against these injustices, and the lengthy deliberations of, and frequently arbitrary results obtained through antitrust proceedings, a need for this remedial legislation becomes apparent. H.R. 15377 explicitly requires all American businesses and individuals to file public reports with the Secretary of Commerce on all "informations or actions received pursuant to a foreign boycott." Any compliance or promotion of boycott activities by U.S. corporations is punishable by strict criminal and civil penalties.

Unfortunately, those U.S. companies and individuals which have been victimized by past boycott practices will never be able to reclaim their losses. It is my hope, however, that the passage of this bill will restore brilliance to the tarnished principles of free trade and equitable treatment which have guided, and which should continue to guide the free flow of America's business.

Ms. HOLTZMAN. Mr. Speaker, I strongly support the reauthorization of the Export Administration Act (H.R. 15377) which includes provisions designed to protect Americans from the effects of the Arab boycott. Specifically, this bill, if enacted, would help stop American complicity in the Arab boycott of Israel and end boycott-inspired discrimination against American Jews.

In 1965, the Export Administration Act was amended to state that the United States opposes boycotts fostered by foreign countries against countries friendly to the United States. The Commerce Department, however, failed to enforce this policy and virtually conspired with businesses to evade it. I support this present effort to put real teeth into the Export Administration Act—to identify specifically which boycott-type actions are illegal and to stiffen penalties for violation.

Staggering oil revenues have permitted Arab countries to dictate business practices to American companies. Arab countries not only attempt to prevent American companies from doing business with Israel, they also try to prevent American companies from doing business with other American companies that do business with Israel.

It is intolerable for foreign countries to interfere with lawful business practices of Americans. Even worse is the foreign pressure that has been put on American companies to exclude American Jews from their partnerships or boards of directors and to discriminate against Jews in hiring and promotion.

Under the Constitution, the Federal Government is given the right to regulate commerce with foreign governments. It, therefore, has the responsibility to protect Americans from religious discrimination and boycotts instigated by foreign countries.

This bill goes a long way toward remedying the problems caused by the Arab boycott. As the author of another bill (H.R. 12383) dealing with this problem, I can attest to the soundness and the effectiveness of the provisions in this bill.

Particularly, the bill prohibits U.S. companies from first, discriminating against Americans on the basis of religion; second, boycotting any American company on account of that company's lawful trade with any foreign country; third, furnishing information about the religion of owners or partners of U.S. companies; and fourth, furnishing information about past or future proposed business relationships by any U.S. company with a foreign country.

It is incredible that the present administration sees only the lure of Arab petrodollars and is willing to sacrifice the rights of Americans and the freedom of lawful foreign trade to those dollars. The administration's position on this issue is contemptible. I hope, therefore, that this bill is enacted promptly.

Mr. MORGAN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 15377

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

EXTENSION OF EXPORT ADMINISTRATION ACT

SECTION 1. The Export Administration Act of 1969 (50 U.S.C. App. 2401 et seq.) is amended in section 14 by striking out "September 30, 1976" and inserting in lieu thereof "September 30, 1977".

PENALTIES FOR VIOLATIONS

SEC. 2. (a) Section 6(a) of the Export Administration Act of 1969 is amended—

(1) in the first sentence, by striking out "$10,000" and inserting in lieu thereof "$25,000"; and

(2) in the second sentence, by striking out "$20,000" and inserting in lieu thereof "$50,000".

(b) Section 6(b) of such Act is amended by striking out "$20,000" and inserting in lieu thereof "$50,000".

(c) Section 6(c) of such Act is amended by striking out "$1,000" and inserting in lieu thereof "$10,000".

(d) Section 6(d) of such Act is amended by adding at the end thereof the following new sentences: "Further, the payment of any penalty imposed pursuant to subsection (c) may be deferred or suspended in whole or in part for a time equal to or less than any probation period (which may exceed one year) that may be imposed upon such person. Such deferral or suspension shall not operate as a bar to the collection of the penalty in the event that the conditions of the suspension, deferral, or probation are not fulfilled.".

Mr. MORGAN (during the reading). Mr. Chairman, I ask unanimous consent that section 2 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 Pennsylvania?

There was no objection.

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will read.

The Clerk read as follows:

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. The Export Administration Act of 1969 is amended by inserting after section 12 the following new section 13 and redesignating existing sections 13 and 14 as sections 14 and 15, respectively:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 13. Notwithstanding any other provision of law, no appropriation shall be made under any law to the Department of Commerce for expenses to carry out the purposes of this Act for any fiscal year commencing on or after October 1, 1977, unless previously and specifically authorized by legislation enacted after the enactment of this section.".

FOREIGN AVAILABILITY

SEC. 4. Section 4(b) of the Export Administration Act of 1969 is amended—

(1) by striking out paragraphs (2) through (4) and redesignating section 4(b)(1) as section 4(b); and

(2) by striking out ", regardless" and all that follows thereafter in the third sentence of such section 4(b) and inserting in lieu thereof a period and the following: "The President shall not impose export controls for national security purposes on the export from the United States of articles, materials, or supplies, including technical data or other information, which he determines are available without restriction from sources outside the United States in significant quantities and comparable in quality to those produced in the United States, unless the President determines that adequate evidence has been presented to him demonstrating that the absence of such a control would prove detrimental to the national security of the United States. The nature of such evidence shall be included in the semiannual report required by section 10 of this Act. Where in accordance with this subsection, export

controls are imposed for national security purposes notwithstanding foreign availability, the President shall take steps to initiate negotiations with the governments of the appropriate foreign countries for the purpose of eliminating such availability.".

Mr. MORGAN (during the reading). Mr. Chairman, I ask unanimous consent that section 4 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 Pennsylvania?

There was no objection.

The CHAIRMAN. Are there any amendments to section 4?

If not, the Clerk will read.

The Clerk read as follows:

PERIOD FOR ACTION ON EXPORT LICENSE APPLICATIONS

SEC. 5. Section 4(g) of the Export Administration Act of 1969 is amended to read as follows:

"(g)(1) It is the intent of Congress that any export license application required under this Act shall be approved or disapproved within 90 days of its receipt. Upon the expiration of the 90-day period beginning on the date of its receipt, any export license application required under this Act which has not been approved or disapproved shall be deemed to be approved and the license shall be issued unless the Secretary of Commerce or other official exercising authority under this Act finds that additional time is required and notifies the applicant in writing of the specific circumstances requiring such additional time and the estimated date when the decision will be made.

"(2) With respect to any export license application not finally approved or disapproved within 90 days of its receipt as provided in paragraph (1) of this subsection, the applicant shall, to the maximum extent consistent with the national security of the United States, be specifically informed in writing of questions raised and negative considerations or recommendations made by any agency or department of the Government with respect to such license application, and shall be accorded an opportunity to respond to such questions, considerations, or recommendations in writing prior to final approval or disapproval by the Secretary of Commerce or other official exercising authority under this Act. In making such final approval or disapproval, the Secretary of Commerce or other official exercising authority under this Act shall take fully into account the applicant's response.".

Mr. MORGAN (during the reading). Mr. Chairman, I ask unanimous consent that section 5 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 Pennsylvania?

There was no objection.

The CHAIRMAN. Are there any amendments to section 5?

If not, the Clerk will read.

The Clerk read as follows:

AVAILABILITY OF INFORMATION TO CONGRESS

SEC. 6. (a) Section 7(c) of the Export Administration Act of 1969 is amended by adding at the end thereof the following new sentences: "Nothing in this Act shall be construed as authorizing the withholding of information from Congress, and any information obtained under this Act, including any report or license application required under section 4(b) and any information required under section 4(j)(1), shall be made available upon request to any committee of Congress or any subcommittee thereof. No such committee or subcommittee shall disclose any information obtained under this Act which is submitted on a confidential basis unless such committee or subcommittee determines that the withholding thereof is contrary to the national interest.".

(b) Section 4(c)(1) of such Act is amended by inserting immediately before the period at the end of the last sentence thereof "and in the last two sentences of section 7(c) of this Act".

Mr. MORGAN (during the reading). Mr. Chairman, I ask unanimous consent that section 6 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 Pennsylvania?

There was no objection.

The CHAIRMAN. Are there any amendments to section 6?

If not, the Clerk will read.

The Clerk read as follows:

TECHNICAL ADVISORY COMMITTEES

SEC. 7. Section 5(c)(2) of the Export Administration Act of 1969 is amended by striking out the third sentence and inserting in lieu thereof the following: "The Secretary shall include in each semiannual report required by section 10 of this Act an accounting of the consultations undertaken pursuant to this paragraph, the use made of the advice rendered by the technical advisory committees pursuant to this paragraph, and the contributions of the technical advisory committees to carrying out the policies of this Act.".

SIMPLIFICATION OF EXPORT REGULATIONS

SEC. 8. Section 7 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new subsection (e):

"(e) The Secretary of Commerce, in consultation with appropriate United States Government departments and agencies and with appropriate technical advisory committees established under section 5(c), shall review the rules and regulations issued under this Act in order to determine how compliance with the provisions of this Act can be facilitated by simplifying such rules and regulations or by any other means. Not later than six months after the enactment of this subsection, the Secretary of Commerce shall report to Congress on the actions taken on the basis of such review to simplify such rules and regulations. Such report may be included in the semiannual report required by section 10 of this Act.".

Mr. MORGAN (during the reading). Mr. Chairman, I ask unanimous consent that section 8 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 Pennsylvania?

There was no objection.

The CHAIRMAN. Are there any amendments to Section 8?

If not, the Clerk will read.

The Clerk read as follows:

CONTROL OF EXPORTS FOR NATIONAL SECURITY PURPOSES

SEC. 9. (a) Section 4(h)(1) of the Export Administration Act of 1969 is amended—

(1) by striking out "to a controlled country" in the first sentence;

(2) by striking out "significantly increase the military capability of such country" in the first sentence and inserting in lieu thereof "make a significant contribution to the military potential of any other nation or nations which would prove detrimental to the national security of the United States";

(3) by striking out "such country" in the second sentence and inserting in lieu thereof "nation to which exports are restricted for national security purposes"; and

(4) by striking out "significantly increase the military capability of such country" in the second sentence and inserting in lieu thereof "make a significant contribution to the military potential of any other nation or nations which would prove detrimental to the national security of the United States".

(b) The second sentence of section 4(h)(2) of such Act is amended to read as follows: "The appropriate export control office or agency to whom a request which falls within such types and categories is made shall notify the Secretary of Defense of such requests, and such office may not issue any license or other authority pursuant to such request prior to the expiration of the period within which the President may disapprove such export.".

(c) Section 4(h)(2)(A) of such Act is amended to read as follows:

"(A) recommend to the President that he disapprove a request for the export of any goods or technology which he determines will make a significant contribution to the military potential of any nation or nations which would prove detrimental to the national security of the United States;".

(d) Section 4(h)(2)(C) of such Act is amended by striking out "export of such goods or technology" and inserting in lieu thereof "request".

(e) Section 4(h)(2) of such Act is amended by striking out "the export of such goods or technology to such country" in the last sentence and inserting in lieu thereof "such export".

(f) Section 4(h)(4) of such Act is amended—

(1) by inserting "and" at the end of subparagraph (A); and

(2) by striking out the semicolon at the end of subparagraph (B) and all that follows thereafter through "1961" at the end of subparagraph (C).

(g) Section 6(b) of such Act is amended by striking out "Communist-dominated nation" and inserting in lieu thereof "country to which exports are restricted for national security or foreign policy purposes".

Mr. MORGAN (during the reading). Mr. Chairman, I ask unanimous consent that section 9 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 Pennsylvania?

There was no objection.

The CHAIRMAN. Are there any amendments to section 9?

If not, the Clerk will read.

The Clerk read as follows:

REPEAL OF TITLE II OF THE MUTUAL DEFENSE ASSISTANCE CONTROL ACT

SEC. 10. (a) Title II of the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1612–1612b) is repealed.

(b) Section 301 of such Act (22 U.S.C. 1613) is amended by striking out "and title II".

Mr. MORGAN (during the reading). Mr. Chairman, I ask unanimous consent that section 10 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 Pennsylvania?

There was no objection.

The CHAIRMAN. Are there any amendments to section 10?

If not, the Clerk will read.

The Clerk read as follows:

EXPORTS OF TECHNICAL INFORMATION

SEC. 11. Section 4 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new subsection (j):

"(j)(1) Any person (including any college, university, or other educational institution) who enters into any agreement for, or which may result in, the transfer from the United States of technical data or other information to any nation to which exports are restricted for national security or foreign policy purposes shall furnish to the Secretary of Commerce such information with respect to such agreement as the Secretary shall by regulation require in order to enable him to monitor the effects of such transfers on the national security and foreign policy of the United States.

"(2) The Secretary of Commerce shall conduct a study of the problem of the export, by publications or any other means of public dissemination, of technical data or other information from the United States, the export of which might prove detrimental to the national security or foreign policy of the United States. Not later than 6 months after the enactment of this subsection, the Secretary shall report to the Congress his assessment of the impact of the export of such technical data or other information by such means on the national security and foreign policy of the United States and his recommendations for monitoring such exports without impairing freedom of speech, freedom of press, or the freedom of scientific exchange. Such report may be included in the semiannual report required by section 10 of this Act.".

Mr. MORGAN (during the readings). Mr. Chairman, I ask unanimous consent that section 11 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 Pennsylvania?

There was no objection.

The CHAIRMAN. Are there any amendments to section 11?

If not, the Clerk will read.

The Clerk read as follows:

SEMIANNUAL REPORTS

SEC. 12. (a) Section 10 of the Export Administration Act of 1969 is amended by adding at the end the following new subsection (c):

"(c) Each semiannual report shall include an accounting of—

"(1) any organizational and procedural changes instituted, any reviews undertaken, and any means used to keep the business sector of the Nation informed, pursuant to section 4(a) of this Act;

"(2) any changes in the exercise of the authorities of section 4(b) of this Act;

"(3) any delegations of authority under section 4(e) of this Act;

"(4) the disposition of export license applications pursuant to sections 4(g) and 4(h) of this Act;

"(5) the effects on the national security and foreign policy of the United States of transfers from the United States of technical data or other information which are reported to the Secretary of Commerce pursuant to to section 4(j) of this Act;

"(6) consultations undertaken with technical advisory committees pursuant to section 5(c) of this Act; and

"(7) violations of the provisions of this Act and penalties imposed pursuant to section 6 of this Act.".

(b)(1) The section heading of such section 10 is amended by striking out "QUARTERLY".

(2) Subsection (b) of such section is amended—

(A) by striking out "quarterly" each time it appears; and

(B) by striking out "second" in the first sentence of paragraph (1).

Mr. MORGAN (during the reading). Mr. Chairman, I ask unanimous consent that section 12 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 Pennsylvania?

There was no objection.

The CHAIRMAN. Are there any amendments to section 12?

If not, the Clerk will read.

The Clerk read as follows:

SPECIAL REPORT

SEC. 13. The Export Administration Act of 1969, as amended by section 3 of this Act, is further amended by inserting after section 10 the following new section 11 and redesignating existing sections 11 through 15 as sections 12 through 16, respectively:

"SPECIAL REPORT

"SEC. 11. Not later than 12 months after the enactment of this section, the President shall submit to the Congress a special report on multilateral export controls in which the United States participates pursuant to this Act and pursuant to the Mutual Defense Assistance Control Act of 1951. The purpose of such special report shall be to assess the effectiveness of such multilateral export controls and to formulate specific proposals for increasing the effectiveness of such controls. That special report shall include—

"(1) the current list of commodities controlled for export by agreement of the group known as the Coordinating Committee of the Consultative Group (hereafter in this section referred to as the 'Committee') and an analysis of the process of reviewing such list and of the changes which result from such review;

"(2) data on and analysis of requests for exceptions to such list;

"(3) a description and an analysis of the process by which decisions are made by the Committee on whether or not to grant such requests;

"(4) an analysis of the uniformity of interpretation and enforcement by the participating countries of the export controls agreed to by the Committee (including controls over the re-export of such commodities from countries not participating in the Committee), and information on each case where such participating countries have acted contrary to the United States interpretation of the policy of the Committee, including United States representations to such countries and the response of such countries;

"(5) an analysis of the problem of exports of advanced technology by countries not participating in the Committee, including such exports by subsidiaries or affiliates of United States businesses in such countries;

"(6) an analysis of the effectiveness of any procedures employed, in cases in which an exception for a listed commodity is granted by the Committee, to determine whether there has been compliance with any conditions on the use of the excepted commodity which were a basis for the exception; and

"(7) detailed recommendations for improving, through formalization or other means, the effectiveness of multilateral export controls, including specific recommendations for the development of more precise criteria and procedures for collective export decisions and for the development of more detailed and formal enforcement mechanisms to assure more uniform interpretation of and compliance with such criteria, procedures, and decisions by all countries participating in such multilateral export controls.".

Mr. MORGAN (during the reading. Mr. Chairman, I ask unanimous consent that section 13 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 Pennsylvania?

There was no objection.

The CHAIRMAN. Are there amendments to section 13? If not, the Clerk will read.

The Clerk read as follows:

FOREIGN BOYCOTTS

SEC. 14. (a) Section 3(5) of the Export Administration Act of 1969 is amended in subparagraph (B)—

(1) by striking out "encourage and request" and inserting in lieu thereof "require"; and

(2) by striking out "the furnishing of information or the signing of agreements" and inserting in lieu thereof "furnishing information or entering into or implementing agreements".

(b) Section 4 of such Act is amended—

(1) by striking out the next to the last sentence of subsection (b), as so redesignated by section 4 of this Act; and

(2) by adding the following new subsection (k) immediately after subsection (j), as added by section 11 of this Act:

"(k)(1)(A) Rules and regulations prescribed under subsection (b) shall implement the provisions of section 3(5) of this Act and shall require that any United States person receiving a request for furnishing information or entering into agreement as specified in that section must report this fact to the Secretary of Commerce for such action as the Secretary may deem appropriate to carry out the policy of that section.

"(B) Any report filed under subparagraph (A) after the enactment of this subsection shall be made available promptly for public inspection and copying. The Secretary of Commerce shall transmit copies of such reports to the Secretary of State for such action as the Secretary of State, in consultation with the Secretary of Commerce, may deem appropriate for carrying out the policy set forth in section 3(5). The provisions of section 7(c) shall not apply to reports filed under subparagraph (A) of this paragraph.

"(2)(A) In furtherance of the policy set forth in sections 3(5) (A) and (B), no United States person shall take any action with intent to comply with or to further or support any trade boycott fostered or imposed by any foreign country against a country which is friendly to the United States and which is not itself the object of any form of embargo by the United States. The mere absence of a business relationship with a boycotted country does not indicate the existence of the intent required by the preceding sentence.

"(B) For the purpose of enforcing the prohibition contained in subparagraph (A) of this paragraph, the Secretary of Commerce shall issue rules and regulations prohibiting any United States person from taking any action with the required intent, including the following actions:

"(i) Discriminating against any United States person, including any officer, employee, agent, director, or stockholder or other owner of any United States person, on the basis of race, color, religion, sex, nationality, or national origin.

"(ii) Boycotting or refraining from doing

business with any United States person, with the boycotted country, with any business concern in or of the boycotted country with any national or resident of the boycotted country, or with any business concern or other person which has done, does, or proposes to do business with the boycotted country, with any business concern in or of the boycotted country, or any national or resident of the boycotted country.

"(iii) Furnishing information with respect to the race, color, religion, sex, nationality, or national origin of any past, present, or proposed officer, employee, agent, director, or stockholder or other owner of any United States person.

"(iv) Furnishing information about any past, present, or proposed business relationship, including a relationship by way of sale, purchase, legal or commercial representation, shipping or other transport, insurance, investment, or supply, with any United States person, with the boycotted country, with any business concern in or of the boycotted country, with any national or resident of the boycotted country, or with any business concern or other person which has done, does, or proposes to do business with the boycotted country, with any business concern in or of the boycotted country, or any national or resident of the boycotted country.".

(c)(1) Section 6 of such Act is amended by redesignating subsection (g) as subsection (h) and by inserting immediately after subsection (f) the following new subsection (g):

"(g) Any United States person aggrieved by action taken as a result of a violation of section 4(k)(2) of this Act may institute a civil action in an appropriate United States district court, without regard to the amount in controversy, and may recover threefold actual damages, reasonable attorney's fees, and other litigation costs reasonably incurred, and obtain other appropriate relief.".

(2) Section 6(h) of such Act, as so redesignated by paragraph (1) of this subsection, is amended by striking out "or (f)" and inserting in lieu thereof "(f), or (g)".

(d) Section 12 of such Act, as so redesignated by section 13 of this Act, is amended by adding at the end thereof the following: "The term 'United States person' includes any United States resident or national, any domestic business concern (including any domestic subsidiary or affiliate of any foreign business concern), and any foreign subsidiary or affiliate of any domestic business concern.".

Mr. MORGAN (during the reading). Mr. Chairman, I ask unanimous consent that section 14 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 Pennsylvania?

There was no objection.

The CHAIRMAN. Are there amendments to section 14?

Mr. MICHEL. Mr. Chairman, I move to strike the last word.

I take this time to pose several questions to the gentleman from New York (Mr. BINGHAM). I have in my hand here a rather lengthy document that would indicate the contents of certification of a number of countries. Let me pick out one, Yemen.

Going back again to my hometown industry, the Caterpillar Tractor Co., if they wish to do business with the Republic of Yemen and are asked to sign a certificate that says that the goods are not of Israeli origin and do not contain any Israeli materials, and if the Caterpillar Tractor officials sign that certificate, do they come within the purview of the Bingham amendment in prohibiting the shipment of any Caterpillar equipment then to the Republic of Yemen?

Mr. BINGHAM. Mr. Chairman, if the gentleman will yield, I would say, first, that the intent of the amendment is with regard to the imposition of a secondary boycott, not a primary boycott.

Mr. MICHEL. Whose intent are we talking about? When we speak about intent, exactly whose intent are we talking about here?

Mr. BINGHAM. We are speaking of the intent of the amendment. If the intent of a company is to comply with the boycott then that, of course, is prohibited. If a certificate of origin, for example, were to state that the products are manufactured in the United States; that is, if there were a positive certificate of origin, then presumably, it would be difficult to claim any intent to comply with the boycott. If the statement is framed negatively, as the gentleman suggests it would be, then I think intent would be presumed.

Mr. MICHEL. Second, with respect to insurance covering shipment, if there is an insurance company's certificate that reads that to the best of their knowledge and belief their company is not blacklisted by the Arab League, what effect does the amendment have on that kind of a statement?

Mr. BINGHAM. The effect of that kind of a statement would certainly raise a presumption of intent to comply with the boycott.

The matter of blacklisting is the key to the whole operation of the boycott. It has been operated in a capricious and arbitrary way. I might say at this point that one of the reasons why I for one, and many others feel that the Arabs will react realistically, if this legislation should become law—that those who are dealing with American businesses will continue to deal with these American businesses—is that they have done that time and time again in the operation of the boycott up to now. Firms that have been on the blacklist have, nevertheless, been able to deal with Arab countries when the Arab countries want to do business with them. But a firm's statement—to respond to the gentleman's question—that it is not on the blacklist, would, I think, create a presumption of intent.

Mr. MICHEL. Finally, if they require a steamship company certificate, that the steamship is not an Israeli ship and is not going to any Israeli port during the voyage.

Mr. BINGHAM. I can tell the gentleman from Illinois that again the matter of intent would be crucial. Certainly they are not required to use Israeli vessels and the type of certificates that is normally attached to shipments of that kind will not necessarily be a violation or prohibition. It would again be a matter of the intent with which the shipper provides the information.

Mr. MICHEL. I just want to say further to the gentleman that as large a company as we have been talking about, with no discrimination practiced in their employment and hiring practices, there are obviously people of many nationalities and religious faiths building the kind of machines we are talking about here that eventually get sold and shipped to an Arab country. But there is nothing, so far as the Arabs are concerned, as I read their requirements and certification, that none of the products here have been in any way manufactured by those of the Jewish faith.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. MICHEL was allowed to proceed for 3 additional minutes.)

Mr. BINGHAM. Let me reiterate to the gentleman the last thing that the committer wants to do is to stop American concerns from exporting to Arab nations. That is the last thing we want to do. But we are hopeful that based on the pattern of Arab behavior in the past, when they have ignored blacklisting and they chose to do it, that they will accept an American law that is going to treat all businesses alike.

One of the problems that has existed up to now is that some companies have refused on principle to allow themselves to be told whom they can do business with and whom they cannot do business with. This bill will put everybody in the same category. Companies operating in Illinois will be in the same category with companies operating elsewhere. It may be that there has not been discrimination against Jewish members of the Caterpillar firm, but let me read to the gentleman from the report of the Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce, chaired by the gentleman from California (Mr. Moss). The reports that were filed "included requests by Arab importers that U.S. exporters certify that there are no persons employed in senior management who are of the Jewish faith, Zionists," and so forth.

Mr. MICHEL. Let me ask the gentleman one final matter. Earlier we were talking about the question of subsidiary plants abroad over which this amendment would have no control, even though they are a subsidiary of a parent company in this country. Would that not tend, if the gentleman's amendment holds fast, to really encourage the flight of American capital to build the same kind of plants in these foreign countries to which I have alluded who do not have this kind of restriction but have the ability to produce the kind of machines that the Arab countries want?

Mr. BINGHAM. Let me point out to the gentleman that it is not true that other countries do not have restrictions. The Netherlands, for example, does have restrictions on providing documents that prohibit, as I understand it, the notarization of documents that are in compliance with the boycott. Yet the Netherlands is doing very well in its trade with Arab countries. I think the gentleman raises an unrealistic fear.

Mr. ROSENTHAL. Mr. Chairman, as a coauthor of section 14 of the bill, I wish to offer my response to the question

raised by the gentleman from Illinois, (Mr. MICHEL). I agree with my colleague from New York (Mr. BINGHAM) that the actions prohibited are those taken with an "intent to comply with or to further or support" a boycott of a friendly state.

I would only add that in certain cases such an intent undoubtedly can be presumed from the act itself. In the hypothetical case set forth by my distinguished colleague from Illinois, the action of the company in certifying to an Arab importer that the goods are not of Israel origin or do not contain Israel components is such a case. There seems little doubt that such a certification would be a clear violation of this section.

This interpretation is supported by subparagraph (B) of this section where certain forms of prohibited conduct are set forth. One such form in (iv) includes furnishing information about a business relationship with the boycotted country. The hypothetical case offered entails the furnishing of such information.

As to the hypothetical case presented where the certification is to the U.S. origin of the goods or question, I feel this also could fit within the prohibition expressed in the same subparagraph although this is admittedly a gray area and would depend upon the intent of the company.

I agree with my colleague from New York that a certification that the goods to an Arab port are not being shipped on ships not under Israel flag would not be a violation.

The CHAIRMAN. The time of the gentleman has expired.

Are there any amendments to section 14? If not, the Clerk will read.

The Clerk read as follows:

CERTAIN PETROLEUM EXPORTS

SEC. 15. Section 4 of the Export Administration Act of 1969, as amended by section 11 and 14 of this Act, is further amended by adding at the end thereof the following new subsection (l):

"(l) Petroleum products refined in United States Foreign-Trade Zones from foreign crude oil shall be excluded from any quantitative restrictions imposed pursuant to section 3(2)(A) of this Act, except that, if the Secretary of Commerce finds that a product is in short supply, the Secretary of Commerce is authorized to issue such rules and regulations as may be necessary to limit exports.".

Mr. MORGAN (during the reading). Mr. Chairman, I ask unanimous consent that section 15 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 Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. ZABLOCKI

Mr. ZABLOCKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ZABLOCKI: On page 18, line 22, insert the following after the word "Zones", "or in the United States Territory of Guam."

Mr. ZABLOCKI. Mr. Chairman, all this amendment does is to include the Territory of Guam in the exclusion. The committee's attention has been called to the fact that, after we provided exclusion for the U.S. foreign trade zones, only one State, Hawaii, would be affected and would be discriminatory if Guam were not given equal treatment. Therefore, in equity we believe that the U.S. Territory of Guam should be included.

Mr. MORGAN. Mr. Chairman, the gentleman from Wisconsin has consulted both the minority member and myself about this amendment, and I certainly feel there is no reason why Guam should not have been included when the bill was marked up. I have no objection to the amendment.

Mr. WON PAT. Mr. Chairman, I move to strike the requisite number of words, and on behalf of the people of Guam, I rise in support of the amendment offered by the distinguished gentleman from Wisconsin (Mr. ZABLOCKI). This amendment will include the territory of Guam in the limited exemption that is provided by section 15 to the foreign trade zones of the United States. This amendment will be of significant benefit to the severely depressed economy of Guam which lies over 5,500 miles west of the U.S. mainland, and only 1,500 miles from Japan.

The small business refinery on Guam exclusively uses foreign crude oil, but at present has a capacity of only 29,500 barrels a day. Virtually all of its products are sold to the Defense Fuel Supply Center, mostly diesel fuel marine and JP-4, and to the Guam Power Authority for electricity generation. To the extent that it has surplus products, they are exported to foreign entities. Although the Export Control Administration has allowed the refinery to sell its small surplus abroad, the export licenses are issued on a quarterly basis. This dependency on a laborious quarterly renewal of their export license prevents the refinery from making the long-term contracts necessary for economically viable exportation of the surplus. The passage of this amendment will provide the opportunity for the refinery on Guam to increase its capacity to up to 50,000 barrels a day, as a result of the improved export situation. This multimillion dollar expansion would provide a large number of jobs in the disastrously depressed construction industry on Guam. The expansion will also provide new jobs for Guamanians in the refinery.

The U.S. balance of payments posture will be improved by this amendment because of the increased export sales of foreign imported oil refined in the United States. Thus, there will be a marginal increase in foreign sales without affecting valuable domestic supplies of petroleum.

The U.S. defense posture will be enhanced by the growth of our westernmost refinery. Having a larger refinery in the strategic outpost of Guam will help insure that the United States will have additional petroleum supplies in times of national emergency. The refinery on Guam supplied most of the aviation fuel to the U.S. military on Guam during the periods of intense air activity over Vietnam.

I would respectfully remind my colleagues that this exemption from the Export Control Act applies only to products refined from foreign crude oil, and that export controls would still be an option on such products as are deemed by the Secretary of Commerce to be in short supply.

For the foregoing reasons, I strongly urge my colleagues to vote favorably on this committee amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

The amendment was agreed to.

The CHAIRMAN. The clerk will read.

The clerk read as follows:

EXEMPTION FOR CERTAIN AGRICULTURAL COMMODITIES FROM CERTAIN EXPORT LIMITATIONS

SEC. 16. Section 4(f) of the Export Administration Act of 1969 is amended—

(1) by redesignating such section as section 4(f)(1); and

(2) by adding at the end thereof the following new paragraph:

"(2) Upon approval of the Secretary of Commerce, in consultation with the Secretary of Agriculture, agricultural commodities purchased by or for use in a foreign country may remain in the United States for export at a later date free from any quantitative limitations on export which may be imposed pursuant to section 3(2)(A) of this Act subsequent to such approval. The Secretary of Commerce may not grant approval hereunder unless he receives adequate assurance and, in conjunction with the Secretary of Agriculture, so finds that such commodities will eventually be exported, that neither the sale nor export thereof will result in an excessive drain of scarce materials and have a serious domestic inflationary impact, that storage of such commodities in the United States will not unduly limit the space available for storage of domestically owned commodities, and that the purpose of such storage is to establish a reserve of such commodities for later use, not including resale to or use by another country. The Secretary of Commerce is authorized to issue such rules and regulations as may be necessary to implement this paragraph.".

Mr. MORGAN (during the reading). Mr. Chairman, I ask unanimous consent that section 16 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 Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. FINDLEY: Page 20, immediately after line 5, insert the following new section:

SEC. 19. Section 4(f) of the Export Administration Act of 1969, as amended by section 16 of this Act, is amended by adding at the end thereof the following new paragraph:

"If the Secretary of Commerce shall prohibit or curtail the exportation of any commodity pursuant to this section, he shall immediately report such prohibition or curtailment to the Speaker of the House and the President pro tempore of the Senate setting forth his reasons therefore in detail. If the Congress shall by concurrent resolution disapprove of such prohibition or curtailment, it shall cease with the passage of said resolution."

Mr. FINDLEY. Mr. Chairman, many people in the United States have anxiety over the possibility that the President in the future may utilize the au-

thority in the Export Administration Act to impose restrictions or an embargo on the export of certain food products. This anxiety is reflected I think in the Presidential campaign. Both candidates have expressed in their own way their opposition to such imposition, but nevertheless the anxiety continues.

My amendment would provide to the Congress the right to pass judgment should the President at any future time utilize the authority in the act to establish a curtailment or prohibition on the export of food products. The Congress would pass judgment by means of the concurrent resolution approach, not a single House veto but a concurrent resolution approach.

I am sure the presence of this language in the act would provide a reassurance to the American people that the President will use due care in examining conditions which might impel him to use the authority in this act to exercise such curtailment or prohibition.

Such a course of action can do great harm of course to the income of farmers but even more broadly it can do great harm to the interest of the people of the United States because farm products have become the greatest and the most dependable source of earnings of foreign exchange which are vital to the functioning of our economy.

I am not aware of opposition to this amendment and I do hope that the committee will accept it.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. Mr. Chairman, I am sure the administration, I will say to the gentleman from Illinois (Mr. FINDLEY), would veto this on constitutional grounds, because a concurrent resolution seems to be a nasty word downtown. I am sure we possibly would have a Presidential veto on this bill. I am sure there would be opposition from the administration.

I am worried about the amendment of the gentleman from Illinois, because the gentleman has made it much broader than the amendment that the gentleman offered in the committee. The former amendment was limited to agricultural products. Now the gentleman has made it to cover all exports and products.

The amendment is much broader than the amendment Senator HUDDLESTON offered in the Senate. I am afraid if we adopt the gentleman's amendment we will be locked in—that it would be necessary to bring back a concurrent resolution from the conference.

The gentleman from Illinois offered the Huddleston amendment in the committee, where it was defeated. I am reluctant to take this amendment to conference, where it would require agreement to concurrent resolution; so I oppose the amendment.

Mr. FINDLEY. Mr. Chairman, I recognize, of course, that the executive branch always opposes the legislative veto approach. This does differ from the legislative veto issue which was resolved on the House floor a couple days ago. This requires majority concurrence of both Houses.

Mr. MORGAN. Mr. Chairman, if the gentleman will yield further, I have reread the gentleman's amendment. I ask the gentleman to withdraw the amendment. We can go to conference—the gentleman will be a conferee because of his position as the third ranking member of the committee—without the amendment, I am sure with what we have in the Senate bill, with the Huddleston amendment, we will be able to work out a compromise with the gentleman from Illinois.

Mr. FINDLEY. On the gentleman's assurance, I ask unanimous consent to withdraw my amendment.

Mr. FINDLEY. Mr. Chairman, on that assurance, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there further amendments to section 16? If not, the Clerk will read.

The Clerk read as follows:

NUCLEAR POWERPLANTS

SEC. 17. None of the funds authorized by the Foreign Assistance Act of 1961 may be used to finance the construction of, the operation or maintenance of, or the supply of fuel for, any nuclear powerplant under an agreement for cooperation between the United States and any other country.

The CHAIRMAN. Are there amendments to section 17?

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the legislation before us today, the Export Administration Act amendments, will at last complete the effort many of us renewed in this Congress 18 months ago: the passage of a law which makes compliance with the Arab boycott illegal.

In so doing, we are bringing the rules which govern our international trading relationships into conformity with our principles as a nation.

More than 10 years ago, the Congress explicitly stated in an amendment to this same law that it is the policy of the United States to oppose restrictive trade practices and foreign-imposed boycotts and to refuse to take any action which encouraged these activities.

The Congress enunciated this policy, because it clearly recognized that the existence of boycotts, such as the Arab boycott, are repugnant to many of our basic values. The Arab boycott in particular not only works to erode the operation of a free market, but also systematically denies any of our citizens basic protections against discrimination.

Responsibility for implementing this clear policy direction was given to the Department of Commerce. Since 1965, however, its record has been one of acquiescence to and encouragement of the Arab boycott in the United States. On September 7, 1976, the Commerce Subcommittee on Oversight and Investigations, of which I am a member, released its report, "The Arab Boycott and American Business." This study—the most comprehensive review ever of the boycott's impact on the United States—is a damning indictment of the Commerce Department's response to the boycott. Our report documented—

That for more than a decade, the Commerce Department circulated trade offerings from Arab League countries which contained boycott demands;

That for more than a decade, the Commerce Department formally advised American exporters that they were not prohibited from complying with the boycott's demands;

That since 1965, the Department refused to require American firms from reporting whether or not they had complied with the boycott; and

That until December 1975, banks, freight forwarders, and insurers were excluded from even the Department's minimal boycott regulations.

These policies had the direct and significant effect of greatly expanding the impact of the Arab boycott on our economy. More than 1,500 American corporations are currently blacklisted by the Arab League. In 1974 and 1975 alone, more than $4.5 billion in goods were subject to boycott restrictions. More than 90 percent of all trade agreements with the Arab League are currently in compliance with the boycott's provisions. Almost all the letters of credit issued by banks in order to underwrite exports to the Arab League contain discriminatory demands.

It is, therefore, painfully apparent that instead of promoting policies which would work to limit the boycott's effect on the United States, the Department of Commerce consistently subverted and obstructed the implementation of our Nation's antiboycott policy.

What is also clear is that all these trends have been accelerated in response to the shift of economic and political power to the OPEC nations since the 1973 quadrupling of oil prices.

In effect, the boycott has driven a wedge into the American business community, separating those who are prepared to comply with the boycott's demands in order to enjoy the growing trading opportunities with the Arab League from those who would reject its demands, because of their discriminatory and anticompetitive nature.

Only by making compliance with the boycott illegal can the American business community and the American people be protected against its pernicious influence. Only by removing the boycott as a condition of trade with the Arab League can there be removed the competitive advantage secured by complying with it.

The heart of this issue is whether the United States will allow itself to be blackmailed—politically and economically—as a condition of furthering our relationships within the Arab world. By passing this amendment, we will be making it clear that there are basic principles which must be respected, and which must form the framework of future ties.

I believe the mutual desire for each other's goods and services will overcome any potential this legislation might have to jeopardize our trade with the Arab

world. Even today, the boycott is suspended for firms whose products are needed in the OPEC countries—precisely because it is more to their advantage to ignore it than enforce it. By prohibiting compliance with the boycott, we can only encourage this trend.

Mr. Chairman, if the policy of the Congress had been enforced a decade ago, we would not now be confronted with the dilemma posed by the boycott, nor would we need this legislation today.

It is long past the time for this amendment to be law. I urge my colleagues to adopt this provision, and attach, for their further consideration, my additional views to our subcommittee's report on "The Arab Boycott and American Business":

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS, REPORT, "THE ARAB BOYCOTT AND AMERICAN BUSINESS"

ADDITIONAL VIEWS OF REPRESENTATIVES HENRY A. WAXMAN, JOHN E. MOSS, ANTHONY TOBY MOFFETT, JAMES H. SCHEUER, RICHARD OTTINGER, ANDREW MAGUIRE

The subcommittee's report, "The Arab Boycott and American Business," is the most comprehensive congressional review of the nature, scope, and impact of the Arab boycott on the United States since anti-boycott provisions were added to the Export Administration Act in 1965.

This subcommittee's investigation has opened the wall of secrecy which has surrounded much of the Arab boycott. The barest outlines of the scope of the boycott, and its gross economic impact on the United States, are now available. Billions of dollars in trade have been subjected to the boycott's discriminatory trade practices. But strikingly absent from this report—and obscured even today by Commerce Department policies—is the answer to the question of how many businesses have changed their business practices in order to comply with the boycott's restrictions and have in effect become tools in the Arab's economic warfare against the State of Israel. Specifically: To what extent have businesses agreed to terminate their direct relationships with Israel in order to obtain contracts in the Arab world? To what extent have businesses agreed to refuse to deal with other American companies which have relationships with or are otherwise sympathetic to Israel? These questions remain unanswered because the Commerce Department has refused to prohibit compliance with these so-called secondary and tertiary aspects of the Arab boycott—even though there is a greater awareness of these activities, and even though their frequency and intensity is growing, and not diminishing.

Despite this inevitable shortcoming, this report is a damning chronicle of evasion and subversion by several administrations and, to a lesser extent, by the business community of the clear Congressional mandate opposing boycotts and restrictive trade practices. At the same time, this report repeatedly emphasizes that the profound issues raised by the Arab boycott—legal, political, economic, moral—remain unresolved to this day. It is our hope that this document will serve as a major impetus toward the passage of legislation which would at last prohibit business in the United States from complying with the Arab boycott.

Such a desire surely embraces the spirit of the law. As the Export Administration Act unequivocally states,

"It is the policy of the United States (A) to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries * * * and (B) to encourage and request domestic concerns engaged in * * * export * * * to refuse to take any action, including the furnishing of information or the signing of agreements, which has the effect of furthering or supporting the restrictive trade practices or boycotts * * *"

The Congress' meaning in establishing this policy in 1965 was clear. It reflected the judgment that compliance with the Arab boycott was repugnant to cherished American principles regarding freedom from discrimination and the operation of a free market. It sought to assure that this Nation would not compromise its basic values in the search for expanded trade opportunities throughout the world.

Nevertheless, the subcommittee's report has documented that the Department of Commerce, which was charged with enforcing this mandate, consistently undermined this policy to the extent that, over the years, the Arab boycott has been allowed to proceed with the full acquiescence and indeed the tacit encouragement of the U.S. Government. In particular:

For more than ten years, the Commerce Department's reporting forms of boycott requests explicitly stated that U.S. exporters are "not legally prohibited from taking any action" in support of the Arab boycott. Such a statement represented a clear signal to all U.S. exporters that compliance with the boycott carried no sanctions whatsoever.

Again, for more than ten years, the Commerce Department circulated to American businesses notices of trade opportunities which contained boycott demands. The Commerce Department circulates such notices in order to encourage trade with other countries. By promoting trade opportunities which were contingent upon compliance with the boycott, however, the Commerce Department played an active, and central, role in promoting the Arab boycott in the United States.

Although the Export Administration Act requires all boycott requests, including the furnishing of information or the signing of agreements, to be reported to the Commerce Department, for over ten years the Department chose not to require U.S. exporters to report whether or not they had complied with such requests—even though the Department had the clear statutory authority to compel such information. Such a policy prevented the Department and anyone else from ascertaining the boycott's scope and its impact on the American economy.

Although the operations of banks, freight forwarders, and insurance companies are essential components of all export transactions, it was not until December 1975 that the Department's boycott regulations were broadened to encompass these concerns. For over a decade, in other words, letters of credit, insurance policies, and transportation arrangements for billions of dollars in exports were not subject to even minimal antiboycott requirements.

A distressingly clear pattern of passivity to, promotion of, and disinterest in enforcing the antiboycott policy of the United States by the Department of Commerce over a ten-year period is therefore plainly evident. Indeed, the four policies which are mentioned above were terminated only after vigorous initiatives were undertaken by members of this Subcommittee, and others in the Congress, with former Commerce Secretary Rogers Morton.

Even then, our efforts were vigorously rebuffed at first. In order to effectively ascertain the nature, scope, and impact of the Arab boycott on the United States, this Subcommittee subpoenaed from the Commerce Department boycott requests which exporters received from Arab League countries—and which were required by law to be reported to the Department. For months, this Subcommittee was forced into contesting an unfounded claim of statutory privilege which Secretary Morton sought to exercise over these reports, which this Subcommittee urgently needed if it were to fulfill its oversight responsibilities. Renowned scholars came before the Subcommittee and testified that Secretary Morton's position had no legal basis whatsoever under the statutes he cited or the Constitution.

But more importantly, Commerce Secretary Rogers Morton's four-month refusal to provide documents was consistent with the Administration's decade-long policy of acquiescence in and promotion of the Arab boycott. As the Subcommittee's report shows, the subpoenaed materials reveal that the Department exercised virtually no control over attempts by the Arab League to enforce boycott provisions against American business—although it had both the Congressional policy mandate and the statutory authority to implement it. Rather than correct these shortcomings over time, the Department failed to take any remedial steps.

We are forced to conclude that Secretary Morton's refusal for five months to comply with the Subcommittee's subpoena for Arab boycott information was nothing less than an attempt to cover up the Department's grave abdication of its responsibilities under the Export Administration Act.

There is therefore no question in our minds, after reviewing the entire record which the Subcommittee has developed, that the Commerce Department, with the approval of the highest levels of several Administrations, obstructed over a ten-year period the effective implementation of the antiboycott provisions of the Export Administration Act as expressed by both the Congress and by successive Presidents and Secretaries of State. Second, in that the Commerce Department has failed to move against the secondary and tertiary aspects of the Arab boycott, it may be fairly stated that such an obstruction is continuing unto this day.

This is, in our judgment, a matter of the most serious concern to the Congress and the American people.

The business community has exhibited an ambivalent response to the competing pressures which the existence of the boycott evokes. On the one hand, the pressure to comply with the boycott is enormous. The records indicate that upwards of 90 percent of all transactions subject to boycott demands were ultimately in compliance with them. Only in 2–3 percent of all cases has the boycott been deliberately evaded. Nevertheless, in coordination with the American Jewish Congress, more than two dozen corporations have publicly pledged to refrain from complying with the boycott.

On the other hand, in the absence of an express prohibition of compliance with the Arab boycott, and in the presence of government policies which actively encourage compliance with it in order to improve our balance-of-payments with the Arab oil-producing states, noncompliance with the boycott can only place those who adhere to such a policy at a competitive disadvantage. As Federal Reserve Chairman Arthur Burns has stated.

"The time has come for the Congress to determine whether it is meaningful or sufficient merely to "encourage and request" U.S. banks not to give effect to the boycott. It is unjust, I believe, to expect some banks to suffer competitive penalties for responding affirmatively to the spirit of U.S. policy, while others profit by ignoring this policy. This inequity can be cured if Congress will act decisively on this subject." (Letter to Rep. Benjamin Rosenthal, June 3, 1976.)

This dilemma, however, extends beyond the choices faced by the business community. The Subcommittee's report documents that at least $4.5 billion in trade with the Arab League in 1974 and 1975—and probably much more—has been held hostage to the Arab

boycott. The Subcommittee staff further indicates that nearly half if not more of all trade with the Arab League—involving billions more—is currently being subject to boycott demands. It is clear that despite the increased attention which has been focused on the boycott, its influence appears to be growing and not diminishing.

The higher level of scrutiny has also revealed that the boycott is not monolithic or impermeable; rather, it has consistently been applied in an arbitrary and capricious manner. Ostensibly, the boycott's blacklist contains those firms who have contributed to Israel's economic growth or have an affiliation with another blacklisted firm. Since 1948, the Chase Manhattan Bank has served as Israel's agent in handling government bonds in the United States. General Electric supplies the Israeli Air Force with jet engines for the Kfir aircraft—Israel's first military jet. Despite the crucial role these two corporations play in Israel's economic and military security, both firms are not blacklisted and do extensive business in the Arab world. TWA, Myles Laboratories, and IBM are among the firms which do substantial amounts of business with both Israel and the Arab nations. Moreover, experience since the Arab oil embargo has been that obeisance to restrictive trade practices neither ensures improved trade relationships nor guarantees immunity from further economic reprisals. France, which went to extraordinary lengths to accomodate OPEC demands after the Yom Kippur War, has not had as great an increase in trade with the OPEC nations as the Netherlands and West Germany, which pointedly refused to alter their relationship with Israel.

It is therefore apparent that these corporations and countries, and others like them, are able to operate in such a manner precisely because their services are as indispensable to Arab needs as they are to Israel.

Therein, we believe, lies the key to breaking the Arab boycott's influence on our economy and society. American goods and services are the most sought after in the world. We currently account for 18 percent of all world trade. The Arab nations, who so desperately want to develop their societies, are increasingly relying on American resources. The United States now accounts for 40 percent of the additional trade which the OPEC nations have undertaken since the quadrupling of oil prices in 1973. This relationship, instead of being characterized by discriminatory demands that are alien to our traditions and law, should instead dictate that, as a condition of its continuance, no such demands will be tolerated.

It remains that compliance with the Arab boycott is still not prohibited by law. We therefore urge that the Export Administration Act be amended to prohibit all agreements to refrain from doing business (1) with a foreign country friendly to the United States, and (2) with a company or supplier boycotted by a foreign concern, thereby furthering a foreign-imposed boycott or restrictive trade practice. We also urge the Congress to amend the Export Administration Act to prohibit business from furnishing the information the Arab League uses to enforce its boycott demands. Both of these recommendations are contained in the Subcommittee's report.

Whether the Congress will finally declare these practices illegal is another facet of the long-standing debate over whether the conduct of our foreign policy—in which economic relationships are the substructure—will be consistent with our ideals. It does little good—indeed it does much harm—to voice opposition to the boycott while winking at compliance with its demands. Both our credibility and our true intentions are called into question. Rather than mortgage our principles—both domestically and in our support for the State of Israel—it is time that we exercise the leverage and suasion we command in the Persian Gulf. Rather than succumb to discriminatory demands imposed by foreign governments against American citizens, it is time this Nation repudiate them once and for all.

This is our hope, and the policy to which we are committed.

HENRY A. WAXMAN,
JOHN E. MOSS,
ANTHONY TOBY MOFFETT,
JAMES H. SCHEUER,
RICHARD OTTINGER,
ANDREW MAGUIRE.

The CHAIRMAN. If there are no amendments to section 17, the Clerk will read.

The Clerk read as follows:

NUCLEAR EXPORTS

SEC. 18. The Export Administration Act of 1969 is amended by adding at the end thereof the following new section:

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment:

Page 20, immediately after line 12, add the following new section:

NUCLEAR EXPORTS

SEC. 18. The Export Administration Act of 1969 is amended by adding at the end thereof the following new section:

"NUCLEAR EXPORTS

"SEC. 17. (a)(1) The Congress finds that the export by the United States of nuclear material, equipment, and devices, if not properly regulated, could allow countries to come unacceptably close to a nuclear weapon capability, thereby adversely affecting international stability, the foreign policy objectives of the United States, and undermining the principle of nuclear nonproliferation agreed to by the United States as a signatory to the Treaty on the Non-Proliferation of Nuclear Weapons.

"(2) The Congress finds that nuclear export activities which enable countries to possess strategically significant quantities of unirradiated, readily fissionable material are inherently unsafe.

"(3) It is, therefore, the purpose of this section to implement the policies stated in paragraphs (1) and (2) of section 3 of this Act by regulating the export of nuclear material, equipment, and devices which could prove detrimental to United States national security and foreign policy objectives.

"(b)(1) No agreement for cooperation providing for the export of any nuclear material, equipment, or devices for civil uses may be entered into with any foreign country, group of countries, or international organization, and no amendment to or renewal of any such agreement may be agreed to, unless—

"(A) the provisions of the agreement concerning the reprocessing of special nuclear material supplied by the United States will apply equally to all special nuclear material produced through the use of any nuclear reactor transferred under such agreement; and

"(B) the recipient country, group of countries, or international organization, has agreed to permit the International Atomic Energy Agency to report to the United States, upon a request by the United States, on the status of all inventories of plutonium, uranium 233, and highly enriched uranium possessed by that country, group of countries, or international organization and subject to International Atomic Energy Agency safeguards.

"(2 The Secretary of State shall undertake consultations with all parties to agreements for cooperation existing on the date of enactment of this section in order to seek inclusion in such agreements of the provisions described in paragraphs (1)(A) and (1)(B) of this subsection.

"(3)(A) No license may be issued for the export of any nuclear material, equipment, or devices pursuant to an agreement for cooperation unless the recipient country, group of countries, or international organization, has agreed that the material, equipment, and devices subject to that agreement will not be used for any nuclear explosive device, regardless of how the device itself is intended to be used.

"(B) Subparagraph (A) of this paragraph shall take effect at the end of the one year period beginning on the date of enactment of this section.

"(4) In any case in which a party to any agreement for cooperation seeks to reprocess special nuclear material produced through the use of any nuclear material, equipment, or devices supplied by the United States, the Secretary of State may only determine that safeguards can be applied effectively to such reprocessing if he finds that the reliable detection of any diversion and the timely warning to the United States of such diversion will occur well in advance of the time at which that party could transform strategic quantities of diverted nuclear material into explosive nuclear devices.".

Mr. MORGAN (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read and open to amendment. This amendment has been printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this would be an appropriate point during our consideration of this legislation under the 5-minute rule to offer motion to strike section 18 of this legislation under the 5-minute erous invitations that were extended to me during the earlier debate on the rule to offer such a motion and that, indeed, was one of the justifications that was given for offering an open rule, that we would have an opportunity to do so.

I am under no illusions, in view of the lateness of the hour and the fact that the Members are now, I am sure, tired after their arduous labors throughout the day—I am under no illusions as to what the success, or I should perhaps say the lack of success, would be for such an effort. Frankly, that is the only reason, a very pragmatic reason, that deters me from offering a motion to strike this section from the bill because, very frankly, I am disappointed; deeply disappointed that the rule was adopted and that we proceeded with the consideration of this legislation in its present form.

Mr. Chairman, I hold in my hand a copy of H.R. 15419, which is the bill which was cosponsored by the gentleman from Illinois (Mr. PRICE), the distinguished vice chairman of the Joint Committee on Atomic Energy, and myself, which was introduced in the House on the 2d of September of this year. It was reported with an amendment and reported to the Committee of the Whole House on the State of the Union and ordered to be printed on September 18.

Members, and particularly the members of the Committee on International Relations, have not had an opportunity to consult that bill or even read it, but in it, if they had been able to do so, they

would have found that on pages 32 through 63—for more than 30 pages—we undertake in most detailed, specific, concrete manner, to deal in comprehensive fashion with the very real and important problem of nonproliferation. In contrast to that, as Dr. Seamans, the head of ERDA, pointed out in the letter which I read earlier in the debate under the rule, the Energy Research and Development Administration was not given an opportunity to testify on the committee amendment now incorporated in section 18 of the bill. He went on to suggest that this kind of piecemeal approach was not the best remedy for this important problem.

We have talked also with the Assistant Secretary of State, Mr. Kratzer, to clear up with him what input the State Department had in this whole process. I am informed that Mr. Kratzer, the Assistant Secretary of State, met informally with the staff of the subcommittee chaired by my friend and colleague from Wisconsin (Mr. ZABLOCKI) for about one-half hour; that no members were present; no formal statement was presented for inclusion in any committee proceedings as a result of this meeting.

No further communication was received from the committee until the hearings were scheduled for the committee amendment on nuclear export. At that time, Mr. Kratzer requested to be added to the witness list, and that request was granted. But, no written or prepared statement was submitted, and at the last minute a new draft of the amendment was presented to the witnesses for their comments, and he did the best he could, but had problems with that draft and promised to provide comments on it in writing to the committee.

But, 48 hours after that hearing, the bill was marked up, it was reported, and the views of our own U.S. Department of State were never formally presented or considered by the committee on this very, very important issue. This, I suggest, is a very cavalier and a very faulty way in which to deal with an important question of this kind.

I tried to make it clear during the debate we had earlier on the rule, that it is not simply a question of having our jurisdictional feathers ruffled as a result of this obvious invasion of the jurisdiction of another committee, but that there are several substantive defects in the language of section 18. Let me very briefly point out what I think they are.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. MORGAN and by unanimous consent Mr. ANDERSON of Illinois was allowed to proceed for 3 additional minutes.)

Mr. ANDERSON of Illinois. I am grateful to the distinguished chairman of the committee, who is and shall remain my friend notwithstanding our disagreement on this matter.

Mr. Chairman, the finding contained in section 17(a)(1), that nuclear export, if not properly regulated, can undermine the policy of encouraging nations to sign the nonproliferation treaty is inconsistent—inconsistent with the requirement that appears later in section (b)(1)(B), in which countries disclose to the United States inventories of special nuclear material that is under IAEA safeguards.

If a country wants to avoid disclosure, it is this section, as I read it, which encourages bringing those facilities under safeguards, and the only way to do that is to refuse to sign the nonproliferation treaty. With the very definition of the language contained here, they cannot comply with the requirements for disclosing inventories that are required.

I can scarcely ask the House to indulge me in any further extension of time, but I want to point out very quickly that section 4, which is the last subsection of the committee amendment, that particular subsection which appears in the bill on line 24 at the bottom of page 22 and continues through the balance of the bill, if that section were implemented it would preclude the U.S. involvement in any reprocessing activities overseas, activities that could very well, under the right kinds of conditions and the right circumstances, be very productive in encouraging nations to forego national reprocessing facilities, to encourage them instead to cooperate in multinational facilities under strong safeguards, with multinational investment, control, management, and so on.

I do not have the time to go into some of the other detailed provisions of that section. Again, the intention of the authors is unbounded in its goodness, but the unfortunate part of it is that they simply were not sufficiently conversant with the background of the Atomic Energy Act of 1954, the Nuclear Regulatory Commission process by which exports are licensed, and as a result they have included language which, in my judgment, is actually counterproductive to the goal of nonproliferation.

In words as strong as I possibly can muster, I must protest this particular means of dealing with the problem.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Chairman, I want to compliment the gentleman on his statement and pay tribute to the work he has done in trying to draft the proper kind of agreement.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. ANDERSON) has expired.

(On request of Mr. MORGAN. and by unanimous consent, Mr. ANDERSON of Illinois was allowed to proceed for 2 additional minutes.)

Mr. BROWN of California. If the gentleman will yield further, I was complimenting the gentleman for the fine work he has done in drafting the legislation which has been reported out by the joint committee.

Mr. Chairman, I want to pose this question to the gentleman, as an indication of the possible weakness of the provision within the current bill.

Is it not true that if we enact in legislation restrictive conditions which another country feels it cannot meet, and if there is available the nuclear plants and nuclear materials from other countries, would that not drive them to take their nuclear business to these other countries?

Mr. ANDERSON of Illinois. The gentleman is so correct in his point he made, and that is why the very heart and core of the legislation the gentleman from Illinois (Mr. PRICE) and I introduced, and which the gentleman voted for in the joint committee, is so important. The heart and core of that legislation, in section 15, which is the section which refers to the criteria, is based on mutual undertaking.

Some people have the wholly fallacious idea that the United States has some great monopoly today on the supply of nuclear technology and equipment. We may have had that once, and indeed we did; but we have lost it and, as a result, the mere promulgation of a unilateral basis of safeguards on criteria governing and controlling export is not going to do any good in a world that is already nuclear. We have to go the route of encouraging mutual international cooperation and mutual undertakings to curb this horrible proliferation.

Mr. BROWN of California. If the gentleman will yield further, in an attempt to solve this problem we might actually exacerbate it unless we create conditions which allow incentives for control of proliferation as long as there are the kinds of standards that are in the bill.

Mr. ANDERSON of Illinois. Mr. Chairman, once again the gentleman from California (Mr. BROWN) demonstrates his complete understanding of why this section is wrong.

Mr. LONG of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Illinois (Mr. ANDERSON) has argued that we do not need the "Nuclear Exports" section of H.R. 15377 of U.S. nuclear fuel because the House will soon consider H.R. 15419, the nuclear proliferation bill reported on September 18 by the Joint Committee on Atomic Energy.

But what the gentleman from Illinois does not say and what I must point out is that the Joint Committee bill, in its present version, is worse than no bill at all. The administration, in the last stages of the committee markup on the bill, succeeded in including numerous amendments that have greatly reduced the potential of the bill to reform and strengthen our nonproliferation policies.

The Joint Committee bill, as reported, would allow nuclear deals such as those between Germany and Brazil and between France and Pakistan, because all that would be required under the current version of the bill would be "a judgment on the part of the exporting nation" that a nuclear deal would not contribute to the spread of nuclear weapons.

Remember that Germany and France have always contended that their nuclear deals with Brazil and Pakistan, respectively, had sufficient safeguards to prevent diversion of nuclear material for nuclear weapons. Therefore, Germany and France could be expected to make a judgment that their nuclear deals with other countries would not contribute to nuclear weapons proliferation.

Any bill that would allow nuclear deals such as the German-Brazilian deal can

scarcely be said to improve radically the prospects of curbing nuclear proliferation.

The current version of the Joint Committee bill effectively removes any possibility that the many loopholes in existing nuclear agreements between the United States and other countries will be tightened up.

Further, another last-minute administration amendment to H.R. 15419 removed the requirement that the administration inform the Congress as to which nuclear agreements for cooperation should be modified or tightened up.

The principal point here is that most of our nuclear exports occur under the authority of existing nuclear agreements for cooperation, a majority of which do not expire until after 1990.

If the Joint Committee bill, which Mr. ANDERSON would have us rely on instead of the nuclear exports provision in the Export Administration Act, does not allow the renegotiation and tightening up of existing nuclear agreements, the bill is basically window dressing.

The third major problem of the Joint Committee bill is that the supposedly strengthened system for control of nuclear exports would not go into effect until all the nations of the world agreed to these additional measures.

Such agreement by all the nations of the world obviously could not happen for many years, if ever. Obtaining agreement by the relatively small number of nuclear supplier nations is in the realm of possibility; obtaining agreement by all the nations of the world is totally unrealistic.

Finally, the Joint Committee bill allows the President to overturn a ruling by the Nuclear Regulatory Commission against a nuclear export license with little or no possibility of effective congressional scrutiny of this decision. Why? Because the President is not required to give Congress any notice of his decision before it goes into effect or any detailed explanation of his decision.

Summary: Therefore, I urge you to support the "Nuclear Exports" section of the Export Administration Act which has been so carefully drafted by the International Relations Committee and by the gentleman from Wisconsin (Mr. ZABLOCKI) and the gentleman from Illinois (Mr. FINDLEY). The Zablocki-Findley provision is a solid step forward in combating nuclear proliferation and in preventing the spread of nuclear reprocessing that could lead to nuclear weapons.

AGREEMENTS FOR COOPERATION IN THE CIVIL USES OF ATOMIC ENERGY

A. *Bilaterals with Individual Countries:*

COUNTRY, SCOPE, EFFECTIVE DATE, AND TERMINATION DATE:

Argentina: Research and Power; July 25, 1969; July 24, 1999.

Australia: Research and Power; May 28, 1957; May 27, 1997.

Austria: Research and Power, Jan. 24, 1970; Jan. 23, 2014.

Brazil: Research and Power; Sept. 20, 1972; Sept. 19, 2002.

Canada: Research and Power; July 21, 1955; July 13, 1980.

China, Rep. of: Research and Power; June 22, 1972; June 21, 2014.

Colombia: Research; March 29, 1963; March 28, 1977.

Finland: Research and Power; July 7, 1970; July 6, 2000.

* Greece: Research; Aug. 4, 1955; Aug. 3, 1974.

India: Power (Tarapur); Oct. 25, 1963; Oct. 24, 1993.

Indonesia: Research; Sept. 21, 1960; Sept. 20, 1980.

Iran: Research; April 27, 1959; April 26, 1979.

Ireland: Research; July 9, 1958; July 8, 1978.

Israel: Research; July 12, 1955; April 11, 1977.

Italy: Research and Power; April 15, 1958; April 14, 1978.

Japan: Research and Power; July 10, 1968; July 9, 2003.

Korea: Research and Power; March 19, 1973; March 18, 2014.

Norway: Research and Power; June 8, 1967; June 7, 1997.

Philippines: Research and Power; July 19, 1968; July 18, 1998.

Portugal: Research and Power; June 26, 1974; June 25, 2014.

South Africa: Research and Power; Aug. 22, 1957; Aug. 21, 2007.

Spain: Research and Power; June 28, 1974; June 27, 2014.

Sweden: Research and Power; Sept. 15, 1966; Sept. 14, 1996.

Switzerland: Research and Power; Aug. 8, 1966; Aug. 7, 1996.

Thailand: Research and Power; June 27, 1974; June 26, 2014.

Turkey: Research; June 10, 1955; June 9, 1981.

United Kingdom: Research and Power; July 21, 1955; July 20, 1976.

United Kingdom: Power; July 15, 1966; July 14, 1976.

Venezuela: Research and Power; Feb. 9, 1960; Feb. 8, 1980.

Vietnam (Republic of): Research; July 1, 1959; June 30, 1979.

Mr. DU PONT. Mr. Chairman, I move to strike the requisite number of words.

Mrs. LLOYD of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. DU PONT. I yield to the gentlewoman from Tennessee.

Mrs. LLOYD of Tennessee. Mr. Chairman, it is most unfortunate when a Member of this body is constrained to oppose what is fundamentally a commendable and sound legislative remedy to a very real problem. But I find myself in that position in connection with the bill before us, the Export Administration Act amendments.

The unfortunate action by the Committee on International Relations in section 18 of this bill has left me no alternative but to oppose the enactment of H.R. 15377.

In opposing the rule on this measure, it was my contention that the language of this section is clearly under the jurisdiction of the Joint Committee on Atomic Energy. This section, section 18, is ostensibly aimed at eliminating the proliferation of nuclear weapons by banning U.S. approval of any arrangements whereby fuel used in a U.S.-applied reactor could be reprocessed in a foreign facility. This veto power over foreign reprocessing will result in a de facto moratorium in nuclear reactor sales by the United States. Unilateral action in this field by the United States, which does not include other supplier nations, will only result in the loss of U.S. exports, and the substitution of competitor nuclear systems for U.S. technology by consumer nations.

The time has arrived when the United States cannot claim a monopoly on the development of nuclear technology. West Germany, Britain, France, and soon Japan, will be eagerly seeking to supplant U.S.-produced nuclear systems with their own. By restricting the right of domestic firms to compete in the international marketplace, we may even be risking the eventual decline of the U.S. industry to a point where we will be dependent upon foreign suppliers to meet our domestic needs. Beyond this, I believe that a reasonable argument can be made that, by forcing consumer nations to rely on technology which is inferior to our own, we actually increase the risk of nuclear accidents, and reduce the effectiveness of safeguards against the conversion of nuclear fuels into nuclear weaponry.

The adoption of this legislation effectively ties the hands of the United States insofar as we could participate in the development of a sound nonproliferation policy, developed in concert with all producer nations and taking into consideration the complex nature of the international agreements already in existence or under consideration. This bill will certainly have a negative impact on our balance of payments, employment, tax revenues and most importantly, the development of a viable nuclear industry and technology sufficient to meet the needs of our own country and the world in the energy scarce decades ahead.

I am most sympathetic to the major provisions of the bill, to prohibit Americans and American firms from intentionally furthering or complying with, on any grounds, and in any way, a boycott by a foreign nation which is friendly with the United States.

Mr. Chairman, I find it personally distasteful to know that any American firm would willingly participate in discriminatory actions against the customers, agents, or employees of other firms as a result of the pressure exerted by a foreign power. Such action not only contravenes the basic tenets of the very free enterprise system which underlies the growth and prosperity of all American business.

In order to protect the ability of this country to establish a substantive and workable policy regulating the proliferation of nuclear weapons, and in order to assure the continued safe development of our domestic nuclear industry, I must reluctantly oppose the enactment of the Export Administration Act amendments.

Ms. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. DU PONT. I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Chairman, I rise in support of the committee amendment, section 18.

Nuclear proliferation is one of the most critical issues on the international agenda at this time. India recently joined the nuclear club, and reports indicate

* Superseding, research and power agreement in abeyance; U.S. material covered by IAEA (NPT) safeguards and Greek "peaceful uses" guarantee.

that perhaps a dozen countries now possess the technological base required to produce atomic devices. As one who has worked both in Congress and in the peace movement against the nuclear threat, I look upon these developments with great alarm.

The basic problem is that the nuclear technology and nuclear fuel used for civilian energy projects provide the basis for the production of the special nuclear material—plutonium—which is the essential ingredient of nuclear weapons. Our Government has simply been too lax and too unconcerned to bring effective safeguards into existence through administrative or diplomatic procedures.

We know that India, which has refused to ratify the Non-Proliferation Treaty, utilized American-supplied materials to produce the nuclear device it exploded in 1974. No scheduled fuel shipment to India was ever subsequently held up as a result of this explosion, described by India as "peaceful."

Intelligence reports indicate that Taiwan has been secretly reprocessing spent fuel from a research reactor—which, if confirmed, would comprise the first known violation of the nonproliferation treaty by a signatory. Over 700 Taiwanese, according to the ERDA, have studied nuclear technology in the United States.

American diplomatic efforts are being conducted on an ad hoc basis without any overall, coherent nuclear policy. We may have pressured South Korea enough to force an end to its plans to purchase a reprocessing plant from France, but last year Brazil successfully purchased an entire nuclear package from West Germany. Will we succeed in pressuring Pakistan? Instead of rushing around to plug holes in the nuclear dike, we should be exerting world leadership to bring both supplier countries and purchaser countries to their senses.

The committee amendment in this bill is an absolutely necessary first step toward responsible management of the nuclear peril. It would extend export controls over the reprocessing of fuel in any American-supplied reactor, in addition to the current controls on American-supplied fuel. It would strengthen the role of the international atomic energy agency in undertaking inventories of nuclear materials. And it would prohibit licensing of exports of nuclear technology or materials to any country which fails to agree that it will not use the export for the development or manufacture of an explosive nuclear device of any kind, even so-called peaceful ones, thus closing a major loophole in existing regulations.

Mr. GRASSLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the intent of section 16 is good. It would encourage foreign countries to buy American, especially when prices are low and it would allow nations with a shortage of storage facilities to store their purchases here.

I am concerned, however, with the language on page 19, lines 21–23, "that neither the sale nor export thereof will result in an excessive drain of scarce materials and have a serious domestic inflationary impact," at some future date, might be interpreted as giving the Secretary of Commerce the authority to impose selective export embargos.

I interpret the language above as meaning that if a foreign country—such as Japan, Russia, et cetera—goes to the Department of Commerce and asks to store a grain purchase, and the Department determines that the purchase could be inflationary or cause a scarcity, that the purchase can be stopped. In effect, by not allowing a purchase, an embargo is put into effect. And, in fact, if only the storage is disallowed, a country may be discouraged from making a purchase it has planned.

In addition, the phrase "nor export" suggests that if a country wants to buy and store, or else goes ahead and buys and stores—with the Secretary's approval—the Secretary might later disallow the export of the purchased grain. Naturally, if this interpretation is correct, no country will want to buy and store.

There are today three conditions under which an embargo can be imposed. These include domestic short supplies of food stuffs—which would cause inflation—foreign policy considerations, and national defense.

In the first instance, the Secretary of Agriculture must certify to the President that a short supply of a particular item is in existence, and that its export could be inflationary. The President then decides what action, if any, is to be taken.

In the second two instances, the President sets down guidelines which his administrators follow or implement, so that if a particular problem arises, he is made aware of it.

However, in none of these cases does the Department of Commerce have the authority to forbid a sale because of a potential short supply or potential rise in inflation. I do not believe it would be responsible of us to give the Secretary that authority now. Only the President, if any one is to have the authority to embargo, should have such authority.

Mr. FINDLEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I know of few amendments that have involved as much work, study, and consultation as the one before us at this moment.

This amendment corrects a fundamental defect in our national antiproliferation policy. It sets a minimum standard for reprocessing safeguards. No longer can these critical safeguard standards be left undefined and unguided by responsible criteria.

This amendment recognizes the threat not only of secret theft by terrorists but of outright appropriation of large quantities of bomb material by states themselves—states who may agree to promises now but who might—at some future date—find themselves desperately in need of nuclear weapons. It will be painfully clear at that moment that paper assurances and safeguards which were no more than alarm bells—not locks—will not have been enough. I do not want the Congress of the United States to bear the responsibility for that kind of safeguard soft spot.

Safeguards today are said to deter theft by working early enough to provide time for action by the international community or by supplier states themselves once things have gone wrong. At present, we could not obtain such warning in the case of reprocessed reactor fuel or stockpiled plutonium. The reason is very simple: such material can be transformed into nuclear weapons overnight. It is clear then that special precautions need to be taken. With such material, our safeguards must in effect be locks and not merely weak warning bells. We currently take such a view with respect to our bombs stored abroad. And separated or easily separable plutonium is, of course, no more than a few hours from itself being a nuclear weapon.

The warning and security requirements mandated by my amendment can be met by the proper exploitation of new technologies. The time to take such action is now, before reprocessing is a necessary part of commercial nuclear power. To avoid taking this step will only lead to disaster.

Let me say just a word about the extent of effort in formulating this amendment. We held many hearings. We did extensive research. We authorized field trips to look at safeguard research. We talked to industry representatives, and top independent experts. We did not just closet ourselves with the one Government agency now working most frantically to rationalize past mistakes and current failures. We did not just say: "Come on in fellas and write a bill for us that will take the heat off for a while." Instead, we worked with both the administration—all elements of it—and with others of great independent judgment and stature.

For instance, we worked with persons like Albert Wohlstetter, whose previous studies saved our defense establishment over $2 billion and led to the creation of the fail-safe warning system, locks on nuclear weapons, the idea of an airborne alert for SAC, and the emplacement of missiles in underground silos in order to protect them against incoming attack.

Surely all of us can agree on one fact. Nuclear exports ought to help countries to satisfy legitimate energy needs. These needs do not require at this time exotic, uneconomic technologies, the principal purpose of which is the speedy acquisition of nuclear weaponry. Let us begin to separate the wheat from the chaff. There are ways to provide for nuclear energy without in the process placing countries to within a day's reach of a nuclear weapon. That is what this amendment is really all about. My good friend, MEL PRICE, who watches so responsibly over our Nation's defense, would I think be able to support our efforts in this regard. Indeed, Assistant Defense Secretary Cotter found our safeguard technology ideas to be very imaginative and much to his liking.

Some will of course urge that our

amendment be dropped in favor of language proposed by the Joint Committee. We think some of those various bills—and there seem to be a hundred different versions of them, continually being amended by ERDA—contain some useful provisions. But our own legislation gets at a problem this legislation does not touch.

Moreover, to be frank, the bulk of the Joint Committee bills consist essentially of advice and direction. But time is running out on the proliferation problem. There is advice galore but no responsible legislation on the statute for us to point to when questioned about the Indian nuclear activities, the reported diversions in Taiwan, the incredible revelations of several GAO reports and so forth.

Our bill may not be 30 pages long, but it has bite rather than bravado. Rather than posture, it sets a sober and responsible standard—a floor, so to speak, on the most critical of all our safeguards. It assures warning before countries can transform diverted material into bombs; it makes it more difficult for them to quickly carry out such an act. As the former president of the Rand Corp., Henry Rowen, said in supporting our amendment: Who can oppose such a basic condition, when the alternative is to give a country the capability of having ready access to nuclear weapon material.

This amendment has the support of the International Relations Committee on both sides of the aisle. It has been carefully drafted and studiously researched. It is here to be acted upon today. We can delay no longer.

Mr. OTTINGER. Mr. Chairman, I rise in strong support of the Zablocki-Findley amendment to the Export Administration Act. This amendment is an excellent example of bipartisan cooperation in establishing policy guidelines to deal with one of the most serious problems facing the world today, the proliferation of nuclear weaponry. The work of both those gentlemen, the chairman and ranking minority member of the Subcommittee on International Security and Scientific Affairs, deserves commendation by all of us.

Since the explosion of a nuclear device by India in May 1974, the threat of nuclear proliferation has increasingly grasped the attention of the world. The paradox written into the Non-Proliferation Treaty, which on the one hand enjoins the signatories from transferring or receiving the capability to develop nuclear weapons, and on the other hand protects the rights of all nations to have access to nuclear energy for peaceful purposes, is now a matter for the policymakers to clarify. By now we are all aware of the relationship between the exportation of nuclear technology and equipment and the development of nuclear weapons. In the case of India, their weapon was made possible by reprocessing the spent fuel from a Canadian reactor with heavy water that had been supplied by the United States. Both the Canadian reactor and the U.S. heavy water had been exported on the condition that they would not be used for the production of nuclear weapons.

It is to me an incredible and prolonged stroke of luck that more nations have not developed nuclear weapons since the U.S. use of one over Hiroshima. It is remarkable that the stress which has been placed on nuclear deterrence, nuclear arsenals, nuclear war strategies, and the general power and respect reputed to follow in the wake of a nation's development of nuclear weapons have not induced many more nations to seek a nuclear weapons capability. While continuing to profess noninterest in nuclear weapons, the actions of Brazil, South Korea, Taiwan, Iran, and South Africa all indicate the horrendously dangerous potential to produce nuclear weapons.

All of the reasons for seeking such a potential existed before the Indian explosion, so why do these nations now believe that they can openly negotiate for the equipment and technical knowledge necessary to construct a nuclear weapon? The apparent reason is the indifference of the United States toward the Indian actions. Certainly, if the largest exporter of nuclear equipment does not back up its critical policy statements with actions why should anyone care what we say.

Were it not for the interest and hard work of the Zablocki subcommittee and the Senate Committee on Government Operations I am convinced that there would still be no response forthcoming from the United States to this problem which is of our own making and is our responsibility.

The Zablocki-Findley amendment deals with two of the most immediate problems surrounding the issue of proliferation. First, it would eliminate the ambiguity in the U.S. policy toward "peaceful nuclear explosions." Section 17(b)(3)(A) requires that any nation receiving nuclear equipment from the United States give assurances that those items will not be used to develop any nuclear explosive device. It is about time that our policy reflect what everyone knows: that there is no difference between a nuclear weapon and a so-called peaceful nuclear device.

Second, that amendment deals with the complex problem of safeguarding spent nuclear fuel and the reprocessing of that material. It assures that the United States will maintain control of any nuclear material produced in a reactor supplied by the United States and provides for the establishment of an adequate safeguard system before the United States will either export reprocessing facilities or allow other nations to reprocess nuclear material produced in U.S. reactors.

These steps are responsible actions to curtail the spread of nuclear weapons. As far as I can tell, acceptance of these strictures would be offensive only to those nations interested in developing nuclear weapons, and as such I do not believe that the United States should assist them in reaching their goal. This amendment represents a positive step toward the control of nuclear weapons and I urge all of my colleagues to support it.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. FRASER

Mr. FRASER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRASER: Page 23, immediately after line 9, insert the following new section:

EXPORTS OF NUCLEAR TECHNOLOGY

SEC. 19. Section 4(j) of the Export Administration Act of 1969, as added by section 11 of this Act, is amended by adding at the end thereof the following new paragraph:

"(3) In furtherance of the purposes of this subsection (relating to exports of technical information), of subsection (h) of this section (relating to exports of technology which may contribute to the military potential of other nations), and of section 17 of this Act (relating to nuclear exports), the President shall conduct an in-depth study of whether, or the extent to which, the education and training of foreign nationals within the United States in nuclear engineering and related fields contributes to the proliferation of explosive nuclear devices or the development of a capability of producing explosive nuclear devices. Not later than the end of the 6-month period beginning on the date of enactment of this paragraph, the President shall submit to the Congress a detailed report containing the findings and conclusions of such study. Such report shall analyze the direct and indirect contribution of such education and training to nuclear proliferation."

Mr. FRASER. Mr. Chairman, this amendment is offered on my own behalf and on behalf of the gentleman from Maryland (Mr. LONG).

Mr. Chairman, the intent of this amendment is to provide the Congress with information on the significance of training and education of foreign nationals in the United States to the proliferation of nuclear weapons.

As expressed in section 4 of the Export Administration Act, the Congress determined that "the defense posture of the United States may be seriously compromised if the Nation's goods and technology are exported * * * without an adequate and knowledgeable assessment being made to determine whether the export of such * * * technology will significantly increase the military capability" of other countries.

It should be noted that between 1955 and 1974 the Atomic Energy Commission trained over 10,000 foreign nationals in the use of research reactors and other aspects of a nuclear program. This included the following number of trainees from countries which we now regard as "near nuclear":

India	1,104
Taiwan	713
Argentina	192
Brazil	133
Korea	195
Pakistan	120
South Africa	88
UAR	103
Israel	250

It might be said that "the horse is out of the barn" and that we should have monitored the flow of nuclear technology more carefully years ago. While it is certainly true that the monitoring should have begun long ago, it is not the case that it is pointless to begin now. There are constantly "new horses" coming in the rear door. There is no single "secret"

to technology flows. To a large extent the transmission and development of technologies is a matter of the growth of a reservoir of people with key skills and interests. Within a small country, this highly educated group may become a pressure group for programs which utilize and extend their skills. This process continues.

Furthermore, we do not know what new technologies will be coming along. Particularly problematic would be breakthroughs in the enrichment and reprocessing of nuclear fuel. We are at a point where spent fuel is so widely distributed that a breakthrough in reprocessing methods would place nuclear weapons within reach of scores of countries.

In conclusion, let me note that the proposed amendment is quite modest. It only calls for a study; however, the study should be thorough. The fields which are relevant to the development of nuclear weapons are quite diverse. They include metallurgical and chemical engineering as well as nuclear engineering. It will not be easy to review and assess the significance of such education and training. Given the importance of the issues involved, it is worth the effort.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. Mr. Chairman, I want to say that the gentleman from Minnesota (Mr. FRASER) raised this issue during the committee markup. I know of the longstanding interest of the gentleman from Maryland (Mr. LONG), who has offered amendments to other bills which have been reported from the Committee on International Relations.

Mr. Chairman, I am sympathetic with what the gentleman from Minnesota is trying to do; after consultation with the ranking minority member, I am sure we would be glad to take this amendment, if it is the wish of the House, to conference and see what can be worked out.

Mr. Chairman, the only reason I opposed it in the committee is because I thought it involved the jurisdiction of other committees.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I also would like to say that we have had a chance to look at this amendment, and we are in accord with what the gentleman from Pennsylvania (Mr. MORGAN) has said.

Mr. Chairman, I feel that this study would be very important, and I think we can certainly accept this amendment.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I congratulate the gentleman from Minnesota (Mr. FRASER).

As the gentleman knows, I am a cosponsor of this amendment, and I have some remarks prepared in support of it.

The most effective help we can give a nation is not necessarily the hardware but the know-how with which to develop that nation's own engineering complex.

In the 5-year period from 1970–75, the United States trained nearly 1,500 foreign nationals from 41 nations in the crucial areas of nuclear reactor technology, plutonium recycle/reprocessing, uranium enrichment and related disciplines.

Particularly disturbing is the fact that at least eight scientists from seven nations were trained in the key area of plutonium recycle/reprocessing.

Of the 1,489 trained in the 5-year period, 1,356 were from nations which could develop weapons in the near future.

One of the chief causes of proliferation is the chain reaction effect which occurs when one country gets nuclear weapons and irresistible internal political pressures force its neighbors to go after nuclear weapons also.

INDIA—A PRIME EXAMPLE

On July 26, 1976, I released a 1966 Atomic Energy Commission—AEC—memorandum acknowledging that 10 years ago the United States knew that India had a plutonium reprocessing plant not under international safeguards but nevertheless recommended that the United States provide "encouragement and assistance toward the recycle of plutonium produced in India's nuclear powerplants."

Not only did we supply the heavy water used in the 1974 Indian nuclear explosion, but we also taught Indians nearly everything they needed to know to convert nuclear materials into an explosive.

Well over 1,100 Indians have been trained at U.S. facilities since 1955—23 Indians trained between 1970–75 in critical areas.

Several Indian scientists were trained in the key area of plutonium recycle/reprocessing, one of whom was H. N. Sethna, head of India's Atomic Energy Commission.

In hearings this morning before a Senate Foreign Relations Subcommittee, witnesses from the State Department and the Arms Control Disarmament Agency testified on the nuclear program of the Republic of China. A State Department official responded that Senator SYMINGTON was correct in his statement that U.S. training of Taiwanese in the nuclear field could indeed lead to the production of nuclear weapons regardless of the U.S. intention behind the training.

Over 2 years ago—June 1974—I asked Secretary Kissinger for a list and description of U.S. assistance to nuclear research and development programs of countries which are reported to have potential for development of nuclear weapons. The information he provided showed that over the 18-year period of 1955–73, foreign nationals trained in nuclear physics and related fields numbered well over a hundred in several countries:

India	1,104
Brazil	133
Argentina	192
Egypt	103
Israel	250
Pakistan	126
Taiwan	713
Turkey	108
South Korea	193
Philippines	118

From ERDA, I requested and received a list of the nearly 1,500 foreign nationals trained in nuclear technology in the last 5 years—1970–75. By placing the training totals by nation in four distinct categories—showing various nations' proximity to developing nuclear weapons, we see that there is, ample justification—in fact a crying need for the Fraser-Long amendment calling for a study of the extent to which U.S. training of foreign nationals in nuclear engineering and related fields contributes to proliferation.

The four categories, and nations in each category, are listed below:

TRAINING OF FOREIGN PERSONNEL IN THE UNITED STATES (1970–75)

(In reactor technology, plutonium recycle/reprocessing, uranium enrichment and related disciplines)

NATION AND NUMBER OF NATIONALS TRAINED	
Category O/O+ (Nations which have nuclear weapons/explosives):	
France	38
Great Britain	28
India	23
U.S.S.R.	3
Category I (Nations with full access to bomb-grade material and with broad-based technology support):	
Belgium	6
Canada	6
Germany (West)	158
Italy	128
Japan	269
Netherlands	7
South Africa	4
Sweden	17
Taiwan	354
Category II (Nations with limited bomb material sources and some nuclear technology program):	
Argentina	6
Australia	8
Brazil	73
Czechoslovakia	1
Egypt	8
Iran	33
Israel	11
Korea (ROK)	11
Mexico	90
Norway	1
Pakistan	4
Spain	64
Switzerland	97
Category III (Remainder of nations):	
Algeria	3
Austria	8
Chile	4
Denmark	3
Finland	1
Greece	3
Hong Kong	1
Ireland	1
Jordan	1
Libya	1
Nigeria	2
Saudi Arabia	1
Syria	1
Thailand	1
Turkey	8
Vietnam (South)	2
Total	1,489

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. FRASER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HUGHES

Mr. HUGHES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUGHES: Page

23, immediately after line 9, insert the following new section:

LIMITATION ON EXPORTS OF CRUDE OIL AND NATURAL GAS

SEC. 20. Section 4 of the Export Administration Act of 1969, as amended by sections 11, 14, and 15 of this Act, is further amended by adding at the end thereof the following new subsection (m):

"(m) (1) Except for crude oil and natural gas described in paragraph (2), no crude oil or natural gas produced in the United States (including the Outer Continental Shelf) may be exported from the United States, its territories or possessions, unless the President determines that the export of such crude oil or natural gas will not diminish the total quantity and quality of crude oil and natural gas available to the United States and that such export is in the national interest of the United States: *Provided,* That such determination shall be reported to the Congress, and after the date of receipt of such report Congress shall have a period of sixty calendar days, thirty days of which Congress must have been in session, to consider whether exports under the terms of this subsection are in the national interest: *Provided further,* That no such exports shall take place during such time period. If the Congress within such time period passes a concurrent resolution of disapproval stating disagreement with the President's determination concerning national interest, such determination shall have no force or effect.

"(2) Paragraph (1) shall not apply to such exports of crude oil or natural gas as may be necessary to leave uninterrupted or unimpaired—

"(A) exchanges in similar quantity for convenience or increased efficiency of transportation with persons or the government of a foreign state,

"(B) temporary exports for convenience or increased efficiency of transportation across parts of an adjacent foreign state which exports reenter the United States, and

"(C) the historical trading relations of the United States with Canada and Mexico.".

Mr. HUGHES (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. HUGHES. Mr. Chairman, the amendment I am offering would prohibit the export of crude oil and natural gas produced in the United States or from our Outer Continental Shelf, except upon a finding by the President that such exports are in the national interest, and that it would not reduce the quantity or quality of oil and natural gas available to the United States.

The President's findings could not take effect for a period of 60 days, and would be subject to disapproval by concurrent resolution of the Congress during that time.

The amendment would specifically exempt exchange agreements, temporary transportation across an adjacent foreign nation, and our traditional trading relations with Mexico and Canada.

I would emphasize also that it applies only to crude oil and natural gas, It would permit exports if the President and not refined petroleum products.

This amendment is addressed to recent press accounts concerning the oil surplus which has been projected for the west coast when the Alaska pipeline begins delivering oil to the lower 48 States next year.

I know it is bewildering to be talking about a surplus in the midst of an oil shortage, but that apparently will be the case, especially given the difficulty of economically transporting west coast surpluses to eastern markets.

At present, the discussions concerning the surplus revolve around exchanging that surplus oil with Japan for Middle East oil which would have ordinarily gone to Japan. The Mideast oil could go to the eastern markets in this country.

I have no objection to an exchange agreement, provided that we receive a like amount of oil in exchange. My amendment would specifically exempt exchanges from the prohibition on exports.

But we cannot ignore the possibility, which has already been suggested, that surplus west coast oil be sold outright to other nations, such as Japan. The temptation to export U.S. oil may grow in future years, particularly as more and more offshore areas are opened up for oil and gas development for the first time, under the accelerated leasing program.

Yet, at the present time, we have only patchwork of laws dealing with the problem of oil exports.

There is one law, Public Law 93–153, dealing with Alaskan crude transported via the pipeline. There is another law, the Energy Policy and Conservation Act, which deals with other crude oil and refined products.

The status of oil produced from the Outer Continental Shelf is not clear at the present time. Although the proposed OCS Lands Act amendments, which will be before us tomorrow in the form of a conference report, would subject OCS oil to the Export Administration Act, it is not clear whether the OCS bill will be passed, or if it is passed, whether it will be vetoed.

At any rate, all three of those laws make reference to the Export Administration Act. However, in the event of a temporary or regional surplus, it is safe to say that the act would not necessarily prevent oil exports. Under a temporary or regional surplus situation, reasonable people could argue that exports would not have an inflationary impact or create shortages.

But when we are talking about oil, we are talking about a nonrenewable resource. To me, it seems unfair to cheat future generations by exporting oil now for the temporary expedient of effecting a surplus in our balance of trade, or because the oil we produce now cannot be absorbed all at once by a regional market, such as the west coast.

My amendment would bring a uniform standard to the issue of whether or not we should export any of our oil. It is not a rigid or unyielding standard: It would permit exports if the President and both Houses of Congress concur that it would be in the national interest.

If the west coast oil surplus comes into being, we will face a chaotic situation. The Alaskan pipeline legislation says one thing: the energy policy and conservation act says another, and the OCS bill, if passed, would establish another third standard for OCS oil.

I urge the adoption of my amendment to provide a uniform standard for oil exports.

Mr. FINDLEY. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New Jersey (Mr. HUGHES).

Mr. Chairman, I oppose the amendment reluctantly because I am sure it is the intent of the administration and of both Presidential candidates, up to date, to conserve our stockpiles of petroleum products.

Yet I think we ought to recognize that the Export Administration Act already has language which permits the President to protect the national interest, to assure adequate domestic supplies or to serve the foreign policy interests of the Nation by curtailing or prohibiting the export of the commodity specified in the amendment.

Second, it seems to me that this amendment, while understandable, is, nevertheless, quite contrary to the spirit of all trade expansion legislation in recent years. It does propose a flat prohibition on the export of petroleum, crude oil, and natural gas.

Third, it is unduly restrictive, and I should like to cite just one example to illustrate the complications it might cause.

Let us assume the State of Israel gets into a terrible bind for petroleum supplies and finds it was at odds with most of the world, with perhaps the United States as its only friend. As I read this amendment, I see no way that the President could set aside the language set forth here and in that dire emergency send crude oil or natural gas or other products to the State of Israel.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from New Jersey.

Mr. HUGHES. I thank the gentleman for yielding.

I want to say to my colleague that the language is almost exactly the language that is in the trans-Alaskan pipeline legislation. What I am saying in essence is why should we treat Alaskan oil any different than the Outer Continental Shelf oil? There is discretion in this respect. The President has to make a finding that it is in the national interest, but to be consistent with Project Independence, it seems to make sense to me to have one standard for all oil, not three or four different standards.

Mr. FINDLEY. If I could comment on that, my own feeling is that that language in the Alaskan pipeline legislation was a mistake, and we should not complicate our national policy by making another mistake.

Mr. Chairman. I yield back the remainder of my time.

Mr. MORGAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I am very sympathetic

to the objectives sought by the gentleman from New Jersey, However, Mr. Chairman, I see several problems with his amendment. I am told by the counsel that there are similar amendments presently incorporated in several other laws: The Energy Policy and Conservation Act, the Trans-Alaskan Pipeline Act, and the Navy Petroleum Reserve Production Act. In each of these instances this matter has been dealt with by committees other than the Committee on International Relations.

I do not believe that we should get into this subject without consideration by the committee of proper jurisdiction and competence over this subject.

I am advised that the administration would be very much concerned with this amendment because it again has to deal with the same issue that I spoke about on the Findley amendment.

About the concurrent resolution included in the gentleman's amendment, it would give us some problems by threatening a Presidential veto.

I would think the administration would have to look at four different acts in regulating petroleum exports if this stayed in the bill. I feel it is unnecessary in this bill. I think it just clouds the issue here today.

The passage of this bill is very, very important, as I said in my opening remarks. This act expires on September 30, some 8 days away. We will attempt to go to conference, if we can, on this tomorrow, if this passes the House. As much as I regret it, I cannot support the gentleman's amendment, and I hope the House will vote down the amendment.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from New Jersey.

Mr. HUGHES. I thank the gentleman for yielding.

I can appreciate the Chairman's concern, but let me say to the Chairman that we now have a patchwork of three different formulas being used by three different pieces of legislation. My amendment would standardize one formula. The language is just about identical with the language in the Trans-Alaskan Pipeline legislation. I am a member of the Ad Hoc Select Committee on the Outer Continental Shelf, and I incorporate by reference the Export Administration Act of 1969 into the legislation. What my amendment will do will be to standardize it so that all oil, whether it comes from Alaska or the Outer Continental Shelf, or from wherever it comes, will be subject to the application of the same standard. It seems to me the Chairman would be interested in this.

Mr. MORGAN. I listened to the gentleman's remarks very well, and I heard him say in his remarks in defense of the amendment that the House would consider a conference report tomorrow that includes the same provision and could be subject to a veto. So I see no reason, if the gentleman feels his own conference report on the Outer Continental Shelf is going to be subject to a veto, why we should expose this very important piece of legislation to a veto.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HUGHES).

The question was taken; and on a division (demanded by Mr. HUGHES) there were—ayes 6, noes 36.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. BURLISON OF MISSOURI

Mr. BURLISON of Missouri. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURLISON of Missouri: Page 23, immediately after line 9, insert the following new section:

EXPORT CONTROLS ON AGRICULTURAL COMMODITIES

SEC. 20. Section 4(f) of the Export Administration Act of 1969, as amended by section 16 of this Act, is further amended by adding at the end thereof the following new paragraph:

"(3) In any case in which the exportation of any agricultural commodity is limited or prohibited under this Act, the exportation of any fertilizer, tools, tractors, combines, or other material or implements used in the production of that agricultural commodity shall be limited in corresponding amount or prohibited, as the case may be. If the limitation or prohibition on exportation of the agricultural commodity is applicable with respect to specific nations, the limitation or prohibition pursuant to this paragraph shall be applicable with respect to the same nations.".

Mr. BURLISON of Missouri. Mr. Chairman, what does this amendment do? Very simply it places a restriction on the exports of merchandise and materials used by the farmer to produce the commodities which are embargoed under this act.

The unfortunate experience of our farmers began under this act in 1973 with the soybean embargo. In that instance many of our export markets were lost for future years.

In my interrogation of or colloquy with the Secretary of Agriculture the year after that embargo was levied, the Secretary testified that he felt it was a mistake to put in place the embargo in 1973 on soybeans. He gave as his reason for levying that embargo that they had to do it to prove it was a mistake so that they would not do it again.

Now, if that sounds like a far-fetched answer, an unreasonable answer, I agree, but I cite part 1 of the fiscal year 1975 Appropriation Committee hearings, the Subcommittee on Agriculture, on page 78, where Members will find that testimony, to wit:

Mr. BURLISON. Were you referring also in that statement to the decision to place export controls on soybeans?

Secretary BUTZ. Yes, sir, which again, I think, was an unfortunate decision. Except——

Mr. BURLISON. Again a decision that you joined in with Mr. Shultz and publicly approved of?

Secretary BUTZ. That is correct. At that time I think we had to go through that instance to prove to ourselves we shouldn't do it again.

I asked the Library of Congress to submit a report to me with respect to the effects of embargoes since 1973, and that report under date of March 8, 1976, compiled by Janice Baker reads in part as follows:

As farm organizations have pointed out, the embargo or moratorium indicated to traditional foreign buyers that the United States might no longer be a reliable supplier. Purchasers such as Japan began to look elsewhere to assure an adequate supply of needed imports of soybeans and grains.

Mr. Chairman, if there is any doubt in the minds of Members with respect to the truth of that analysis, I would refer them to the Journal of Commerce, March 1, 1976, on page 2, in which is read in detail an agreement between Japan and Brazil for the production of 50,000 hectares of soybeans in Brazil, an experiment which was expected and is expected to develop into 1 million hectares of soybean production in Brazil in cooperation with Japan. The reason for this is the violation of soybean contracts with Japan, one of our greatest export customers. So we find now Japan has looked to Brazil to rely upon that source as a result of the embargo that was placed under this act in 1973 and subsequent years. The article in its entirety reads as follows:

JAPANESE, BRAZIL PLAN JOINT FARM PRODUCTION

(By A. E. Cullison)

TOKYO.—Talks between representatives of the Japan-Brazil Agricultural Development Cooperation Organization and the Brazilian Government finally have resulted in a basic agreement to proceed with the plan to open 50,000 hectares to farm production as a joint effort.

Officials of the Japanese Agriculture-Forestry Ministry disclosed at the weekend that the massive agricultural production project on the central plain of Brazil was agreed upon after almost four weeks of discussions in Brazil. The program is expected to cost both countries at least approximately $26.4 million and perhaps more as it progresses.

Under the agreement, the ministry authorities said, only the 50,000 hectares of the vast Serra do Roncador region, which includes Minas Gerais, Goias and Mato Grosso States in the central part of Brazil, will be developed on an experimental basis. However, if all goes well in the future, it is assumed that as much as a million hectares later may be jointly developed as farmland.

A jointly established agricultural development company is to be established to operate the experimental project. The new venture will be financed through direct loans provided roughly on a 50–50 basis by the Japanese and Brazilians. It is understood that the Japanese loans will be made on Brazilian-provided securities.

The agreement also calls for both the Japanese and Brazilian investments in the new firm to be provided by means of investment companies established in Tokyo and Brazilia. In addition, Brazilian interests will hold something more than a 50-per-cent equity position in the joint venture.

During the early negotiations it was learned that the Brazilians had wanted the joint venture to develop around a million hectares of farmland. But the Japanese were more cautious, holding out for a test operation of the 50,000 hectares. There also was the question of budgetary considerations resulting from Japan's present struggle with its own economic recession.

PLAN FIRST BROUGHT UP

The plan to develop the region was first brought up on an official basis in 1973 when then Japanese Prime Minister Kakuei Tanaka paid a state call on President Ernest Giesel. At that time—before the oil crisis—

the Japanese economy was expanding at a fast pace and it was considered likely that very much more than just 50,000 hectares woud be put into development.

Japanese now is to invest around $13.2 million in the project, with Brazil putting in the equivalent or perhaps slightly more. Under the program agreement, the Japanese Government will invest $6.6 million and the country's business community will invest the remaining $6.6 million investment.

It is expected that the intial project will grow soybeans and grains and that much of the production will be shipped to the Japanese market. There also have been reports in Tokyo that the program ultimately will call for the growing of citrus fruits of various types.

Mr. Chairman, I will ask unanimous consent when we return to the House to include extraneous matter where I can put in more detail these sources of information to which I am alluding.

Mr. Chairman, another effect of these embargoes and again I quote from the Library of Congress report:

In June 1973, prior to the imposition of the soybean embargo, farmers were receiving $10 per bushel for soybeans. When the embargo and licensing system ended in 1973, farmers were receiving $5.81 per bushel.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

(By unanimous consent, Mr. BURLISON of Missouri was allowed to proceed for an additional 2 minutes.)

Mr. BURLISON of Missouri. Mr. Chairman, I might add that the average price received for soybeans during that production year was $4.75 a bushel, in comparison with the $10 per bushel which existed when the embargo was put in place.

Mr. Chairman, I think the problem as it affects farmers was fairly well put in perspective by some officials of the Iowa Soybean Growers Association in a report or statement which was reported in the Des Moines Register of February 5, 1976, where it is stated that during the 5-month restriction on soybean exports, beginning in October, 1974—this is the embargo that was put in place 1 year later.

The statement follows:

IOWA SOYBEAN GROWERS JOIN D.C. PROTEST

(By James Risser)

WASHINGTON, D.C.—A delegation of 40 soybean producers, including seven from Iowa, came to Washington Wednesday to demand that control of agricultural policy be returned to the U.S. Department of Agriculture (USDA).

The farmers angered by grain export embargoes and falling soybean prices, asserted government "interference" had cost each of 600,000 U.S. soybean producers an average of $11,178 in the past 2 years.

"We in agriculture have no desire to become the American peasantry dictated to by unions, consumer groups and departments of government which have no understanding of our problems," William Prichard, a vice-president of the American Soybean Association, told a news conference.

Prichard of Louisville, Ga., said, "The government asked farmers to plant from fencerow to fencerow last spring and the year before" but then "stepped in to limit or actually prohibit sales of the commodities produced."

He said a five-month restriction on soybean exports beginning in October, 1974, caused the domestic price to fall from $8.50 a bushel to $4.72.

The subsequent three-month moratorium on shipments of soybeans and grains to Russia and Poland, starting in late July, 1975, resulted in prices dropping from $5.73 a bushel to $4.91, he said.

The producers presented petitions signed by 40,000 growers in 14 states, to Senator Herman Talmadge (Dem., Ga.), chairman of the Senate Agriculture Committee.

Talmadge told the delegation he agreed with their position, and said part of the blame rests with members of Congress who have "a lack of informed interest in agriculture" and believe farmers should "produce products for free and give them away."

Iowans who attended the news conference and who met later with members of Congress were Morris Greenley of Independence, Merlyn Groot of Manson, Garland Hanson of Callender, Ed Schettler of Emmetsburg, Herb Turin of Odebolt, Harold Fick of Callender and Eugene Lang of Grinnel.

Now, Mr. Chairman, I have also had considerable colloquy and discussion with the Secretary of Agriculture and his staff on their appearances before the Agricultural Appropriations Subcommittee for the fiscal years 1975, 1976, and 1977. Again, I will place some of that material in the RECORD upon receiving unanimous consent to do so when we are in the full House.

The material is as follows:

Mr. BURLISON. For about 5 or 6 years we have done that. I want to remind any of those that might be reading the record that our discussion last year was on pages 90 to 92, inclusive, of part I of the hearings.*

Now, I want to update that discussion with something that has happened since our little colloquy at that time.

FULL PRODUCTION VERSUS TRADE EMBARGOES

The Department put out a news release in 1975 at planting time. I brought your attention to this news release in a prior hearing.

The Department put out this release encouraging our farmers to go to full production, fence row to fence row, to get in every available acre, because they are going to have a free market to market their product. Then, as we approached harvest season, some time in late summer, our wheat embargo with Russia goes on that you have taken credit for.

Now, what is your response to that?

Secretary BUTZ. My response is that earlier in that season we had already sold the Russians substantially more than their normal purchases from this country.

Sales to every other part of the world continued unabated, with the exception of Poland. We sold some of the Socialist countries of Eastern Europe, including East Germany, substantially increased quantities.

My response is that we had already sold the Russians enough, that they had enough to go 7 months at full capacity with unloading. I don't think we skipped a beat.

Mr. BURLISON. I would say this, Mr. Secretary: I am afraid if you do put out a news release again this year urging our farmers to put forth full production, to take advantage of an open and free market, they are not going to put much substance in that news release.

Grain embargo

Mr. BURLISON. Mr. Manager, can we expect a grain embargo in 1976?

Mr. HUTCHINSON. I would say absolutely not, in 1976.

Mr. BURLISON. Why do you say that?

Mr. HUTCHINSON. If our supplies are adequate, and it appears that we can see we are going to have some increases, a slight increase, in our carryover, we do not see problems of supply in relation to demand as we see it, both worldwide at the present time, and domestically here at home. And I would like to mention one other thing, that the Soviet agreement has taken the huge impact of the uncertainties about Soviet purchases out of the market to a large degree.

Mr. BURLISON. I think to a significant respect that answer is similar to your response last year. I have been asking this question for 4 years now and I get the same answer every year. And we can look forward to the same embargo when the next summer comes, notwithstanding the Department testimony.

On this question, Mr. Secretary, I just noticed some recent speeches that you have made with respect to free trade.

On December 1st of last year you said:

"Grain farmers now have the incentive to respond fully to market growth. With the 1970 and 1973 Agriculture Acts we have moved forward toward a market oriented farm policy."

You went on to say:

"It is the free market system which depends on the marketplace to signal the producer the needs of the customers, both at home and abroad."

In a speech on February 21, 1976, you stated.

"American farmers now have the freedom and incentive to produce to meet effective world demand."

In a speech on February 3rd of this year, before the Illinois Corn Growers, you said:

"Expanded corn and other grain exports have enabled American agriculture to pursue a full production and market orientation foreign policy. Policy of prior years were costly and pressured American farmers from using fully their resources and managerial capacity. The full production and market-orientation policy permitted farmers to use their resources more effectively. Consequently, farm productivity is on the rise.

"It is a policy that has put decisionmaking in American agriculture back in the hands of American farmers. That is where decisionmaking in agriculture belongs. The production and export records speak for themselves."

I never cease to be amazed how you folks go on the stump, as soon as the annual embargo has been lifted, advertising to the American farmer this great free market system that we have and how they can rely on it.

Are you ever going to quit running across the country making those promises, only to violate them——

Mr. BELL. Mr. Burlison——

Mr. BURLISON [continuing]. The next summer, when it is harvest season?

Mr. BELL. Before 1972 the American farmer did not have access to the grain markets in the U.S.S.R. He didn't have access to the grain markets in Eastern Europe. He had at least 60 million acres of land he was not producing on. He was being paid $4 billion in subsidy not to use his full managerial capacity.

In the past year, or rather, the last 3 to 4 years, we have more than tripled our agricultural exports. We have put most of that land of 60 million acres back into production. We have gotten rid of the $4 billion subsidy payment.

Frankly, I don't know how many farmers you talked to in Missouri. Ones I have talked to kind of like our policy. I think we will be out there continuing to say it despite what you say.

Mr. BURLISON. If you can find a farmer in my State that is in favor of your annual export embargo policy, I will tip my hat to you.

Mr. BELL. I don't think that we have an annual export embargo policy that you seem to say we do.

Mr. BURLISON. You have had it since 1973, haven't you? Haven't we had at least one embargo or moratorium or restriction, whatever you want to call it? You come up with a different title every year. It is the same thing. It affects the grain market in the same fashion, drives it down to the same extent.

We have had it in 1973, 1974, and 1975, 1976 is an election year. I am telling my people that I think we can count on not having it this year. But I am worried about 1977 and 1978.

Thank you, Mr. Chairman.

Mr. WHITTEN. Mr. Secretary, I am not running your business, but I wouldn't tell a fellow about his own State. I learned when I first got into politics, don't go to their town telling them how strong you are in that town. They know more about it than you do.

You made a mistake about telling Mr. Burlison about his State. Leave his State alone.

Mr. BELL. I don't intend to be invited to Missouri to find out.

Mr. WHITTEN. I would say, if you don't, it sounds like you know it is not very strong for you.

Mr. Chairman, in conclusion, the effect and the result of this amendment will be to temporize and moderate the inclination of our Government to levy these grain and soybean embargoes, as has been the case in 1973, 1974, and 1975.

The administration has promised the farmers in each of those instances at planting time that we will have the free market system if the farmer will just plant from fence row to fence row. "If you will just utilize all of that acreage, we promise you that it will be a free and open market in which to sell your product." Then as we approach harvest time, that promise has been broken. In all 3 of those years, the promises of this administration, the Nixon administration and the Ford administration, under two Secretaries of Agriculture, have been violated to the detriment of the farm producer; to the detriment of the interests of this country with respect to our balance of payments, with respect to our integrity as an exporting country for farm commodities to Japan and Western Europe and the others of our valued and dependable customers around the world.

Mr. Chairman, if this amendment is defeated, the bill should be defeated.

Mr. MORGAN. Mr. Chairman, I rise in opposition to the amendment.

I am sympathetic with the gentleman's problem about the embargo on soybeans back in 1973, but I do not think the gentleman's amendment is going to correct another embargo on soybeans. I think the gentleman has no idea how far this amendment will go. It would apply controls in respect to fertilizer, tools, tractors, combines, or any other materials used in the production of agricultural commodities; if another soybean embargo were put on we would not be able to ship overseas a truck or a tractor or anything else.

This is a very punitive type of amendment. I say that this is no place for it. If the gentleman is on the Agriculture Committee and has a problem with the Secretary of Agriculture as to the production and shipment of soybeans overseas, I think he should take it up in his own committee. This is a very punitive amendment and puts restrictions on many of the products we export abroad. I think it should be defeated.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I also want to join the chairman in opposition to this amendment. I think the language that has been proposed by the gentleman's amendment would create controls so complex they would be almost impossible to administer. For that reason, I ask that we vote down this amendment.

Mr. JOHNSON of Colorado. Mr. Chairman, I move to strike the last word, and I rise to speak in favor of the amendment. I will not take the full 5 minutes, because I realize the mood of the House.

I would like to point out that the gentleman from Missouri has used a delightful means of bringing to the attention of this House and perhaps to the Nation—if we can get anybody to listen—the inconsistency that is involved when people that are in the production of manufacturing farm machinery and other things that go to produce farm equipment, which is subsequently used by farmers, then demand that there be a curtailment of export of farm commodities because the price is becoming too high to them, for their groceries. So, the punitive aspects of farm export embargoes always fall back on the farmer and never reflect finally on the rest of our society.

The gentleman is simply trying to make a point. He has made the point that the Secretary of Agriculture is to blame, but I would also point out that the last embargo, which was not with respect to soybeans but was related to wheat, was instigated by members of a union. The gentleman is obviously of a party that cannot stand any criticism of unions, but the members of the union did not realize that they are also affected by the fact that farmers pay high prices for machinery—pay, in effect, union wages for the machinery—and the consumers who keep insisting that the farmer pay the bill for lower farm commodities rather than the rest of society.

So, the gentleman is simply trying to make a point that if we, as a society, decide that all of our farm prices are too high, we do not concentrate that punitive aspect on the farm alone, but it should be spread throughout all of our economy.

People who manufacture farm equipment should also participate in this farm commodity embargo. It makes a great deal of sense. I know that nobody from a manufacturing district will vote for this, but anybody from a manufacturing district who does not vote for this and then endorses the commodity embargo is exposed for the political chameleon he really is.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. I thank the gentleman for yielding. He knows of my respect for his extraordinary expertise as a leader on the Committee on Agriculture.

Mr. Chairman, I would like to say that I have been extremely critical of organized labor for the part they played in the grain embargo of 1975, the refusal to load that grain. I have been just as critical of Mr. Meany and the longshoremen as I have been of two Presidents and two Secretaries of Agriculture. I appreciate the point the gentleman from Colorado is making, which is that if the consumers are going to get the "benefit" of an embargo on farm commodities, then it just seems eminently fair that the farmers get the benefit of an embargo on the products that they must use to produce their commodities.

My colleagues may find of interest the contents of my letter of September 9, 1975, addressed to Mr. Meany. It reads as follows:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., September 9, 1975.

Mr. GEORGE MEANY,
President,
AFL–CIO,
Washington, D.C.

DEAR MR. MEANY: This letter is to voice my opposition and disappointment with the disruption of farm commodities trade which your action has precipitated by refusal to load grain bound for Russia. In my view you have taken advantage of, and punished, the sector of our economy which the maritime industry, as well as the maritime and longshoremen's unions, are most indebted. I refer to the $22 billion per year in farm exports. Where would the maritime industry and its unions be without this staggering volume of trade? You are biting the hand that feeds your industry and its workers.

Your ostensible reason for this interference is inflated food costs. You seem not to understand that increased grain prices play a very small role in such inflation. There is only about four cents of wheat in a thirty-five cent loaf of bread. It is well documented that transportation, packaging, promotion and labor costs are far larger factors, e.g., the $2 an hour wage increase which the maritime unions won in their last contract. The farmer's fertilizer costs quadrupled in a year, but we placed no embargo on fertilizer. The cost of the farmer's machinery and equipment increases 25 percent in a year, but no thought is given to placing an embargo on American manufactured farming equipment. There appears to be no alarm at a tripling of the farmer's energy related production costs in a highly energy dependent farm industry. Farm commodity prices go up but they always come back down, (as they have this time in response to the labor imposed export embargo). Nothing the farmer buys to produce his crop ever comes down once it goes up, just as your union worker's wages never come down but always move forward. The farmer must buy his production inputs at the world price but you expect him to sell his product at a domestically controlled price.

It also seems to me that you are attempting to execute the foreign policy of the country. This would be better left to the President and the Congress where the broad national interests can be better balanced. The issues are farm issues and trade issues, not labor issues.

Probably the primary purpose of your action is to obtain a larger share of shipping for American bottoms. This would seem a legitimate concern of you and the maritime unions and industry. In the past I have supported these efforts in spite of the fact that in comparison with many other nations, high U.S. labor costs and low U.S. productivity highly inflates the shipping costs.

Your actions are made more astonishing by the fact that the maritime industry is

probably the highest subsidized industry in our economy. For example, last year alone the federal government subsidized maritime industry operations to the tune of $220 million and ship construction $281 million, with the deferral tax loophole adding another $40 million. I have also in the past supported these subsidies, but I can now be counted out on that.

As you know, I have rather consistently been on the side of labor on important labor oriented issues. The most recent example is situs picketing, a bill close to your heart as an old craft tradesman. I have great respect for your union leadership contributions. It is sincerely hoped that our disagreement on this important issue does not permanently fracture our working relationship.

Hopefully, you may reconsider your position which over the long term will be detrimental to your workers as well as a disservice to agriculture producers, consumers, and the national interest at large.

Respectfully yours,

BILL D. BURLISON,
Member of Congress.

P.S. I recognize you have just today agreed to load grain for a month. Apparently, the quid pro quo for this concession was a Presidential promise to retain the present embargo for another month. Therefore, the above points would remain relevant.

Mr. JOHNSON of Colorado. Mr. Chairman, I thank the gentleman for his remarks.

I realize this amendment is not going to pass, but in the interest of fairness I think the Members should recognize that the gentleman is making a very familiar point, and I congratulate the gentleman.

Mr. SEBELIUS. Mr. Chairman, I appreciate this opportunity to rise in support of the Burleson amendment and I am sorry that Mr. Findley withdrew his amendment to provide a Congressional veto over grain export controls.

At no time in our Nation's history has the farmer been more important to the economic and social well-being of our Nation and the world. The farmer must have a free market and fair price for farm products if we plan to continue making progress toward peace and prosperity both at home and abroad.

The farmer has been eager to make the transition from a Government-subsidized agriculture to the promise of a free market. He has made massive investments in land, machinery, and technology. As a result of this new thrust in U.S. farm policy, farmers increased total acreage for major crops from 291 million acres in 1969 to 355 million acres in 1976. Federal payments to farmers have fallen from an average of $3.4 billion per year in 1966–69 to only $768 million in calendar year 1975 and over half of the 1975 payments were for farmers' losses sustained in natural disasters.

Mr. Chairman, in a day and age of increased Government spending and controls and falling productivity in the private sector throughout the American economy, this is an incredible success story.

In return, the farmer simply asks for fair treatment and unrestricted access to markets both at home and abroad. This amendment would help guarantee the promise of a free market for farm products.

Working men and women have a direct interest in this proposal. One out of every four jobs in private employment in the United States is related to agriculture. Each billion dollars of farm exports represents about 53,000 additional nonfarm jobs in the United States. Jobs depend on a free market for farm products.

Consumers also have a direct stake in this proposal. Production on 1 out of every 3 acres of U.S. cropland is surplus to our Nation's requirement for food and fiber, thanks to the productive genius of the U.S. farmer. If we don't export this surplus, stockpiles are created and the taxpayer then is forced to pay for storage which amounted to $1 million a day in 1971 and price support payments that averaged $3.4 billion annually in the late 1960's. The consumer also benefits from the foreign exchange which is received when farm products are exported. This foreign exchange increases the value of the dollar and decreases the consumer cost of oil and other imports; oil that is vital to our economy and whose price is steadily increasing.

Last year farm exports were valued at a record $22.15 billion. The U.S. agricultural trade balance totaled $12 billion in 1976, more than offsetting the $8 billion deficit in nonagricultural trade. The farmer exported an all-time record 84.2 million metric tons of grain in 1975–76. But, Mr. Chairman, we still face a build up in carryover grain stocks.

For the first time in decades, the farm and rural population has started to grow as a result of farm prosperity resulting from free markets. This has started to ease some of the pressures on our cities which have been strained to handle the massive migration of rural residents to our nation's major metropolitan areas. As you can see, the benefits of a free market agriculture and access to foreign markets are tremendous in scope and importance.

It was a mistake to embargo grain exports in the past. It would be a mistake to embargo grain exports in the future. This amendment will assure fair treatment for farmers.

I urge your support for the amendment. We must get the attention of the other interests. We must "be fair to the farmer—he is the backbone of our Nation."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. BURLISON).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BURLISON of Missouri. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Seventy-eight Members are present, not a quorum.

The Chair announces that he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from Missouri (Mr. BURLISON) for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA

Mr. HECHLER of West Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HECHLER of West Virginia: On page 23, after line 9, insert the following new section:

"SUNSHINE IN GOVERNMENT

"SEC. 20. (a) Each officer or employee of the Secretary of Commerce who—

"(1) performs any function or duty under this Act or the Export Administration Act of 1969 which is amended by this Act; and

"(2) has any known financial interest in any person subject to such Acts, or in any person who obtains any license, enters into any agreement, or otherwise receives any benefit under such Acts;

shall, beginning on February 1, 1977, annually file with the Secretary a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Such statement shall be available to the public.

"(b) The Secretary shall—

"(1) act within ninety days after the date of enactment of this Act—

"(A) to define the term 'known financial interest' for purposes of subsection (a) of this section; and

"(B) to establish the methods by which the requirement to file written statements specified in subsection (a) of this section will be monitored and enforced, including appropriate provisions for the filing by such officers and employees of such statements and the review by the Secretary of such statements; and

"(2) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

"(c) In the rules prescribed in subsection (b) of this section, the Secretary may identify specific positions within such agency which are of a nonregulatory or nonpolicy-making nature and provide that officers or employees occupying such positions shall be exempt from the requirements of this section.

"(d) Any officer or employee who is subject to, and knowingly violates, this section or any regulation issued thereunder, shall be fined not more than $2,500 or imprisoned not more than one year, or both."

Mr. HECHLER of West Virginia (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

request of the gentleman from West 'nia?

There was no objection.

Mr. HECHLER of West Virginia. Mr. Chairman, I have a "sunshine in Government" amendment to H.R. 15377, as reported, at the desk which is printed in the September 21, 1976, RECORD at page 31714. The amendment adds a new section 18 to the bill.

Mr. Chairman, the purpose of this amendment is to bring more sunshine into Government. It is cosponsored by my colleague, Representative GARY A. MYERS.

It is the same provision which the Congress adopted last December for the Federal Energy Administration and some of the employees of the Interior Department administering Public Law 94–163—the Energy Policy and Conservation Act. On May 20, 1976, the House adopted this provision for ERDA employees in H.R. 13350, which authorized appropriations for fiscal year 1977 for ERDA. On June 11, 1976, the House added it to H.R. 6218 for employees of Interior administering the Outer Continental Shelf leasing program. Earlier this week the conferees reported that bill with this provision. On June 3, 1976, it was added to H.R. 9560 for EPA employees administering the water pollution program. On July 22, 1976, the House also added it to H.R. 13777, the public lands bill, for employees of Interior and on July 28, to H.R. 13555, the mine health and safety bill, for Interior, HEW, and Labor employees.

On August 4, it was added to H.R. 8401, the nuclear assurance bill, for ERDA employees. On August 23, it was added to H.R. 14032, the toxic substances bill, and on September 8, to H.R. 10498, the Clean Air Act, for EPA employees, and on September 2, to H.R. 13636, the LEAA bill. On September 14, 1976, it was added to S. 2371, the national parks mining bill, for National Park Service employees. The Senate accepted the provision last Friday and sent the bill to the President.

In addition, it is included in H.R. 12112, as reported by three committees, for ERDA employees, and in H.R. 14496 for EPA employees.

The amendment requires officers and employees of the Commerce Department who perform any function under the bill to file annual statements of any known financial interest in the persons subject to this bill or who receive financial assistance under the bill. Such statements would be available to the public and would have to be reviewed by Commerce. Positions within the agency that are of a nonregulatory or nonpolicymaking nature could be exempted from this requirement by the Secretary.

The amendment does not prevent any employee from having such interests. It merely requires that they disclose such interests. It does not apply to consultants.

Currently, Commerce and other Federal agencies require their employees who are at the GS–13 level or above and in a decisionmaking position to file financial interest statements which are not available to the public. This requirement is not based on any statutory provision but on a 1965 Executive Order No. 11222 and Civil Service Commission regulations. But the Executive order and regulations do not have any teeth. Our amendment does.

The use of the GS–13 level as a classification for determining who must file is an "administrative practice" convenient to the Federal agencies, but is not relevant to the degree of responsibility of the position as the GAO has noted. This amendment, like the one in the above bills, seeks to abandon the practice and force a position-by-position review by the agency.

Moreover, in a series of reports on the effectiveness of the financial disclosure system for agency employees, the GAO has found "deficiencies" in the system at Interior and several agencies, including in the collection and timely review of such statements, and the resolution of problems associated with the statements. In a March 3, 1975, report, the GAO said:

Many USGS employees have financial interests which appear to conflict with their Government duties. Many of these holdings violate the Organic Act of 1879. We believe that the ownership of these conflicting interests is due to deficiencies in the Department's financial disclosure system and that they will have to be corrected to prevent the situation that now exists from continuing.

To improve the effectiveness of the USGS financial disclosure system, we recommend that the Secretary of the Interior:

Review, and take remedial action on, the financial interests of USGS officials which raise conflict of interest possibilities or violate the Organic Act.

Prepare, keep current, and issue to USGS personnel specific guidelines, including a list of prohibited securities, concerning financial interests which may violate the Organic Act.

Require the Bureau Counselor to strictly adhere to the restrictions imposed on USGS employees by the Organic Act.

Insure that adequately trained and experienced personnel, who are knowledgeable of employees' duties and potential conflicts of interest, are appointed to counsel employees and review financial disclosure statements.

Insure that officials responsible for reviewing financial disclosure statements are given specific guidelines and reference manuals to enable them to adequately evaluate the statements.

Require reviewing officers to sign and date the financial disclosure statements to indicate they have reviewed them and determined that the financial interests do not violate the Organic Act or raise conflict of interest possibilities.

Require the USGS Counselor to report the results of the annual financial disclosure review to the Department and to note any financial interests questioned and any remedial action taken.

Establish procedures for periodically reviewing financial disclosure statements to insure that Bureau Counselors adequately enforce conflict of interest regulations.

In a later report of December 1975, the GAO said that Interior was taking steps to improve the situation but the GAO said there were 1,435 additional employees who should file statements, of which 1,000 were below the GS–13 level.

The GAO made similar findings in eight other studies since late 1974.

Our amendment makes it clear that the Secretary of Commerce must periodically look at the positions to determine who should file and not base his decision on the grade level of the employee. It also mandates annual filing by the affected employee and review by the agency and provides criminal penalties for knowing violation. Adequate provision is made for the Secretary to define what a "known financial interest" is. Indeed, as an example of such a definition, the Interior Department published proposed regulations defining this term on March 22, 1976, for the purposes of Public Law 94–163. That definition, which is not yet finalized, of course, is as follows:

Any pecuniary interest of which an officer or employee is cognizant or of which he can reasonably be expected to have knowledge. This includes pecuniary interest in any person engaged in the business of exploring, developing, producing, refining, transporting by pipeline or distributing (other than at the retail level) coal, natural gas, or petroleum products, or in property from which coal, natural gas, or crude oil is commercially produced. This further includes the right to occupy or use the aforesaid business or property, or to take any benefits therefrom based upon a lease or rental agreement, or upon any formal or informal contract with a person who has such an interest where the business arrangement from which the benefit is derived or expected to be derived has been entered into between the parties or their agents. With respect to officers or employees who are beneficiaries of "blind trusts," the disclosure is required only of interests that are initially committed to the blind trust, not of interests thereafter acquired of which the employee or officer has no actual knowledge.

Finally, the regulations would be expected to make it clear that public disclosure of financial statements shall be only for lawful purposes. A violation of this requirement is subject to criminal prosecution.

I urge adoption of the amendment.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. Mr. Chairman, the majority and the minority side have seen this amendment.

I know it has been attached to five or six other bills in the House. It is a so-called sunshine amendment, and we are glad to accept the gentleman's amendment.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I want to compliment the gentleman from West Virginia (Mr. HECHLER) for his sunshine amendment. I think it makes a very important improvement to the bill, and we accept it on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. HECHLER).

The amendment was agreed to.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. EVANS of Colorado, 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. 15377) to amend the Export Administration Act of 1969, pursuant to House Resolution 1549, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The question is on the amendments.

The amendments were agreed to.

The SPEAKER. 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.

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MICHEL. I am, Mr. Speaker, very much so.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MICHEL moves to recommit the bill, H.R. 15377 to the Committee on International Relations with instructions to report the bill to the House forthwith with the following amendment: Page 1, strike out line 8 and all that follows thereafter through the end of the bill.

The SPEAKER. Does the gentleman from Illinois desire to be heard briefly on his motion to recommit?

Mr. MICHEL. Mr. Speaker, I take the admonitions of the Speaker to heart that the House would like to move on to other business. Very briefly, what I propose to do in my motion to recommit is simply to have a 1-year extension of what we have now, with no amendments.

The answers to the questions I asked of the authors, particularly the gentleman from New York (Mr. BINGHAM) on his amendment, did not get very specific responses. We need those answers, because there are ramifications to this bill which go far beyond the emotional issue around which all of us would probably agree with respect to the morality of the boycott and what is involved therein.

Mr. Speaker, I have labeled this bill an unemployment bill. I did that during consideration of the rule. I pointed out that there has been $5 billion worth of exports going to the Arab countries from U.S. firms in the last year, 1975. Also U.S. News & World Report points out in an article in the current issue that the prospects in 1976 are for $7.1 billion worth of exports. The testimony of the Department of Commerce was that there are 400,000 American jobs at stake. And yet all the time we are talking about putting people to work and getting them off the unemployment rolls we act to implement this kind of a mechanism that puts people out of work. We cannot have it both ways.

I submit that it is a good economic issue. Support my motion to recommit and we can have a simple extension.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Speaker, I want to express my concurrence in the statement that the gentleman from Illinois (Mr. MICHEL) has just made. This country will be better off with a simple extension of the existing legislation. If a motion to recommit is the only way for us to achieve that, then I do believe that we ought to support it. I am going to support that motion on this legislation.

Mr. MICHEL. I thank the gentleman from Louisiana for his very significant measure of support.

Mr. MORGAN. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, the Committee on International Relations has worked long and hard, it has worked 15 months on this bill. This is not an unemployment bill. It is a bill that has a lot of good in it.

There are certain big corporations like the Mobile Oil Corp. that are running full page ads in every newspaper in the country in opposition to this bill, but we do not see such ads from the many companies that oppose boycotts and whose people are also out of work.

I know the gentleman from Illinois has a special interest that he spoke of during consideration of the rule when he spoke about the Caterpillar tractor factory. I am sympathetic with the gentleman's problem. But, on the other hand, Mr. Speaker, we cannot let these people in the Middle East discriminate against American citizens and that is exactly what they are doing and they have been doing it for a long, long time.

If this motion to recommit carries today, then we will be going to a conference with a Senate bill containing almost 40 points and a House bill with a single provision. We will still have to come back with some sort of a boycott provision, anyway, because it is in the Senate bill.

So, Mr. Speaker, I can see no use in wasting the time of the Members of the House with a rollcall vote on the motion to recommit tonight, because we are going to have the boycott legislation back here as soon as the conferees meet, anyway, because a boycott provision is in the Senate bill. There are some four States, including the State of Illinois, which have passed boycott legislation; Maryland and New York have also. What about those States? What has happened to the ports in those States? They are losing thousands and thousands of jobs, because we have no uniform boycott law in this country.

Speaking about unemployment, how about those stevedores? Let us make these laws national, and we will find that Arab countries will come back into the community of nations and stop this silly boycotting of American citizens.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Illinois.

Mr. MICHEL. I appreciate the gentleman's yielding.

The gentleman makes mention of the Stevenson amendment in the Senate bill. I would say that I think we are in a much more flexible position by enacting a bill here in the House which calls for a simple extension. This would permit the most advantageous position for the House to obtain some kind of movement in the conference that resolves this difficult employment matter.

Mr. MORGAN. This is only a 1-year bill. If it does not work, the gentleman knows we will be back in here next year with another extension. Let us try that so we do not discriminate against Americans for this coming year.

Mr. Speaker, I ask that the motion to recommit be voted down.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. KOCH. 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. 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 91, nays 287, not voting 52, as follows:

[Roll No. 798]

YEAS—91

Abdnor	Hall, Tex.	Poage
Anderson, Ill.	Hansen	Quillen
Archer	Hutchinson	Randall
Armstrong	Hyde	Rhodes
Ashley	Ichord	Robinson
Beard, Tenn.	Jenrette	Runnels
Bowen	Johnson, Colo.	Satterfield
Breaux	Johnson, Pa.	Schneebeli
Brinkley	Karth	Sebelius
Brown, Mich.	Kazen	Shriver
Brown, Ohio	Kelly	Sikes
Burleson, Tex.	Ketchum	Skubitz
Butler	Kindness	Snyder
Cederberg	Latta	Spence
Clawson, Del	Lloyd, Tenn.	Stanton, J. William
Cochran	Lott	Steiger, Wis.
Collins, Tex.	Lujan	Symms
Conable	McClory	Taylor, Mo.
Daniel, Dan	McCormack	Thornton
Daniel, R. W.	McDonald	Treen
Dent	McEwen	Ullman
Dickinson	Mahon	Vander Jagt
Downing, Va.	Michel	Waggonner
Duncan, Oreg.	Milford	Wampler
Edwards, Ala.	Miller, Ohio	White
Erlenborn	Montgomery	Whitten
Eshleman	Moore	Wilson, Bob
Fountain	Myers, Ind.	Young, Alaska
Gaydos	Nichols	Young, Fla.
Goodling	Paul	
Hagedorn	Pettis	

NAYS—287

Abzug	Bedell	Broyhill
Adams	Bell	Buchanan
Addabbo	Bennett	Burgener
Alexander	Bergland	Burke, Calif.
Ambro	Bevill	Burke, Fla.
Anderson, Calif.	Biaggi	Burke, Mass.
Andrews, N.C.	Biester	Burlison, Mo.
Andrews, N. Dak.	Bingham	Burton, John
Annunzio	Blanchard	Burton, Phillip
Ashbrook	Blouin	Byron
Aspin	Boland	Carney
AuCoin	Bolling	Carr
Badillo	Bonker	Carter
Bafalis	Brademas	Chappell
Baldus	Breckinridge	Chisholm
Baucus	Brodhead	Clausen, Don H.
Bauman	Brooks	Clay
	Broomfield	Cleveland
	Brown, Calif.	

Cohen
Collins, Ill.
Conte
Corman
Cornell
Cotter
Coughlin
Crane
D'Amours
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dellums
Derrick
Derwinski
Devine
Dingell
Dodd
Downey, N.Y.
Drinan
Duncan, Tenn.
du Pont
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Emery
English
Evans, Colo.
Evans, Ind.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Florio
Flowers
Flynt
Foley
Ford, Tenn.
Fraser
Frenzel
Frey
Fuqua
Gilman
Ginn
Goldwater
Gonzalez
Grassley
Gude
Guyer
Hall, Ill.
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Harsha
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Hefner
Hicks
Hightower
Hillis
Holland
Holt
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Jacobs
Jeffords
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Kasten
Kemp
Keys
Koch
Krebs
Lagomarsino
Landrum
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Long, La.
Long, Md.
Lundine
McCloskey
McDade
McFall
McHugh
McKay
McKinney
Madden
Madigan
Maguire
Mahon
Mann
Martin
Mathis
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mills
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murtha
Myers, Pa.
Natcher
Nedzi
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Neill
Ottinger
Passman
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Perkins
Pickle
Pike
Pressler
Preyer
Price
Pritchard
Quie
Railsback
Rangel
Regula
Richmond
Rinaldo
Risenhoover
Roberts
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Scheuer
Schroeder
Seiberling
Sharp
Shipley
Simon
Sisk
Slack
Smith, Iowa
Solarz
Spellman
Staggers
Stanton, James V.
Stark
Steed
Stokes
Stratton
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Thompson
Thone
Traxler
Tsongas
Van Deerlin
Vander Veen
Vanik
Vigorito
Walsh
Waxman
Weaver
Whalen
White
Whitehurst
Wiggins
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Ga.
Zablocki
Zeferetti

NOT VOTING—52

Allen
Beard, R.I.
Boggs
Clancy
Conlan
Conyers
Diggs
Esch
Evins, Tenn.
Ford, Mich.
Forsythe
Giaimo
Gibbons
Gradison
Green
Haley
Hammer-schmidt
Hawkins
Hébert
Heinz
Helstoski
Henderson
Hinshaw
Jarman
Jones, Tenn.
Krueger
LaFalce
McCollister
Matsunaga
Mink
Murphy, N.Y.
Neal
Nix
O'Hara
Pepper
Peyser
Rees
Reuss
Riegle
Ruppe
Schulze
Shuster
Smith, Nebr.
Steelman
Steiger, Ariz.
Stephens
Stuckey
Teague
Udall
Wilson, C. H.
Wilson, Tex.
Young, Tex.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Murphy of New York against.

Mr. Teague for, with Mr. Hawkins against.

Until further notice:

Mrs. Boggs with Mr. Clancy.

Mr. Charles H. Wilson of California with Mr. Heinz.

Mr. Pepper with Mr. Beard of Rhode Island.

Mr. Giaimo with Mr. Ruppe.

Mr. Helstoski with Mr. Steelman.

Mr. Reuss with Mr. Esch.

Mr. Matsunaga with Mr. Forsythe.

Mr. Neal with Mr. Hammerschmidt.

Mr. Nix with Mr. McCollister.

Mr. Stuckey with Mr. Conlan.

Mr. Green with Mrs. Mink.

Mr. Haley with Mr. Jarman.

Mr. Gibbons with Mr. O'Hara.

Mr. Evins of Tennessee with Mr. Henderson.

Mr. Jones of Tennessee with Mr. Udall.

Mr. Conyers with Mr. Shuster.

Mr. Allen with Mr. Rees.

Mr. Ford of Michigan with Mr. Peyser.

Mr. Diggs with Mr. Riegle.

Mr. Krueger with Mr. Stephens.

Mr. LaFalce with Mr. Steiger of Arizona.

Mr. Gradison with Mr. Schulze.

Messrs. DEVINE and VIGORITO changed their vote from "yea" to "nay."

Messrs. DENT, HAGEDORN, JENRETTE, and WHITE changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BROOMFIELD. 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 318, nays 63, not voting 49, as follows:

[Roll No. 799]

YEAS—318

Abzug
Adams
Addabbo
Allen
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashbrook
Ashley
Aspin
AuCoin
Badillo
Bafalis
Baldus
Baucus
Bauman
Beard, R.I.
Bedell
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boland
Bolling
Bonker
Brademas
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burton, John
Burton, Phillip
Butler
Byron
Carney
Carr
Carter
Cederberg
Chappell
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Conable
Conte
Corman
Cornell
Cotter
Coughlin
Crane
D'Amours
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dellums
Dent
Derrick
Derwinski
Devine
Dickinson
Dingell
Dodd
Downey, N.Y.
Downing, Va.
Drinan
Duncan, Tenn.
du Pont
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
Erlenborn
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Florio
Flowers
Flynt
Foley
Ford, Tenn.
Fountain
Fraser
Frenzel
Fuqua
Gaydos
Gilman
Ginn
Goldwater
Gonzalez
Grassley
Gude
Guyer
Hagedorn
Hall, Ill.
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Harsha
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Hefner
Hightower
Hillis
Holland
Holt
Holtzman
Horton
Howard
Howe
Hubbard
Hyde
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jordan
Kasten
Kastenmeier
Kemp
Ketchum
Keys
Kindness
Koch
Krebs
Lagomarsino
Landrum
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Long, La.
Long, Md.
Lott
Lundine
McClory
McCloskey
McDade
McFall
McHugh
McKay
McKinney
Madden
Madigan
Maguire
Mahon
Mann
Martin
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mills
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murtha
Myers, Pa.
Natcher
Nedzi
Nichols
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Neill
Ottinger
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Perkins
Pettis
Pickle
Pike
Pressler
Preyer
Price
Pritchard
Quie
Railsback
Rangel
Regula
Rhodes
Richmond
Rinaldo
Risenhoover
Roberts
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Scheuer
Schneebeli
Schroeder
Seiberling
Sharp
Shipley
Shriver
Simon
Sisk
Slack
Snyder
Solarz
Spellman
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steiger, Wis.
Stokes
Stratton
Studds
Symington
Talcott
Taylor, N.C.
Thompson
Thone
Traxler
Tsongas
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Walsh
Wampler
Waxman
Weaver
Whalen
White
Whitehurst
Wiggins
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Ga.
Zablocki
Zeferetti

NAYS—63

Abdnor
Alexander
Archer
Armstrong
Beard, Tenn.
Bowen
Breaux
Brown, Ohio
Burleson, Tex.
Burlison, Mo.
Collins, Tex.
Duncan, Oreg.
English
Frey
Goodling
Hall, Tex.
Hansen
Hicks
Hungate
Hutchinson
Ichord
Johnson, Colo.
Jones, Ala.
Jones, Tenn.
Karth
Kazen
Kelly
Latta
Lloyd, Tenn.
Lujan
McCormack
McDonald
McEwen
Mathis
Michel
Milford
Miller, Ohio
Montgomery
Moore
Myers, Ind.
Passman
Paul
Poage
Quillen
Randall
Robinson
Runnels
Satterfield
Sebelius
Sikes
Skubitz
Smith, Iowa
Steed
Sullivan
Symms
Taylor, Mo.
Thornton
Treen
Ullman
Waggonner
Whitten
Wilson, Bob
Young, Fla.

NOT VOTING—49

Boggs
Clancy
Conlan
Conyers
Diggs
Esch
Ford, Mich.
Forsythe
Giaimo
Gibbons
Gradison
Green
Haley
Hammer-schmidt
Hawkins
Hébert
Heinz
Helstoski
Henderson
Hinshaw
Hughes
Jarman
Krueger
LaFalce
McCollister
Matsunaga
Mink
Murphy, N.Y.
Neal
Nix
O'Hara
Pepper
Peyser
Rees
Reuss
Riegle
Ruppe
Schulze

Shuster	Stephens	Wilson, C. H.
Smith, Nebr.	Stuckey	Wilson, Tex.
Steelman	Teague	Young, Tex.
Steiger, Ariz.	Udall	

The Clerk announced the following pairs:

On this vote:

Mr. Murphy of New York for, with Mr. Hébert against.

Mr. Hawkins for, with Mr. Teague against.

Until further notice:

Mrs. Boggs with Mr. Clancy.
Mr. Matsunaga with Mr. McCollister.
Mr. LaFalce with Mr. Jarman.
Mr. Pepper with Mr. Steelman.
Mr. Charles H. Wilson of California with Mr. Esch.
Mr. Hughes with Mr. Forsythe.
Mr. Conyers with Mr. Gradison.
Mr. Ford of Michigan with Mr. Conlan.
Mr. Giaimo with Mr. Hammerschmidt.
Mr. Diggs with Mr. Stuckey.
Mr. Green with Mr. Steiger of Arizona.
Mr. Haley with Mr. Henderson.
Mrs. Mink with Mr. Reuss.
Mr. Krueger with Mr. Schulze.
Mr. Nix with Mr. Stephens.
Mr. Neal with Mrs. Smith of Nebraska.
Mr. O'Hara with Mr. Riegle.
Mr. Udall with Mr. Ruppe.
Mr. Helstoski with Mr. Shuster.
Mr. Gibbons with Mr. Heinz.
Mr. Rees with Mr. Charles Wilson of Texas.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. MORGAN. Mr. Speaker, pursuant to House Resolution 1549, I call up from the Speaker's table, for immediate consideration, the Senate bill S. 3084 to amend and extend the Export Administration Act of 1969 to improve the administration of export controls pursuant to such act, to strengthen the antiboycott provision of such act, to amend the Securities Exchange Act of 1934 to enhance the investor disclosure provisions of that act, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. MORGAN

Mr. MORGAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MORGAN moves to strike out all after the enacting clause of the bill S. 3084 and to insert in lieu thereof the text of the bill H.R. 15377, as passed by the House, as follows:

EXTENSION OF EXPORT ADMINISTRATION ACT

SECTION 1. The Export Administration Act of 1969 (50 U.S.C. App. 2401 et seq.) is amended in section 14 by striking out "September 30, 1976" and inserting in lieu thereof "September 30, 1977".

PENALTIES FOR VIOLATIONS

SEC. 2. (a) Section 6(a) of the Export Administration Act of 1969 is amended—

(1) in the first sentence, by striking out "$10,000" and inserting in lieu thereof "$25,000"; and

(2) in the second sentence, by striking out "$20,000" and inserting in lieu thereof "$50,000".

(b) Section 6(b) of such Act is amended by striking out "$20,000" and inserting in lieu thereof "50,000".

(c) Section 6(c) of such Act is amended by striking out "$1,000" and inserting in lieu thereof "10,000".

(d) Section 6(d) of such Act is amended by adding at the end thereof the following new sentences: "Further, the payment of any penalty imposed pursuant to subsection (c) may be deferred or suspended in whole or in part for a time equal to or less than any probation period (which may exceed one year) that may be imposed upon such person. Such deferral or suspension shall not operate as a bar to the collection of the penalty in the event that the conditions of the suspension, deferral, or probation are not fulfilled.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. The Export Administration Act of 1969 is amended by inserting after section 12 the following new section 13 and redesignating existing sections 13 and 14 as sections 14 and 15, respectively:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 13. Notwithstanding any other provision of law, no appropriation shall be made under any law to the Department of Commerce for expenses to carry out the purposes of this Act for any fiscal year commencing on or after October 1, 1977, unless previously and specifically authorized by legislation enacted after the enactment of this section.".

FOREIGN AVAILABILITY

SEC. 4. Section 4(b) of the Export Administration Act of 1969 is amended—

(1) by striking out paragraphs (2) through (4) and redesignating section 4(b)(1) as section 4(b); and

(2) by striking out ", regardless" and all that follows thereafter in the third sentence of such section 4(b) and inserting in lieu thereof a period and the following: "The President shall not impose export controls for national security purposes on the export from the United States of articles, materials, or supplies, including technical data or other information, which he determines are available without restriction from sources outside the United States in significant quantities and comparable in quality to those produced in the United States, unless the President determines that adequate evidence has been presented to him demonstrating that the absence of such a control would prove detrimental to the national security of the United States. The nature of such evidence shall be included in the semiannual report required by section 10 of this Act. Where in accordance with this subsection, export controls are imposed for national security purposes notwithstanding foreign availability, the President shall take steps to initiate negotiations with the governments of the appropriate foreign countries for the purpose of eliminating such availability.".

PERIOD FOR ACTION ON EXPORT LICENSE APPLICATIONS

SEC. 5. Section 4(g) of the Export Administration Act of 1969 is amended to read as follows:

"(g)(1) It is the intent of Congress that any export license application required under this Act shall be approved or disapproved within 90 days of its receipt. Upon the expiration of the 90-day period beginning on the date of its receipt, any export license application required under this Act which has not been approved or disapproved shall be deemed to be approved and the license shall be issued unless the Secretary of Commerce or other official exercising authority under this Act finds that additional time is required and notifies the applicant in writing of the specific circumstances requiring such additional time and the estimated date when the decision will be made.

"(2) With respect to any export license application not finally approved or disapproved within 90 days of its receipt as provided in paragraph (1) of this subsection, the applicant shall, to the maximum extent consistent with the national security of the United States, be specifically informed in writing of questions raised and negative considerations or recommendations made by any agency or department of the Government with respect to such license application, and shall be accorded an opportunity to respond to such questions, considerations, or recommendations in writing prior to final approval or disapproval by the Secretary of Commerce or other official exercising authority under this Act. In making such final approval or disapproval, the Secretary of Commerce or other official exercising authority under this Act shall take fully into account the applicant's response.".

AVAILABILITY OF INFORMATION TO CONGRESS

SEC. 6. (a) Section 7(c) of the Export Administration Act of 1969 is amended by adding at the end thereof the following new sentences: "Nothing in this Act shall be construed as authorizing the withholding of information from Congress, and any information obtained under this Act, including any report or license application required under section 4(b) and any information required under section 4(j)(1), shall be made available upon request to any committee of Congress or any subcommittee thereof. No such committee or subcommittee shall disclose any information obtained under this Act which is submitted on a confidential basis unless such committee or subcommittee determines that the withholding thereof is contrary to the national interest.".

(b) Section 4(c)(1) of such Act is amended by inserting immediately before the period at the end of the last sentence thereof "and in the last two sentences of section 7(c) of this Act".

TECHNICAL ADVISORY COMMITTEES

SEC. 7. Section 5(c)(2) of the Export Administration Act of 1969 is amended by striking out the third sentence and inserting in lieu thereof the following: "The Secretary shall include in each semiannual report required by section 10 of this Act an accounting of the consultations undertaken pursuant to this paragraph, the use made of the advice rendered by the technical advisory committees pursuant to this paragraph, and the contributions of the technical advisory committees to carrying out the policies of this Act.".

SIMPLIFICATION OF EXPORT REGULATIONS

SEC. 8. Section 7 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new subsection (e):

"(e) The Secretary of Commerce, in consultation with appropriate United States Government departments and agencies and with appropriate technical advisory committees established under section 5(c), shall review the rules and regulations issued under this Act in order to determine how compliance with the provisions of this Act can be facilitated by simplifying such rules and regulations or by any other means. Not later than six months after the enactment of this subsection, the Secretary of Commerce shall report to Congress on the actions taken on the basis of such review to simplify such rules and regulations. Such report may be included in the semiannual report required by section 10 of this Act.".

CONTROL OF EXPORTS FOR NATIONAL SECURITY PURPOSES

SEC. 9. (a) Section 4(h)(1) of the Export Administration Act of 1969 is amended—

(1) by striking out "to a controlled country" in the first sentence;

(2) by striking out "significantly increase the military capability of such country" in the first sentence and inserting in lieu thereof "make a significant contribution to the military potential of any other nation or nations which would prove detrimental to the national security of the United States";

(3) by striking out "such country" in the second sentence and inserting in lieu there-

of "nation to which exports are restricted for national security purposes"; and

(4) by striking out "significantly increase the military capability of such country" in the second sentence and inserting in lieu thereof "makes a significant contribution to the military potential of any other nation or nations which would prove detrimental to the national security of the United States".

(b) The second sentence of section 4(h)(2) of such Act is amended to read as follows: "The appropriate export control office or agency to whom a request which falls within such types and categories is made shall notify the Secretary of Defense of such request, and such office may not issue any license or other authority pursuant to such request prior to the expiration of the period within which the President may disapprove such export.".

(c) Section 4(h)(2)(A) of such Act is amended to read as follows:

"(A) recommend to the President that he disapprove a request for the export of any goods or technology which he determines will make a significant contribution to the military potential of any nation or nations which would prove detrimental to the national security of the United States;".

(d) Section 4(h)(2)(C) of such Act is amended by striking out "export of such goods or technology" and inserting in lieu thereof "request".

(e) Section 4(h)(2) of such Act is amended by striking out "the export of such goods or technology to such country" in the last sentence and inserting in lieu thereof "such export".

(f) Section 4(h)(4) of such Act is amended—

(1) by inserting "and" at the end of subparagraph (A); and

(2) by striking out the semicolon at the end of subparagraph (B) and all that follows thereafter through "1961" at the end of subparagraph (C).

(g) Section (b) of such Act is amended by striking out "Communist-dominated nation" and inserting in lieu thereof "country to which exports are restricted for national security or foreign policy purposes".

REPEAL OF TITLE II OF THE MUTUAL DEFENSE ASSISTANCE CONTROL ACT

SEC. 10. (a) Title II of the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1612–1612b) is repealed.

(b) Section 301 of such Act (22 U.S.C. 1613) is amended by striking out "and title II".

EXPORTS OF TECHNICAL INFORMATION

SEC. 11. Section 4 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new subsection (j):

"(j)(1) Any person (including any college, university, or other educational institution) who enters into any agreement for, or which may result in, the transfer from the United States of technical data or other information to any nation to which exports are restricted for national security or foreign policy purposes shall furnish to the Secretary of Commerce such information with respect to such agreement as the Secretary shall by regulation require in order to enable him to monitor the effects of such transfers on the national security and foreign policy of the United States.

"(2) The Secretary of Commerce shall conduct a study of the problem of the export, by publications or any other means of public dissemination, of technical data or other information from the United States, the export of which might prove detrimental to the national security or foreign policy of the United States. Not later than 6 months after the enactment of this subsection, the Secretary shall report to the Congress his assessment of the impact of the export of such technical data or other information by such means on the national security and foreign policy of the United States and his recommendations for monitoring such exports without impairing freedom of speech, freedom of press, or the freedom of scientific exchange. Such report may be included in the semiannual report required by section 10 of this Act.".

SEMIANNUAL REPORTS

SEC. 12. (a) Section 10 of the Export Administration Act of 1969 is amended by adding at the end the following new subsection (c):

"(c) Each semiannual report shall include an accounting of—

"(1) any organizational and procedural changes instituted, any reviews undertaken, and any means used to keep the business sector of the Nation informed, pursuant to section 4(a) of this Act;

"(2) any changes in the exercise of the authorities of section 4(b) of this Act;

"(3) any delegations of authority under section 4(e) of this Act;

"(4) the disposition of export license applications pursuant to sections 4(g) and 4(h) of this Act;

"(5) the effects on the national security and foreign policy of the United States of transfers from the United States of technical data or other information which are reported to the Secretary of Commerce pursuant to section 4(j) of this Act;

"(6) consultations undertaken with technical advisory committees pursuant to section 5(c) of this Act; and

"(7) violations of the provisions of this Act and penalties imposed pursuant to section 6 of this Act.".

(b)(1) The section heading of such section 10 is amended by striking out "QUARTERLY".

(2) Subsection (b) of such section is amended—

(A) by striking out "quarterly" each time it appears; and

(B) by striking out "second" in the first sentence of paragraph (1).

SPECIAL REPORT

SEC. 13. The Export Administration Act of 1969, as amended by section 3 of this Act, is further amended by inserting after section 10 the following new section 11 and redesignating existing sections 11 through 15 as sections 12 through 16, respectively:

"SPECIAL REPORT

"SEC. 11. Not later than 12 months after the enactment of this section, the President shall submit to the Congress a special report on multilateral export controls in which the United States participates pursuant to this Act and pursuant to the Mutual Defense Assistance Control Act of 1951. The purpose of such special report shall be to assess the effectiveness of such multilateral export controls and to formulate specific proposals for increasing the effectiveness of such controls. That special report shall include—

"(1) the current list of commodities controlled for export by agreement of the group known as the Coordinating Committee of the Consultative Group (hereafter in this section referred to as the 'Committee') and an analysis of the process of reviewing such list and of the changes which result from such review;

"(2) data on and analysis of requests for exceptions to such list;

"(3) a description and an analysis of the process by which decisions are made by the Committee on whether or not to grant such requests;

"(4) an analysis of the uniformity of interpretation and enforcement by the participating countries of the export controls agreed to by the Committee (including controls over the re-export of such commodities from countries not participating in the Committee), and information on each case where such participating countries have acted contrary to the United States interpretation of the policy of the Committee, including United States representations to such countries and the response of such countries;

"(5) an analysis of the problem of exports of advanced technology by countries not participating in the Committee, including such exports by subsidiaries or affiliates of United States businesses in such countries;

"(6) an analysis of the effectiveness of any procedures employed, in cases in which an exception for a listed commodity is granted by the Committee, to determine whether there has been compliance with any conditions on the use of the excepted commodity which were a basis for the exception; and

"(7) detailed recommendations for improving through formalization or other means, the effectiveness of multilateral export controls, including specific recommendations for the development of more precise criteria and procedures for collective export decisions and for the development of more detailed and formal enforcement mechanisms to assure more uniform interpretation of and compliance with such criteria, procedures, and decisions by all countries participating in such multilateral export controls.".

FOREIGN BOYCOTTS

SEC. 14. (a) Section 3(5) of the Export Administration Act of 1969 is amended in subparagraph (B)—

(1) by striking out "encourage and request" and inserting in lieu thereof "require"; and

(2) by striking out "the furnishing of information or the signing of agreements" and inserting in lieu thereof "furnishing information or entering into or implementing agreements".

(b) Section 4 of such Act is amended—

(1) by striking out the next to the last sentence of subsection (b), as so redesignated by section 4 of this Act; and

(2) by adding the following new subsection (k) immediately after subsection (j), as added by section 11 of this Act:

"(k)(1)(A) Rules and regulations prescribed under subsection (b) shall implement the provisions of section 3(5) of this Act and shall require that any United States person receiving a request for furnishing information or entering into agreement as specified in that section must report this fact to the Secretary of Commerce for such action as the Secretary may deem appropriate to carry out the policy of that section.

"(B) Any report filed under subparagraph (A) after the enactment of this subsection shall be made available promptly for public inspection and copying. The Secretary of Commerce shall transmit copies of such reports to the Secretary of State for such action as the Secretary of State, in consultation with the Secretary of Commerce, may deem appropriate for carrying out the policy set forth in section 3(5). The provisions of section 7(c) shall not apply to reports filed under subparagraph (A) of this paragraph.

"(2)(A) In furtherance of the policy set forth in sections 3(5) (A) and (B), no United States person shall take any action with intent to comply with or to further or support any trade boycott fostered or imposed by any foreign country against a country which is friendly to the United States and which is not itself the object of any form of embargo by the United States. The mere absence of a business relationship with a boycotted country does not indicate the existence of the intent required by the preceding sentence.

"(B) For the purpose of enforcing the prohibition contained in subparagraph (A) of this paragraph, the Secretary of Commerce shall issue rules and regulations prohibiting any United States person from taking any action with the required intent, including the following actions:

"(i) Discriminating against any United States person, including any officer, employee,

agent, director, or stockholder or other owner of any United States person, on the basis of race, color, religion, sex, nationality, or national origin.

"(ii) Boycotting or refraining from doing business with any United States person, with the boycotted country, with any business concern in or of the boycotted country with any national or resident of the boycotted country, or with any business concern or other person which has done, does, or proposes to do business with the boycotted country, with any business concern in or of the boycotted country, or any national or resident of the boycotted country.

"(iii) Furnishing information with respect to the race, color, religion, sex, nationality, or national origin of any past, present, or proposed officer, employee, agent, director, or stockholder or other owner of any United States person.

"(iv) Furnishing information about any past, present, or proposed business relationship, including a relationship by way of sale, purchase, legal or commercial representation, shipping or other transport, insurance, investment, or supply, with any United States person, with the boycotted country, with any business concern in or of the boycotted country, with any national or resident of the boycotted country, or with any business concern or other person which has done, does, or proposes to do business with the boycotted country, with any business concern in or of the boycotted country, or any national or resident of the boycotted country.".

(c)(1) Section 6 of such Act is amended by redesignating subsection (g) as subsection (h) and by inserting immediately after subsection (f) the following new subsection (g):

"(g) Any United States person aggrieved by action taken as a result of a violation of section 4(k)(2) of this Act may institute a civil action in an appropriate United States district court, without regard to the amount in controversy, and may recover threefold actual damages, reasonable attorney's fees, and other litigation costs reasonably incurred, and obtain other appropriate relief.".

(2) Section 6(h) of such Act, as so redesignated by paragraph (1) of this subsection, is amended by striking out "or (f)" and inserting in lieu thereof "(f), or (g)".

(d) Section 12 of such Act, as so redesignated by section 13 of this Act, is amended by adding at the end thereof the following: "The term 'United States person' includes any United States resident or national, any domestic business concern (including any domestic subsidiary or affiliate of any foreign business concern), and any foreign subsidiary or affiliate of any domestic business concern.".

CERTAIN PETROLEUM EXPORTS

SEC. 15. Section 4 of the Export Administration Act of 1969, as amended by sections 11 and 14 of this Act, is further amended by adding at the end thereof the following new subsection (l):

"(1) Petroleum products refined in United States Foreign-Trade Zones, or in the United States Territory of Guam, from foreign crude oil shall be excluded from any quantitative restrictions imposed pursuant to section 3(2)(A) of this Act, except that, if the Secretary of Commerce finds that a product is in short supply, the Secretary of Commerce is authorized to issue such rules and regulations as may be necessary to limit exports.".

EXEMPTIONS FOR CERTAIN AGRICULTURE COMMODITIES FROM CERTAIN EXPORT LIMITATIONS

SEC. 16. Section 4(f) of the Export Administration Act of 1969 is amended—

(1) by redesignating such section as section 4(f)(1); and

(2) by adding at the end thereof the following new paragraph:

"(2) Upon approval of the Secretary of Commerce, in consultation with the Secretary of Agriculture, agricultural commodities purchased by or for use in a foreign country may remain in the United States for export at a later date free from any quantitative limitations on export which may be imposed pursuant to section 3(2)(A) of this Act subsequent to such approval. The Secretary of Commerce may not grant approval hereunder unless he receives adequate assurance and, in conjunction with the Secretary of Agriculture, so finds that such commodities will eventually be exported, that neither the sale nor export thereof will result in an excessive drain of scarce materials and have a serious domestic inflationary impact, that storage of such commodities in the United States will unduly limit the space available for storage of domestically owned commodities, and that the purpose of such storage is to establish a reserve of such commodities for later use, not including resale to or use by another country. The Secretary of Commerce is authorized to issue such rules and regulations as may be necessary to implement this paragraph.".

NUCLEAR POWERPLANTS

SEC. 17. None of the funds authorized by the Foreign Assistance Act of 1961 may be used to finance the construction of, the operation or maintenance of, or the supply of fuel for, any nuclear powerplant under an agreement for cooperation between the United States and any other country.

NUCLEAR EXPORTS

SEC. 18. The Export Administration Act of 1969 is amended by adding at the end thereof the following new section:

"NUCLEAR EXPORTS

"SEC. 17. (a)(1) The Congress finds that the export by the United States of nuclear material, equipment, and devices, if not properly regulated, could allow countries to come unacceptably close to a nuclear weapon capability, thereby adversely affecting international stability, the foreign policy objectives of the United States, and undermining the principle of nuclear nonproliferation agreed to by the United States as a signatory to the Treaty on the Non-Proliferation of Nuclear Weapons.

"(2) The Congress finds that nuclear export activities which enable countries to possess strategically significant quantities of unirradiated, readily fissionable material are inherently unsafe.

"(3) It is, therefore, the purpose of this section to implement the policies stated in paragraphs (1) and (2) of section 3 of this Act by regulating the export of nuclear material, equipment, and devices which could prove detrimental to United States national security and foreign policy objectives.

"(b)(1) No agreement for cooperation providing for the export of any nuclear material, equipment, or devices for civil uses may be entered into with any foreign country, group of countries, or international organization, and no amendment to or renewal of any such agreement may be agreed to, unless—

"(A) the provisions of the agreement concerning the reprocessing of special nuclear material supplied by the United States will apply equally to all special nuclear material produced through the use of any nuclear reactor transferred under such agreement; and

"(B) the recipient country, group of countries, or international organization, has agreed to permit the International Atomic Energy Agency to report to the United States, upon a request by the United States, on the status of all inventories of plutonium, uranium 233, and highly enriched uranium possessed by that country, group of countries, or international organization and subject to International Atomic Energy Agency safeguards.

"(2) The Secretary of State shall undertake consultations with all parties to agreements for cooperation existing on the date of enactment of this section in order to seek inclusion in such agreements of the provisions described in paragraphs (1)(A) and (1)(B) of this subsection.

"(3)(A) No license may be issued for the export of any nuclear material, equipment, or devices pursuant to an agreement for cooperation unless the recipient country, group of countries, or international organization, has agreed that the material, equipment, and devices subject to that agreement will not be used for any nuclear explosive device, regardless of how the device itself is intended to be used.

"(B) Subparagraph (A) of this paragraph shall take effect at the end of the one-year period beginning on the date of enactment of this section.

"(4) In any case in which a party to any agreement for cooperation seeks to reprocess special nuclear material produced through the use of any nuclear material, equipment, or devices supplied by the United States, the Secretary of State may only determine that safeguards can be applied effectively to such reprocessing if he finds that the reliable detection of any diversion and the timely warning to the United States of such diversion will occur well in advance of the time at which that party could transform strategic quantities of diverted nuclear material into explosive nuclear devices.".

EXPORTS OF NUCLEAR TECHNOLOGY

SEC. 19. Section 4(j) of the Export Administration Act of 1969, as added by section 11 of this Act, is amended by adding at the end thereof the following new paragraph:

"(3) In furtherance of the purposes of this subsection (relating to exports of technical information), of subsection (h) of this section (relating to exports of technology which may contribute to the military potential of other nations), and of section 17 of this Act (relating to nuclear exports), the President shall conduct an in-depth study of whether, or the extent to which, the education and training of foreign nationals within the United States in nuclear engineering and related fields contributes to the proliferation of explosive nuclear devices or the development of a capability of producing explosive nuclear devices. Not later than the end of the six-month period beginning on the date of enactment of this paragraph, the President shall submit to the Congress a detailed report containing the findings and conclusions of such study. Such report shall analyze the direct and indirect contribution of such education and training to nuclear proliferation.".

SUNSHINE IN GOVERNMENT

SEC. 20. (a) Each officer or employee of the Secretary of Commerce who—

(1) performs any function or duty under this Act or the Export Administration Act of 1969 which is amended by this Act; and

(2) has any known financial interest in any person subject to such Acts, or in any person who obtains any license, enters into any agreement, or otherwise receives any benefit under such Acts;

shall, beginning on February 1, 1977, annually file with the Secretary a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Such statement shall be available to the public.

(b) The Secretary shall—

(1) act within ninety days after the date of enactment of this Act—

(A) to define the term "known financial interest" for purposes of subsection (a) of this section; and

(B) to establish the methods by which the requirement to file written statements

specified in subsection (a) of this section will be monitored and enforced, including appropriate provisions for the filing by such officers and employees of such statements and the review by the Secretary of such statements; and

(2) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

(c) In the rules prescribed in subsection (b) of this section, the Secretary may identify specific positions within such agency which are of a nonregulatory or nonpolicy-making nature and provide that officers or employees occupying such positions shall be exempt from the requirements of this section.

(d) Any officer or employee who is subject to, and knowingly violates, this section or any regulation issued thereunder, shall be fined not more than $2,500 or imprisoned not more than one year, or both.

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 amend the Export Administration Act of 1969."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 15377) was laid on the table.

GENERAL LEAVE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislatives in which to revise and extend their remarks on the bill H.R. 15377 just passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GENERAL LEAVE

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the passage of H.R. 11722 today.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE CONFERENCE REPORT ON S. 2228

Mr. ROE. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tonight to file a conference rpeort on the Senate bill S. 2228, Public Works and Economic Development Act Amendments of 1976.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, will the gentleman from New Jersey tell us whether the gentleman has been able to secure the agreement of the minority Members on this?

Mr. ROE. Mr. Speaker, if the gentleman will yield, I am pleased to advise the gentleman from California (Mr. ROUSSELOT) that the minority leader has approved the request.

Mr. ROUSSELOT. Mr. Speaker, I thank the gentleman from New Jersey and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

TO PROVIDE FOR ESTABLISHMENT OF A CONSTITUTION FOR THE VIRGIN ISLANDS

Mr. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill H.R. 9460, an act to provide for the establishment of a constitution for the Virgin Islands, with the Senate amendment thereto and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: That the Congress, recognizing the basic democratic principle of government by the consent of the governed, authorizes the people of the Virgin Islands to organize a government pursuant to a constitution of their own adoption as provided in this Act.

SEC. 2. (a) The Legislature of the Virgin Islands is authorized to call a constitutional convention to draft, within the existing territorial-Federal relationship, a constitution for the local self-government of the people of the Virgin Islands.

(b) Such constitution shall—

(1) recognize, and be consistent with, the sovereignty of the United States over the Virgin Islands, and the supremacy of the provisions of the Constitution, treaties, and laws of the United States applicable to the Virgin Islands, including, but not limited to, those provisions of the Organic Act and Revised Organic Act of the Virgin Islands which do not relate to local self-government;

(2) provide for a republican form of government, consisting of three branches: executive, legislative, and judicial;

(3) contain a bill of rights;

(4) deal with the subject matter of those provisions of the Revised Organic Act of the Virgin Islands of 1954, as amended, which relate to local self-government; and

(5) provide for a system of local courts consistent with the provisions of the Revised Organic Act of the Virgin Islands, as amended.

SEC. 3. The members of such constitutional convention shall be chosen as provided by the laws of the Virgin Islands (enacted after the date of enactment of this Act): *Provided, however,* That no person shall be eligible to be a member of the constitutional convention, unless he is a citizen of the United States and qualified to vote in the Virgin Islands.

SEC. 4. The convention shall submit to the Governor of the Virgin Islands a proposed constitution for the Virgin Islands which shall comply with the requirements set forth in section 2(b) above. Such constitution shall be submitted to the President of the United States by the Governor of the Virgin Islands.

SEC. 5. Within sixty calendar days after the date on which he has received the constitution, the President shall transmit such constitution together with his comments to the Congress which may modify or amend the proposed constitution. As approved by the Congress, the construction shall be submitted to the qualified voters of the Virgin Islands for acceptance or rejection through an islandwide referendum to be conducted as provided under the laws of the Virgin Islands (enacted after the date of enactment of this Act). Upon approval by not less than a majority of the voters participating in such referendum (counting only the affirmative or negative votes), the constitution shall become effective in accordance with its terms.

The Clerk read the amendment to the Senate amendment as follows:

In lieu of the matter to be inserted by the Senate to the text of the bill insert the following:

That the Congress, recognizing the basic democratic principle of government by the consent of the governed, authorizes the peoples of the Virgin Islands and of Guam, respectively, to organize governments pursuant to constitutions of their own adoption as provided in this Act.

SEC. 2. (a) The Legislatures of the Virgin Islands and Guam, respectively, are authorized to call constitutional conventions to draft, within the existing territorial-Federal relationship, constitutions for the local self-government of the people of the Virgin Islands and Guam.

(b) Such constitutions shall—

(1) recognize, and be consistent with, the sovereignty of the United States over the Virgin Islands and Guam, respectively, and the supremacy of the provisions of the Constitution, treaties, and laws of the United States applicable to the Virgin Islands and Guam, respectively, including, but not limited to, those provisions of the Organic Act and Revised Organic Act of the Virgin Islands and the Organic Act of Guam which do not relate to local self-government.

Amend the title of the House bill to read "An Act to Provide for the Establishment of Constitutions for the Virgin Islands and Guam."

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. DON H. CLAUSEN. Mr. Speaker, reserving the right to object, and I do so only for the purpose of asking if the gentleman from California (Mr. BURTON) will explain to the Members of the House what the amendment will do.

Mr. PHILLIP BURTON. Mr. Speaker, if the gentleman will yield, as the gentleman from California knows, the House passed, without dissent, about a year ago, legislation authorizing local home rule constitutions for Guam and the Virgin Islands. The Senate has urged upon us, with success, the rearrangement of the time sequence. The bill, as provided for in this amendment, would have the proposed constitutional convention recommendations be first submitted to the House, the Senate and the President of the United States, before being submitted to the people, rather than as in the House bill, following.

Mr. DON H. CLAUSEN. The minority concurs that the compromise worked out by the gentleman with the Senate is acceptable.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

By Mr. KOCH:

H.R. 949. A bill to amend the Museum Services Act to increase the authorization of appropriations for the purpose of making grants under such act; to the Committee on Education and Labor.

H.R. 950. A bill to provide that the place of birth of an individual issued a U.S. passport shall not be disclosed in the passport and to eliminate the requirement that the passport of an individual seeking entry into the United States disclose such individual's place of birth; to the Committee on International Relations.

H.R. 951. A bill to amend the Public Health Service Act to establish a program of Federal financial assistance for research programs and specialized treatment centers for the study and treatment of problems respecting human fertility and sterility and the human reproductive process, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 952. A bill to amend the Social Security Act to replace existing Federal public assistance and welfare programs with a single program under which all residents of the United States are guaranteed an adequate minimum income, with incentives to work for those who are able to do so, and for other purposes; to the Committee on Ways and Means.

H.R. 953. A bill to authorize the Secretary of the Treasury to provide loan guarantees for the debts of municipalities; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

H.R. 954. A bill to amend the Internal Revenue Code of 1954 to increase the excise tax on cigarettes, and to amend the Public Health Service Act to establish a trust fund to be used to fund the research programs of the National Cancer Institute; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. KOCH (for himself and Mr. WIRTH):

H.R. 955. A bill to authorize the Secretary of Transportation to make grants for the construction of bikeways; to the Committee on Public Works and Transportation.

By Mr. LAGOMARSINO:

H.R. 956. A bill to amend the Export Administration Act of 1969; to the Committee on International Relations.

H.R. 957. A bill to provide for the establishment of a National Voluntary Medical and Hospital Services Insurance Act; to the Committee on Interstate and Foreign Commerce.

By Mr. LEHMAN:

H.R. 958. A bill to amend title XVIII of the Social Security Act to eliminate all the deductibles, coinsurance, and time limitations presently applicable to benefits thereunder; to eliminate medicare taxes as the method of financing hospital insurance benefits and premium payments as the method of financing supplementary medical insurance benefits (so that all benefits under such title will be financed from general revenues); to provide payment for eye care, dental care, hearing aids, prescription drugs, prosthetics, one physical checkup a year, preventive care, diagnosis of breast cancer, services of certain psychologists, services of registered nurses, and certain other items not now covered; and to provide for the administrative and judicial review of claims (involving the amount of benefits payable) which arise under the supplementary medical insurance program; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. LEVITAS:

H.R. 959. A bill amending title 5 of the United States Code to improve agency rulemaking by expanding the opportunities for public participation, by creating procedures for congressional review of agency rules, and by expanding judicial review, and for other purposes; jointly, to the Committees on the Judiciary and Rules.

H.R. 960. A bill amending title 5 of the United States Code to improve agency rulemaking by expanding the opportunities for public participation, by creating procedures for congressional review of future agency rules, and by expanding judicial review, and for other purposes; jointly, to the Committees on the Judiciary and Rules.

H.R. 961. A bill amending title 5 of the United States Code to improve agency rulemaking by expanding the opportunities for public participation, by creating procedures for congressional review of agency rules imposing certain sanctions, and by expanding judicial review, and for other purposes; jointly, to the Committees on the Judiciary and Rules.

By Mr. LLOYD of California:

H.R. 962. A bill to provide for the elimination of inactive and overlapping Federal programs, to require authorizations of new budget authority for Government programs and activities at least every 4 years, to establish a procedure for zero-base review and evaluation of Government programs and activities every 4 years, and for other purposes; to the Committee on Rules.

H.R. 963. A bill to abolish certain Federal regulatory agencies and to bring about the abolition of certain Federal regulatory agencies or their successor agencies after a specified period of time, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. MINISH:

H.R. 964. A bill to prohibit the use of dogs by the Department of Defense in connection with the research, testing, development, or evaluation of radioactive, chemical, or biological warfare agents, and to require the Department of Defense to develop and use, where feasible, alternative, nonanimal methods of experimentation; to the Committee on Armed Services.

H.R. 965. A bill to authorize and direct the General Accounting Office to audit the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, and the Federal Reserve banks and their branches; to the Committee on Banking, Finance and Urban Affairs.

H.R. 966. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record, to provide that remarriage shall not affect entitlement to widow's, widower's, or parent's benefits, to liberalize the earnings test, and to extend an individual's benefit entitlement through the month of his or her death, and to amend title XVIII of such act to provide coverage under the supplementary medical insurance program for clinical psychologist's services and for certain tests and examinations given for the detection of breast cancer; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. MOAKLEY:

H.R. 967. A bill to amend title 49, United States Code, relating to the payment of the cost of any inspection or quarantine service required to be performed by the Federal Government or any agency thereof at airports of entry or other places of inspection as a consequence of the operation of aircraft during regularly established hours of service on Sundays or holidays; to the Committee on Public Works and Transportation.

H.R. 968. A bill to amend the Internal Revenue Code of 1954 to remove certain restrictions which prevent recent graduates from educational institutions from using income averaging; to the Committee on Ways and Means.

By Mr. MOORHEAD of California:

H.R. 969. A bill to transfer jurisdiction over the food stamp program to the Secretary of Health, Education, and Welfare; to the Committee on Agriculture.

H.R. 970. A bill to amend the Occupational Safety and Health Act of 1970 to provide that any employer who successfully contests a citation or penalty shall be awarded a reasonable attorney's fee and other reasonable litigation costs; to the Committee on Education and Labor.

H.R. 971. A bill to prohibit travel at Government expense outside the United States by Members of Congress who have been defeated, or who have resigned, or retired; to the Committee on House Administration.

H.R. 972. A bill relating to the settlement of debts owed the United States by foreign countries; to the Committee on International Relations.

H.R. 973. A bill to limit U.S. contributions to the United Nations; to the Committee on International Relations.

H.R. 974. A bill to amend the Uniform Time Act of 1966 to provide that daylight savings time shall begin on the last Sunday in February of each year; to the Committee on Interstate and Foreign Commerce.

H.R. 975. A bill to provide that in civil actions where the United States is a plaintiff, a prevailing defendant may recover a reasonable attorney's fee and other reasonable litigation costs; to the Committee on the Judiciary.

H.R. 976. A bill to amend section 1951, title 18, United States Code, act of July 3, 1946; to the Committee on the Judiciary.

H.R. 977. A bill to amend title 5, United States Code, to exclude individuals who are not citizens of the United States from appointment in the competitive service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 978. A bill to amend the Congressional Budget Act of 1974 to establish in the Congress a zero-base budgeting process, with full congressional review of each Federal program at least once every 6 years; to the Committee on Rules.

H.R. 979. A bill to amend title 38 of the United States Code in order to provide mortgage protection life insurance to certain veterans unable to acquire commercial life insurance because of service-connected disabilities; to the Committee on Veterans' Affairs.

H.R. 980. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

H.R. 981. A bill to amend the Internal Revenue Code of 1954 to increase the excise tax on cigarettes, and to amend the Public Health Service Act to establish a trust fund to be used to fund the research programs of the National Cancer Institute; to the Committee on Ways and Means.

H.R. 982. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in higher education; to the Committee on Ways and Means.

H.R. 983. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

H.R. 984. A bill to repeal the earnings limitation of the Social Security Act; to the Committee on Ways and Means.

H.R. 985. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined

Revenue Code of 1954 to limit the authority for inspection of tax returns, to provide for cost-of-living adjustments for taxpayers, and to eliminate certain tax inequities based upon marital status; to the Committee on Ways and Means.

H.R. 1494. A bill to amend the Internal Revenue Code of 1954 to exempt farmers from the highway use tax on heavy trucks used for farm purposes; to the Committee on Ways and Means.

H.R. 1495. A bill to amend title II of the Social Security Act to increase to a minimum of $3,000 the amount of outside earnings which (subject to future cost-of-living adjustments) is permitted any individual each year without deductions from benefits thereunder, and to increase further the amount of the outside earnings so permitted (while decreasing the rate of the deductions made from earnings above such amount) in the case of individuals receiving less than the maximum provided for benefits of the type involved; to the Committee on Ways and Means.

By Mr. HALL:

H.R. 1496. A bill to amend the Occupational Safety and Health Act of 1970 to provide that any employer who successfully contests a citation or penalty shall be awarded a reasonable attorney's fees and other reasonable litigation costs; to the Committee on Education and Labor.

H.R. 1497. A bill to repeal titles XV and XVI of the Public Health Services Act; to the Committee on Interstate and Foreign Commerce.

H.R. 1498. A bill to authorize construction of the Little Cypress Lake and Reservoir, Texas; to the Committee on Public Works and Transportation.

H.R. 1499. A bill to amend title 38 of the United States Code in order to provide that the fees payable to agents or attorneys who represent veterans in allowed claims under the veterans laws shall be paid by the Administrator rather than deducted from amounts awarded under the claims; to the Committee on Veterans' Affairs.

H.R. 1500. A bill to amend section 2 of the act of August 22, 1964, to prevent circumvention of import restrictions through the production or manufacture of articles from foreign meat in foreign trade zones, territories, and possessions of the United States; to the Committee on Ways and Means.

H.R. 1501. A bill to amend title II of the Social Security Act to provide that attorneys' fees allowed in administrative or judicial proceedings under that title (or under title XVIII of such act), in cases where the claimants are successful, shall be paid by the Secretary of Health, Education, and Welfare rather than deducted from the amounts awarded claimants; to the Committee on Ways and Means.

By Mr. HARRINGTON (for himself, Mr. CARNEY, Ms. CHISHOLM, Mr. CORNELL, Mr. DOWNEY, Mr. DUNCAN of Tennessee, Mr. GIAIMO, Ms. HOLTZMAN, Mr. HOWARD, Ms. KEYS, Mr. MARKEY, Ms. MEYNER, Mr. MOTTL, Mr. MURPHY of Pennsylvania, Mr. MURPHY of New York, Mr. PEPPER, Mr. ROSENTHAL, Mr. WOLFF, and Mr. WON PAT):

H.R. 1502. A bill to establish a Solar Energy Loan Administration to assist homeowners, owners of multifamily housing projects, builders, and small business concerns in purchasing and installing solar heating or combined solar heating and cooling equipment, including solar hot water systems, by providing low-interest, long-term loans; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HORTON (for himself and Mr. STEED):

H.R. 1503. A bill to distinguish Federal grant and cooperative agreement relationships from Federal procurement relationships, and for other purposes; to the Committee on Government Operations.

By Mr. HUGHES:

H.R. 1504. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for certain expenses paid or incurred by a taxpayer in providing an education for himself or his spouse at an institution of higher education; to the Committee on Ways and Means.

By Mr. KOCH (for himself and Mr. SCHEUER):

H.R. 1505. A bill to prohibit U.S. companies from participating in the boycott of another U.S. company or a country friendly to the United States, or providing certain information, in response to a foreign country's request; to the Committee on International Relations.

By Mr. LATTA:

H.R. 1506. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 1507. A bill to amend title XVIII of the Social Security Act to authorize payment under the medicare program for certain services performed by chiropractors; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. LENT:

H.R. 1508. A bill to reaffirm the intent of Congress with respect to the structure of the commmon carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LEVITAS (for himself, Mr. PEPPER, Mr. MAZZOLI, Mr. MOAKLEY, Mr. BLANCHARD, Mr. KETCHUM, Mr. ALEXANDER, Mr. NEDZI, Mr. ROE, Mr. MARTIN, Mr. MATHIS, Mr. BRECKINRIDGE, Mr. HUBBARD, Mr. ZEFERETTI, Mr. DERWINSKI, Mr. WHITEHURST, Mr. BROWN of Ohio, Mr. KINDNESS, Mrs. HOLT, Mr. BURGENER, Mr. HANNAFORD, Mr. WYDLER, Mr. CLEVELAND, Mr. KREBS, and Mrs. LLOYD of Tennessee):

H.R. 1509. A bill amending title 5 of the United States Code to improve agency rulemaking by expanding the opportunities for public participation, by creating procedures for congressional review of agency rules, and by expanding judicial review, and for other purposes; jointly, to the Committees on the Judiciary and Rules.

By Mr. LEVITAS (for himself, Mr. PEPPER, Mr. MAZZOLI, Mr. BLANCHARD, Mr. KETCHUM, Mr. ALEXANDER, Mr. NEDZI, Mr. ROE, Mr. MARTIN, Mr. MATHIS, Mr. BRECKINRIDGE, Mr. HUBBARD, Mr. ZEFERETTI, Mr. DERWINSKI, Mr. WHITEHURST, Mr. BROWN of Ohio, Mr. KINDNESS, Mrs. HOLT, Mr. BURGENER, Mr. HANNAFORD, Mr. WYDLER, Mr. CLEVELAND, Mr. SANTINI, Mrs. LLOYD of Tennessee, and Mr. WIRTH):

H.R. 1510. A bill amending title 5 of the United States Code to improve agency rulemaking by expanding the opportunities for public participation, by creating procedures for congressional review of future agency rules, and by expanding judicial review, and for other purposes; jointly, to the Committees on the Judiciary and Rules.

By Mr. LEVITAS (for himself, Mr. PEPPER, Mr. MAZZOLI, Mr. BLANCHARD, Mr. KETCHUM, Mr. ALEXANDER, Mr. NEDZI, Mr. ROE, Mr. MARTIN, Mr. MATHIS, Mr. BRECKINRIDGE, Mr. HUBBARD, Mr. ZEFERETTI, Mr. DERWINSKI, Mr. WHITEHURST, Mr. BROWN of Ohio, Mr. KINDNESS, Mrs. HOLT, Mr. BURGENER, Mr. HANNAFORD, Mr. WYDLER, Mr. CLEVELAND, Mr. KREBS, Mr. STUDDS, and Mrs. MEYNER):

H.R. 1511. A bill amending title 5 of the United States Code to improve agency rulemaking by expanding the opportunities for public participation, by creating procedures for congressional review of agency rules imposing certain sanctions, and by expanding judicial review, and for other purposes; jointly, to the Committees on the Judiciary and Rules.

By Mr. LOTT:

H.R. 1512. A bill to amend the Communications Act of 1934 to provide that licenses for the operation of broadcasting stations may be issued and renewed for terms of 5 years, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1513. A bill to incorporate the U.S. Submarine Veterans of World War II; to the Committee on the Judiciary.

H.R. 1514. A bill to authorize a project for channel deepening for navigation at Gulfport Harbor, Harrison County, Miss.; to the Committee on Public Works and Transportation.

H.R. 1515. A bill to amend the Internal Revenue Code of 1954 to increase from $1 million to $10 million the exemption from industrial development bond treatment for certain small issues; to the Committee on Ways and Means.

H.R. 1516. A bill to amend the Internal Revenue Code of 1954 to avoid duplication of tax imposed under the Federal Insurance Contributions Act and the Federal Unemployment Tax Act in the case of employers of the same employee; to the Committee on Ways and Means.

H.R. 1517. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Commttee on Ways and Means.

H.R. 1518. A bill to amend title II of the Social Security Act to eliminate the 5-month waiting period for disability benefits, to liberalize the earnings test, to permit adopted children to qualify for benefits without regard to time of adoption, to eliminate the reconsideration stage in benefit determinations, to provide for the issuance of duplicate benefit checks where the initial checks are lost or delayed, and to provide for expedited benefit payments to disability beneficaries; to the Committee on Ways and Means.

H.R. 1519. A bill to amend the Public Health Services Act to provide special allowances to certain physicians employed by the United States in order to enhance the recruitment and retention of such physicians; jointly, to the Committees on Interstate and Foreign Commerce, and Post Office and Civil Service.

By Mr. McFALL:

H.R. 1520. A bill to amend the Small Business Act to extend the disaster loans provision of the act to allow the Small Business Administration to provide disaster loans to small businesses in areas which its Administrator declares to be impacted disasters; to the Committee on Small Business.

By Mr. McKAY:

H.R. 1521. A bill to increase the amount which is authorized by Public Law 92-287 to be appropriated for the establishment of a metallurgy research center on the Fort Douglas Military Reservation, Utah, in replacement of the facility now located on the

campus of the University of Utah; to the Committee on Interior and Insular Affairs.

By Mr. REUSS:

H.R. 1522. A bill to amend title I of the Housing and Community Development Act of 1974 for the purpose of providing that units of general local government receiving grants under the hold-harmless provisions of such title shall be entitled, after fiscal year 1977, to continue to receive at least the amount to which they are presently entitled under such provisions; to the Committee on Banking, Finance, and Urban Affairs.

H.R. 1523. A bill to extend title II of the Public Works Employment Act of 1976 for five additional quarters; to the Committee on Public Works and Transportation.

H.R. 1524. A bill to amend the Internal Revenue Code of 1954 to provide that the tax-exempt treatment allowed to certain industrial development bonds be restricted to bonds the proceeds of which are to be used within economic development areas, and to allow national banks to underwrite these bonds; to the Committee on Ways and Means.

H.R. 1525. A bill to amend title II of the Social Security Act to provide special cost-of-living increases in benefits thereunder based on local differentials in the cost of food and other necessities (over and above the regular annual cost-of-living increases in such benefits which are provided under present law on a national basis) for individuals residing in high cost cities and other high cost areas; to the Committee on Ways and Means.

By Mr. REUSS (for himself, Mr. SEIBERLING, Mr. MOTTL, and Mr. NEAL):

H.R. 1526. A bill to authorize the Secretary of the Treasury to invest public moneys and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. RUPPE:

H.R. 1527. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for investments in certain economically lagging regions; to the Committee on Ways and Means.

By Mr. ST GERMAIN (for himself, and Mr. REUSS):

H.R. 1528. A bill to amend the Federal Credit Union Act in order to improve the efficiency and flexibility of the financial system of the United States by permitting Federal credit unions to operate more efficiently and to better serve the family financial needs of their members; by reorganizing the National Credit Union Administration; by establishing a central liquidity fund for Federal and State credit unions; and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SEBELIUS:

H.R. 1529. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Glen Elder unit of the Pick-Sloan Missouri Basin program, Kansas, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1530. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time shall begin on Memorial Day and end on Labor Day of each year; to the Committee on Interstate and Foreign Commerce.

H.R. 1531. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions; to the committee on the Judiciary.

By Mr. SIMON (for himself and Mr. PERKINS):

H.R. 1532. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 to revise the black lung benefits program established under such act in order to transfer the residual liability for the payment of benefits under such program from the Federal Government to the coal industry, and for other purposes; jointly to the Committees on Education and Labor and Ways and Means.

By Mr. SOLARZ:

H.R. 1533. A bill to amend the Arms Export Control Act to require the President to provide certain information to the Congress with respect to any proposed major arms sales to a country which is not a member of the North Atlantic Treaty Organization and to provide the Congress with 30 days of continuous session in which to disapprove proposed arms sales; to the Committee on International Relations.

H.R. 1534. A bill to amend the Arms Export Control Act to provide the Congress with an opportunity to disapprove proposed transfers from the recipient country to another country of defense articles or related training or other defense services supplied by the United States; to the Committee on International Relations.

By Mr. SOLARZ (for himself, Mr. FISHER, and Mr. KOCH):

H.R. 1535. A bill providing that the United States shall be deemed liable in the case of any judgment levied by any court against any diplomat against whom a recovery of damages is statutorily not allowed; to the Committee on the Judiciary.

H.R. 1536. A bill to establish within the Department of State an Assistant Secretary for Claims Against Foreign Ministers and Diplomats; to award just compensation for such claims; and for other purposes; to the Committee on International Relations.

By Mr. TRAXLER:

H.R. 1537. A bill to amend the National Housing Act to authorize expenditures by the Secretary of Housing and Urban Development for repairs of certain dwellings; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1538. A bill to amend the Regional Rail Reorganization Act of 1973 to provide for the equitable distribution of rail service continuation assistance in the region; to the Committee on Interstate and Foreign Commerce.

H.R. 1539. A bill to provide for the monthly publication of a Consumer Price Index for the Aged and Other Social Security Beneficiaries, which shall be used in the provision of the cost-of-living benefit increases authorized by title II of the Social Security Act; to the Committee on Ways and Means.

H.R. 1540. A bill to amend title II of the Social Security Act to increase to $3,600 the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted an individual each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

H.R. 1541. A bill to amend title II of the Social Security Act to provide that the automatic cost-of-living increases in benefits which are authorized thereunder may be made on a semiannual basis (rather than only on an annual basis as at present); to the Committee on Ways and Means.

H.R. 1542. A bill to amend title II of the Social Security Act to provide that an individual otherwise eligible may be paid full widow's or widower's insurance benefits at age 55, or reduced widow's or widower's insurance benefits at age 50 (age 45 in case of disability); to the Committee on Ways and Means.

H.R. 1543. A bill to amend title II of the Social Security Act to provide that the remarriage of a widow, widower, or parent shall not terminate his or her entitlement to widow's, widower's, or parent's insurance benefits or reduce the amount thereof; to the Committee on Ways and Means.

H.R. 1544. A bill to amend the Internal Revenue Code of 1954 to exempt farmers from the highway use tax on heavy trucks used for farm purposes; to the Committee on Ways and Means.

H.R. 1545. A bill to amend the Internal Revenue Code of 1954 to increase the amount of the credit for the elderly, and for other purposes; to the Committee on Ways and Means.

H.R. 1546. A bill to establish a program for repairing and replacing unsafe highway bridges; jointly, to the Committees on Public Works and Transportation and Ways and Means.

H.R. 1547. A bill to amend title XVIII of the Social Security Act to include drugs requiring a doctor's prescription among the medical expenses with respect to which payment may be made under the voluntary program of supplementary medical insurance benefits for the aged; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. WHALEN (for himself, Mr. BLOUIN, Mr. BROWN of Ohio, Mr. COHEN, Mr. CONABLE, Mr. EDGAR, Mr. FRENZEL, Mr. GRADISON, Mr. GUYER, Mrs. HOLT, Mr. HUGHES, Mr. JEFFORDS, Mr. KASTENMEIER, Mr. KINDNESS, Mr. LEVITAS, Mrs. MEYNER, Mr. MILLER of Ohio, Mr. MONTGOMERY, Mr. MOTTL, Mr. REGULA, Mr. STANTON, and Mr. STEIGER):

H.R. 1548. A bill to provide that any increase in the rate of pay for Members of Congress proposed during any Congress shall not take effect earlier than the beginning of the next Congress; to the Committee on Post Office and Civil Service.

By Mr. CHARLES WILSON of Texas:

H.R. 1549. A bill to provide for the induction of individuals, during the period beginning July 1, 1977, and ending June 30, 1979, for training and service in the Armed Forces; to the Committee on Armed Services.

H.R. 1550. A bill to reduce the rate of duty on ceramic insulators used in spark plugs; to the Committee on Ways and Means.

By Mr. CHARLES WILSON of Texas (for himself and Mr. WAGGONNER):

H.R. 1551. A bill granting the consent of Congress to an amendment to the Sabine River compact entered into by the States of Texas and Louisiana; to the Committee on the Judiciary.

[Introduced January 10, 1977]

By Mr. ANDERSON of California:

H.R. 1558. A bill to amend the Older Americans Act of 1965 to provide relief for older Americans who own or rent their homes; to the Committee on Education and Labor.

By Mr. ANDERSON of California (for himself, Mr. KRUEGER, Mr. MINETA, Mr. DUNCAN of Tennessee, Mr. MCHUGH, Mr. PATTERSON of California, Mr. ANDREWS of North Carolina, Mr. KREBS, Mr. LENT, Mr. HAWKINS, Mr. NEAL, Mr. CHARLES H. WILSON of California, Mrs. MEYNER, Mr. MITCHELL of New York, Mr. MATHIS, Mr. LEHMAN, Mr. COUGHLIN, Mr. WON PAT, Mr. EDGAR, Mr. SIMON, Mr. ROBINSON, Mr. JACOBS, Mr. ZEFERETTI and Mr. BREAUX):

H.R. 1559. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain relating existing provision; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 1560. A bill to repeal section 5(b) of the Trading With the Enemy Act of 1917; to the Committee on International Relations.

By Mr. BINGHAM (for himself, Mr. ROSENTHAL, Mr. ZABLOCKI, Mr. FINDLEY, Mr. FASCELL, Mr. NIX, Mr. FRASER, Mr. WOLFF, Mr. SOLARZ, Mr. WINN, Mr. STUDDS, Mr. LAGOMARSINO, Mr. GILMAN, and Mr. WHALEN):

H.R. 1561. A bill to amend the Export Administration Act of 1969 in order to extend the authorities of that act and improve the administration of export controls under that act, to strengthen the antiboycott provisions of that act, and to provide for stricter controls over exports of nuclear material and

By Mr. ANDERSON:

S. 51. A bill for the relief of Martha Franco;

S. 52. A bill for the relief of Joseph Bernard Kelly, wife, Shirley Joan, and children Reobert, David and Karen;

S. 53. A bill for the relief of Il Keun Kim;

S. 54. A bill for the relief of Dae Sung Ra; and

S. 55. A bill for the relief of Miss Aurora B. Munar; to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 56. A bill to protect the U.S. from dependence upon foreign petroleum refineries by amending the Tariff Schedules of the United States to impose higher rates of duty on products derived from petroleum, by distributing the revenue from such increased rates of duty to States which consume such products, and for other purposes; to the Committee on Finance.

By Mr. MUSKIE:

S. 57. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

By Mr. BAYH:

S. 58. A bill for the relief of Dora Alicia Adan; to the Committee on the Judiciary.

By Mr. HELMS (for himself and Mr. McCLURE):

S. 59. A bill to amend the Internal Revenue Code of 1954 to permit employers to withhold payroll taxes from the wages of employees who are paid on a weekly, biweekly, or semimonthly basis from a single payment of wages each month; to the Committee on Finance.

By Mr. INOUYE:

S. 60. A bill to amend title II of the Social Security Act to eliminate the special dependency requirements for entitlement to husband's and widower's insurance benefits, to provide benefits for widowed fathers with minor children, and to make certain other changes so that benefits for husbands, widowers, and fathers will be payable on the same basis as benefits for wives, widows, and mothers; to the Committee on Finance.

By Mr. HOLLINGS:

S. 61. A bill entitled the Energy Transportation Security Act of 1977; to the Committee on Commerce.

By Mr. MATHIAS:

S. 62. A bill to amend the Tax Reform Act of 1976 to extend for 1 year the effective date of the provision relating to changes in exclusions for sick pay; to the Committee on Finance.

By Mr. MATHIAS (for himself and Mr. PEARSON):

S. 63. A bill to provide for a program of nuclear waste management; to the Joint Committee on Atomic Energy.

By Mr. CRANSTON:

S. 64. A bill to designate certain lands in the Yosemite National Park in California as wilderness;

S. 65. A bill to designate certain lands in San Luis Obispo County, Calif., as the "Santa Lucia Wilderness";

S. 66. A bill to designate certain lands in the Sequoia and Inyo National Forests, Calif., as the Golden Trout Wilderness; and

S. 67. A bill to add certain lands in the Los Padres National Forest, Calif., to the Ventana Wilderness; to the Committee on Interior and Insular Affairs.

By Mr. CRANSTON:

S. 68. A bill to amend the Immigration and Nationality Act to establish a different numerical limitation for immigrants born in foreign contiguous territories, and for other purposes; to the Committee on the Judiciary.

By Mr. STEVENSON (for himself and Mr. MOYNIHAN):

S. 69. A bill to amend and extend the Export Administration Act; to the Committee on Banking, Housing and Urban Affairs.

By Mr. MATHIAS:

S. 70. A bill to broaden homeownership opportunities by providing alternative types of mortgage loans in order to better match the ability of families to meet monthly payments, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

By Mr. PROXMIRE:

S. 71. A bill to strengthen the supervisory authority of the Federal banking agencies over financial institutions and their affiliates; to the Committee on Banking, Housing and Urban Affairs.

By Mr. PROXMIRE:

S. 72. A bill to amend the Bank Holding Company Act and the Bank Merger Act to restrict the activities in which registered bank holding companies may engage and to control the acquisition of banks by bank holding companies and other banks; to the Committee on Banking, Housing and Urban Affairs.

By Mr. PROXMIRE:

S. 73. A bill to prohibit interlocking management and director relationships between depository institutions; to the Committee on Banking, Housing and Urban Affairs.

By Mr. BUMPERS:

S. 74. A bill to amend the act of October 20, 1976, relating to payments to local governments based upon certain public lands within the boundaries of the jurisdiction of such governments, to include payments for lands on which certain semiactive or inactive military installations are located; to the Committee on Interior and Insular Affairs.

By Mr. INOUYE:

S. 75. A bill to authorize reduced postage rates for certain mail matter sent to Members of Congress; to the Committee on Post Office and Civil Service.

By Mr. STONE (for himself, Mr. INOUYE, Mr. WILLIAMS, Mr. HUMPHREY, Mr. CASE, Mr. GRAVEL, Mr. METCALF, Mr. GOLDWATER, Mr. McINTYRE, and Mr. ABOUREZK):

S. 76. A bill to amend title XVIII of the Social Security Act to authorize payment under the medicare program for certain services performed by chiropractors; to the Committee on Finance.

By Mr. MATHIAS:

S. 77. A bill to amend title II of the Social Security Act to increase the annual amount which individuals may earn without suffering deductions from their social security benefits, and to provide a graduated reduction in benefits for widows and widowers who remarry; to the Committee on Finance.

By Mr. STONE:

S. 78. A bill to amend title II of the Social Security Act to provide that the provisions thereof requiring deductions from benefits on account of excess earnings shall not be applied to any individual, if and to the extent that the application of such provisions would reduce the individual's annual income, in the form of earnings and social security benefits, to less than $7,800 (which amount shall be annually adjusted to reflect increases in the cost of living); to the Committee on Finance.

By Mr. HELMS for himself, Mr. McCLURE, Mr. DOMENICI, Mr. STONE, Mr. CANNON, and Mr. LAXALT):

S. 79. A bill to restore to the freedom to use gold clauses in contracts; to the Committee on Banking, Housing and Urban Affairs.

By Mr. BURDICK:

S. 80. A bill to restore to Federal civilian and Postal Service employees their rights to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. INOUYE:

S. 81. A bill to amend the Social Security Act to provide that certain persons, who have innocently entered into a legally defective marriage to an insured individual and have lived with such individual as his husband or wife for at least 5 years, shall be treated, for benefit purposes, as if such marriage had been legally valid; to the Committee on Finance.

By Mr. BUMPERS (for himself and Mr. McCLELLAN):

S. 82. A bill to amend title 18, United States Code, to authorize courts, upon the completion of any juvenile proceeding to release to any victim of such juvenile delinquency information on the final disposition of the juvenile who has been adjudicated delinquent; to the Committee on the Judiciary.

By Mr. BUMPERS:

S. 83. A bill to simplify the appellate jurisdiction of the Supreme Court of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BUMPERS:

S. 84. A bill to amend chapter 31 of title 10, United States Code, to prohibit the requirement for furnishing certain information as a condition to enlisting in the armed forces; to the Committee on Armed Services.

By Mr. BUMPERS:

S. 85. A bill for the relief of Raul Arriaza, his wife, Maria Marquart Schubert Arriaza, and their children, Andres Arriaza and Daniel Aivouich Arraiza; to the Committee on the Judiciary.

By Mr. BUMPERS:

S. 86. A bill to improve the administrative process by making Federal agencies more responsive to the will of the people as expressed by their elected representatives in Congress; to the Committee on the Judiciary.

By Mr. BUMPERS:

S. 87. A bill to amend title II of the Social Security Act to increase to $4,800 the amount of outside earnings permitted without deductions from benefits thereunder; to the Committee on Finance.

By Mr. CRANSTON:

S. 88. A bill to enlarge the Sequoia National Park in the State of California by adding to such park the Mineral King Valley area, to provide for certain planning respecting the management of such addition, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STONE:

S. 89. A bill to amend the Older Americans Act of 1965 to provide nutrition programs for handicapped dependents of older Americans; to the Committee on Labor and Public Welfare.

By Mr. NELSON (for himself, Mr. HUMPHREY, and Mr. LEAHY):

S. 90. A bill to provide price support for milk at not less than 90 percent of the parity price therefor, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. CHILES (for himself and Mr. STONE):

S. 91. A bill to amend section 8e of the Agricultural Adjustment Act of 1933, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, to subject imported tomatoes to restrictions comparable to those applicable to domestic tomatoes; to the Committee on Agriculture and Forestry.

By Mr. WILLIAMS (for himself and Mr. PROXMIRE):

S. 92. A bill to amend and extend the Export Administration Act of 1969 to improve the administration of export controls pursuant to such act, to strengthen the antiboycott provisions of such act, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

By Mr. HOLLINGS:

S. 93. A bill to establish an Energy Mobilization Board; to the Committee on Interior and Insular Affairs.

By Mr. HOLLINGS:

S. 94. A bill to improve the operation and efficiency of the U.S. Postal Service; to the Committee on Post Office and Civil Service.

Our border is a two-way street and it is in the best interest of all our people that we preserve a special status for our next door neighbors.

I propose to establish a special overall numerical limitation of 50,000 to be reserved for Mexico and Canada combined.

This higher ceiling will not undo all of the damage of the Immigration Act Amendments of 1976.

But I think it will help.

Under the old law, the number of immigration visas granted to Mexicans ranged from 42,000 to 45,000 annually.

Canadian immigration has declined over the years to less than 3,000 annually.

A joint pool shared by both nations would permit migration patterns to continue as they have in recent years.

Our problem is the unlimited flood of illegal aliens, not reasonably regulated legal immigration.

There is no reason to cut Mexico's limitation in half as the new law does.

To avoid penalizing other Western Hemisphere nations, I intend to recommend an increase in the overall hemisphere limitation from 120,000 to 130,000.

Second, I ask Congress and the new administration to reexamine who, as a practical matter, will be eligible to obtain an immigration visa. My bill proposes a return to the 1976 law with respect to permitting parents of U.S. citizens to immigrate from Mexico and Canada without obtaining labor certification under section 212(a)(14) of the Immigration and Nationality Act.

Contrary to the claims of the sponsors of the new act, the major changes it made in immigration law are controversial in many California communities and elsewhere.

In the light of these circumstances, some action, whether legislative or administrative, will be necessary to alleviate undue disruption in the lives and plans of many persons of Mexican origin and descent on both sides of our border.

Third, we need to establish a rational and consistent plan of attack on the hiring and exploitation of workers who have entered the country without inspection.

I have been convinced for some time that we can control the hiring of unlawful entrants without the need for new legislation.

I am opposed to bills which make it a crime to hire illegal aliens. That would put unfair pressure on legitimate employers who might find it easier not to hire any Latinos at all rather than risk prosecution.

I am totally opposed to a national citizen identity card system to control the hiring of illegal aliens.

In my judgment, the persistent cry of the Immigration and Naturalization Service for such punitive legislation has been a sustitute for the absence of any constructive thought by the agency on how to limit the growing presence of illegal aliens in our work force.

A recent Department of Labor study contains some important recommendations that deserve careful consideration.

The study shows that an employer who hires illegal aliens and violates one tax or labor standards law is likely to violate others.

I believe these employers should be investigated and prosecuted in the interest not only of the alien who is victimized but in the interest of justice for all Americans.

I support the report's proposal that a Federal strike force be established consisting of enforcement officers from each of the following agencies:

Employment Standards Administration to ferret out minimum wage violations;

Occupational Safety and Health Administration to spot OSHA violations;

Internal Revenue Service to check social security and income tax withholdings;

State employment security agencies to look for violations of unemployment insurance tax laws; and

Immigration and Naturalization Service to identify illegal aliens on company payrolls.

The task force would be triggered by discovery of illegal aliens as employees.

Its responsibility would be to see to it that all minimum wage, health and safety, tax laws, and immigration laws are rigorously enforced.

Employers may lose the incentive for hiring illegal aliens if it turns out to be a lighting rod that attracts Federal agents to their plants.

Finally, given our own population pressures and the limits of our resources, our overall immigration policy requires better quality attention than it has been getting.

Both INS and the consular service need to be upgraded.

I urge President-elect Carter to name persons of outstanding ability, knowledge, and sensitivity to positions in these services.

In the long run, we probably never will be able to control Mexican immigration until the economic disparity between our two nations is eased.

But I believe the steps I have outlined, beginning with enactment of the Contiguous Neighbor Amendments to the Immigration and Nationality Act will establish for the first time in our history a firm and manageable policy on immigration, both lawful and unlawful from our next door neighbors. We can no longer sweep this problem into the long-neglected corners of INS and the consular service. We need to lay the foundation for a practical approach to regulating entry both for permanent residence and for temporary work in the United States. Time is running fast. We must catch up.

I ask unanimous consent that the text of my bill and the analysis be printed at the end of my remarks.

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

S. 68

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 "Contiguous Neighbor Amendments to the Immigration and Nationality Act".

SEC. 2. Section 201(a)(2) of the Immigration and Nationality Act is amended—

(1) by striking out "32,000" and inserting in lieu thereof "35,000"; and

(2) by striking out "120,000" and inserting in lieu thereof "130,000".

SEC. 3. Section 202 of the Immigration and Nationality Act is amended—

(1) by inserting "(other than a foreign state which is a foreign contiguous territory)" immediately after "foreign state" in the proviso to subsection (a);

(2) by adding at the end of subsection (a) the following: *"Provided further,* That the total number of immigrant visas and the number of conditional entries made available to the natives of all foreign contiguous territories under paragraphs (1) through (8) of section 203(a) shall not exceed 50,000 in any fiscal year."; and

(3) by striking out all through the colon in subsection (e) and inserting in lieu thereof the following:

"(e) Whenever the maximum number of visas or conditional entries has been made available under section 202 to natives of any single foreign state as defined in subsection (b) of this section, any dependent area as defined in subsection (c) of this section, or all foreign contiguous territories as defined in subsection (a) of this section in any fiscal year, in the next following fiscal year a number of visas and conditional entries, not to exceed 20,000 in the case of a foreign state (other than a foreign state which is a foreign contiguous territory), 600 in the case of a dependent area, or 50,000 in the case of all foreign contiguous territories, shall be made available and allocated as follows:".

SEC. 4. Section 212(a)(14) of the Immigration and Nationality Act is amended by striking out the last sentence and inserting in lieu thereof the following: "The exclusion of aliens under this paragraph shall apply to immigrant aliens born in any foreign contiguous territory (other than the parents, spouses, or children of United States citizens or of aliens lawfully admitted to the United States for permanent residence), to preference immigrant aliens described in section 203(a) (3) and (6), and to nonpreference immigrant aliens described in section 203(a)(8).".

SECTION-BY-SECTION ANALYSIS

Section 1. Provides that the bill may be cited as "The Contiguous Neighbor Amendments to the Immigration and Nationality Act."

Section 2. Makes certain adjustments in the Western Hemisphere numercial limitation to permit an increase in the overall limitation from 120,000 to 130,000.

Section 3. Establishes a numercial limitation of 50,000 on immigration visas issued to natives of foreign contiguous territories.

Section 4. Re-establishes exemption from labor certification requirements for parents of United States citizens immigrating from any foreign contiguous territory.

By Mr. STEVENSON (for himself and Mr. MOYNIHAN):

S. 69. A bill to amend and extend the Export Administration Act; to the Committee on Banking, Housing and Urban Affairs.

EXPORT ADMINISTRATION AMENDMENTS OF 1977

Mr. STEVENSON. Mr. President, today I am again introducing legislation to extend the Export Administration Act. That act expired on September 30 of last year, because of administration opposition to the antiboycott provisions of legislation which would have extended the

act until September 30, 1978. The bill I am introducing today is identical to the compromise reached by an informal Senate-House conference in the closing days of the 94th Congress.

The bill deals with a number of critical issues.

It deals realistically and forcefully with one of the greatest threats to mankind—the proliferation of nuclear weapons. It calls for action by the United States alone and by the United States in concert with the other nuclear powers to halt the spread of nuclear weapons-making capability.

The bill contains a measure to protect American farmers and grain exporters from arbitrarily imposed embargoes by permitting the Congress to override Presidential embargoes on agricultural sales abroad. It also permits agricultural commodities, once purchased for shipment abroad, to be stored in the United States without fear of embargoes against their shipment. Both measures are of importance to American farmers and the American economy.

The bill also contains measures to expand U.S. trade with Eastern Europe and the Soviet Union while at the same time improving our ability to prevent transfers of strategic materials to adversaries. In the ebb and flow of détente this is of crucial importance to improved relations with the Soviet Union, to the expansion of our economy, and to the protection of our national security.

And finally, Mr. President, the bill contains measures to protect American citizens and American sovereignty from the Arab boycott of Israel.

Its goal is not to end the boycott of Israel itself. An attempt to do so by legislation would be futile and counterproductive. The boycott is grounded in long-standing and deepseated antagonisms. It is part of the continuing Arab struggle against Israel, and it will be ended only when there is permanent peace in the Middle East.

Instead this legislation seeks to prevent the boycott from interfering with American sovereignty and the rights of American citizens. Its goal is to protect American citizens and American business from discrimination dictated by foreign governments. Its goal is to prevent American business from conspiring to deprive employment and commercial opportunities to those on Arab blacklists. Its goal is to prevent some from gaining economic advantage over others because of compliance with foreign political objectives. And its goal is to insure equal opportunities for all who seek to do business with the Middle East.

To accomplish these goals, the bill which I am introducing would do the following:

First, it would enact into law the present requirement that all requests for, and acts of compliance with, foreign boycotts be publicly disclosed and subject to public scrutiny. It would also enact into law the present requirement that documents initiating enforcement proceedings for a violation of the law be made public. Both actions were ordered by President Ford last year after the boycott bill passed the Senate. Both actions give the American public an opportunity to know who is complying with the boycott and how.

Second, pursuant to rules and regulations issued by the President, it would be a violation of the law for any U.S. person to do any of the following with intent to comply with, further, or support a foreign boycott against a country friendly to the United States:

Refrain from doing business with any person or country other than the boycotted country or its nationals;

Refrain from doing business with the boycotted country or its nationals pursuant to an agreement with, requirement of, or request from or on behalf of the boycotting country. The mere absence of a business relationship with or in the boycotted country or its nationals would not constitute a violation of this provision;

Refrain from employing or otherwise to discriminate against persons on the basis of race, religion, or national origin;

Furnish information regarding a person's race, religion, or national origin; and

Furnish information about whether a person does, has done, or proposes to do business with any boycotted person or country.

These prohibitions would not apply to the following:

Compliance with the boycotting country's rules prohibiting the import of goods from the boycotted country or its nationals or shipment of such goods on a carrier of the boycotted country or via route proscribed by the boycotting country;

Compliance with the boycotting country's import and shipping document requirements with respect to the name and route of the carrier and the identity of the supplier and the country of origin of the goods;

Compliance with the boycotting country's export requirements with respect to the shipment or transshipment of its goods to the boycotting country;

Compliance by individuals with the immigration requirements of the boycotting country; and

Refusing to honor a letter of credit where the beneficiary fails to comply with its lawful terms.

The legislation would apply to U.S. individuals and corporations, U.S.-controlled subsidiaries and affiliates, and any subsidiary or affiliate of a foreign concern with respect to its activities in the United States. Enforcement would be through the Commerce Department administrative process in accordance for the most part with the Administrative Procedure Act. Rules and regulations implementing the bill must become effective within 3 months of enactment, and existing agreements must be brought into compliance within 3 months of the effective date of such regulations.

Mr. President, these antiboycott provisions represent a realistic and workable approach to a complicated and vexing issue. The goals are sound; its principles are irrefutable.

They are designed to prevent foreign boycotts from impinging on American rights and enlisting American citizens in acts of economic reprisal. They stand foresquare for the principle that no American who seeks to do business in the Middle East should be forced or allowed to discriminate against others in order to do so. And no one doing business in the United States should be permitted to close its doors to blacklisted American citizens in order to secure commercial advantage.

The bill recognizes, however, that just as we seek to protect American sovereignty, we should also avoid interference with the sovereignty of others. The bill, therefore, permits compliance with trading requirements which are intended to protect the Arabs from dealing with Israel indirectly when they are unwilling to do so directly. It bows to the reality that an end to the primary boycott rests upon resolution of the underlying issues in the Middle East conflict, and that an attempt by the Congress to legislate an end to the boycott would be futile and contrary to the best interests of both Israel and the United States.

Mr. President, this legislation makes major improvements in the Export Administration Act. On the question of the Arab boycott, it reaffirms that U.S. principles are not for sale, while at the same time avoiding confrontation and striking a balance—one which protects the rights of all without destroying the rights of any. On such other pressing matters as nuclear proliferation, East-West trade, grain embargoes, and strategic exports, it contains new and useful approaches to difficult and delicate questions.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

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

S. 69

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

SHORT TITLE

SEC. 1. This Act may be cited as the "Export Administration Amendments of 1977".

TITLE I—EXPORT ADMINISTRATION IMPROVEMENTS AND EXTENSION

EXTENSION OF EXPORT ADMINISTRATION ACT

SEC. 101. Section 14 of the Export Administration Act of 1969 is amended by striking out "September 30, 1976" and inserting in lieu thereof "September 30, 1978".

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. The Export Administration Act of 1969 is amended by inserting after section 12 the following new section 13 and redesignating existing sections 13 and 14 as sections 14 and 15, respectively:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 13. Notwithstanding any other provision of law, no appropriation shall be made under any law to the Department of Commerce for expenses to carry out the purposes of this Act for any fiscal year commencing on

or after October 1, 1977, unless previously and specifically authorized by legislation enacted after the enactment of this section.".

CONTROL OF EXPORTS FOR NATIONAL SECURITY PURPOSES; FOREIGN AVAILABILITY

SEC. 103. (a) Section 4(b) of the Export Administration Act of 1969 is amended—

(1) by striking out the third sentence of paragraph (1);

(2) by striking out paragraphs (2) through (4); and

(3) by inserting the following new paragraph (2):

"(2)(A) In administering export controls for national security purposes as prescribed in section 3(2)(C) of this Act, United States policy toward individual countries shall not be determined exclusively on the basis of a country's Communist or non-Communist status but shall take into account such factors as the country's present and potential relationship to the United States, its present and potential relationship to countries friendly or hostile to the United States, its ability and willingness to control retransfers of United States exports in accordance with United States policy, and such other factors as the President may deem appropriate. The President shall periodically review United States policy toward individual countries to determine whether such policy is appropriate in light of the factors specified in the preceding sentence. The results of such review, together with the justification for United States policy in light of such factors, shall be included in the semiannual report of the Secretary of Commerce required by section 10 of this Act for the first half of 1977 and in every second such report thereafter.

"(B) Rules and regulations under this subsection may provide for denial of any request or application for authority to export articles, materials, or supplies, including technical data, or any other information, from the United States, its territories and possessions, to any nation or combination of nations threatening the national security of the United States if the President determines that their export would prove detrimental to the national security of the United States. The President shall not impose export controls for national security purposes on the export from the United States of articles, materials, or supplies, including technical data or other information, which he determines are available without restriction from sources outside the United States in significant quantities and comparable in quality to those produced in the United States, unless the President determines that adequate evidence has been presented to him demonstrating that the absence of such controls would prove detrimental to the national security of the United States. The nature of such evidence shall be included in the semiannual report required by section 10 of this Act. Where, in accordance with this paragraph, export controls are imposed for national security purposes notwithstanding foreign availability, the President shall take steps to initiate negotiations with the governments of the appropriate foreign countries for the purpose of eliminating such availability."

(b)(1) Section 4(h) of the Export Administration Act of 1969 is amended by striking out "controlled country" in the first sentence of paragraph (1) and in the second sentence of paragraph (2) and inserting in lieu thereof "country to which exports are restricted for national security purposes".

(2) Section 4(h)(2)(A) of such Act is amended by striking out "controlled" and inserting in lieu thereof "such".

(3) Section 4(h)(4) of such Act is amended—

(A) by inserting "and" at the end of subparagraph (A); and

(B) by striking out the semicolon at the end of subparagraph (B) thereof and all that follows the semicolon and inserting in lieu thereof a period.

(4) The amendments made by this subsection shall become effective upon the expiration of ninety days after the receipt by the Congress of the semiannual report of the Secretary of Commerce required by section 10 of such Act for the first half of 1977.

(c) Section 4(h) of such Act is amended—

(1) in paragraph (1)—

(A) in the first sentence by striking out "significantly increase the military capability of such country" and inserting in lieu thereof "make a significant contribution to the military potential of such country"; and

(B) in the second sentence by striking out "significantly increase the military capability of such country" and inserting in lieu thereof "make a significant contribution, which would prove detrimental to the national security of the United States, to the military potential of such country"; and

(2) in paragraph (2)(A), by striking out "significantly increase the military capability of such country" and inserting in lieu thereof "make a significant contribution, which would prove detrimental to the national security of the United States, to the military potential of such country or any other country".

(d) Section 6(b) of such Act is amended by striking out "Communist-dominated nation" and inserting in lieu thereof "country to which exports are restricted for national security or foreign policy purposes".

EXEMPTION FOR CERTAIN AGRICULTURAL COMMODITIES FROM CERTAIN EXPORT LIMITATIONS

SEC. 104. Section 4(f) of the Export Administration Act of 1969 is amended—

(1) by redesignating such section as section 4(f)(1); and

(2) by adding at the end thereof the following new paragraph:

"(2) Upon approval of the Secretary of Commerce, in consultation with the Secretary of Agriculture, agricultural commodities purchased by or for use in a foreign country may remain in the United States for export at a later date free from any quantitative limitations on export which may be imposed pursuant to section 3(2)(A) of this Act subsequent to such approval. The Secretary of Commerce may not grant approval hereunder unless he receives adequate assurance and, in conjunction with the Secretary of Agriculture, finds that such commodities will eventually be exported, that neither the sale nor export thereof will result in an excessive drain of scarce materials and have a serious domestic inflationary impact, that storage of such commodities in the United States will not unduly limit the space available for storage of domestically owned commodities, and that the purpose of such storage is to establish a reserve of such commodities for later use, not including resale to or use by another country. The Secretary of Commerce is authorized to issue such rules and regulations as may be necessary to implement this paragraph.".

CONGRESSIONAL REVIEW OF EXPORT CONTROLS ON AGRICULTURAL COMMODITIES

SEC. 105. Section 4(f) of the Export Administration Act of 1969, as amended by section 104 of this Act, is further amended by adding at the end thereof the following new paragraph:

"(3) If the authority conferred by this section is exercised to prohibit or curtail the exportation of any agricultural commodity in order to effectuate the policies set forth in clause (B) of paragraph (2) of section 3 of this Act, the President shall immediately report such prohibition or curtailment to the Congress, setting forth the reasons therefor in detail. If the Congress, within 30 days after the date of its receipt of such report, adopts a concurrent resolution disapproving such prohibition or curtailment, then such prohibition or curtailment shall cease to be effective with the adoption of such resolution. In the computation of such 30-day period, there shall be excluded the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment of the Congress sine die.".

PERIOD FOR ACTION ON EXPORT LICENSE APPLICATIONS

SEC. 106. Section 4(g) of the Export Administration Act of 1969 is amended to read as follows:

"(g)(1) It is the intent of Congress that any export license application required under this Act shall be approved or disapproved within 90 days of its receipt. Upon the expiration of the 90-day period beginning on the date of its receipt, any export license application required under this Act which has not been approved or disapproved shall be deemed to be approved and the license shall be issued unless the Secretary of Commerce or other official exercising authority under this Act finds that additional time is required and notifies the applicant in writing of the specific circumstances requiring such additional time and the estimated date when the decision will be made.

"(2)(A) With respect to any export license application not finally approved or disapproved within 90 days of its receipt as provided in paragraph (1) of this subsection, the applicant shall, to the maximum extent consistent with the national security of the United States, be specifically informed in writing of questions raised and negative considerations or recommendations made by any agency or department of the Government with respect to such license application, and shall be accorded an opportunity to respond to such questions, considerations, or recommendations in writing prior to final approval or disapproval by the Secretary of Commerce or other official exercising authority under this Act. In making such final approval or disapproval, the Secretary of Commerce or other official exercising authority under this Act shall take fully into account the applicant's response.

"(B) Whenever the Secretary determines that it is necessary to refer an export license application to any multilateral review process for approval, he shall first, if the applicant so requests, provide the applicant with an opportunity to review any documentation to be submitted to such process for the purpose of describing the export in question, in order to determine whether such documentation accurately describes the proposed export.

"(3) In any denial of an export license application, the applicant shall be informed in writing of the specific statutory basis for such denial.".

EXPORTS OF TECHNICAL INFORMATION

SEC. 107. Section 4 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new subsection (j):

"(j)(1) Any person (including any college, university, or other educational institution) who enters into any contract, protocol, agreement, or other understanding for, or which may result in, the transfer from the United States of technical data or other information to any country to which exports are restricted for national security or foreign policy purposes shall furnish to the Secretary of Commerce such documents and information with respect to such agreement as the Secretary shall by regulation require in order to enable

him to monitor the effects of such transfers on the national security and foreign policy of the United States.

"(2) The Secretary of Commerce shall conduct a study of the problem of the export, by publications or any other means of public dissemination, of technical data or other information from the United States, the export of which might prove detrimental to the national security or foreign policy of the United States. Not later than 6 months after the enactment of this subsection, the Secretary shall report to the Congress his assessment of the impact of the export of such technical data or other information by such means on the national security and foreign dom of press, or the freedom of scientific policy of the United States and his recommendations for monitoring such exports without impairing freedom of speech, free-exchange. Such report may be included in the semiannual report required by section 10 of this Act.".

CERTAIN PETROLEUM EXPORTS

SEC. 108. Section 4 of the Export Administration Act of 1969, as amended by section 107 of this Act, is further amended by adding at the end thereof the following new subsection (k):

"(k) Petroleum products refined in United States Foreign-Trade Zones, or in the United States Territory of Guam, from foreign crude oil shall be excluded from any quantitative restrictions imposed pursuant to section 3(2)(A) of this Act, except that, if the Secretary of Commerce finds that a product is in short supply, the Secretary of Commerce may issue such rules and regulations as may be necessary to limit exports.".

EXPORT OF HORSES

SEC. 109. Section 4 of the Export Administration Act of 1969, as amended by sections 107 and 108 of this Act, is further amended by adding at the end thereof the following new subsection (l):

"(l)(1) Notwithstanding any other provision of this Act, no horse may be exported by sea from the United States, its territories and possessions, unless such horse is part of a consignment of horses with respect to which a waiver has been granted under paragraph (2) of this subsection.

"(2) The Secretary of Commerce, in consultation with the Secretary of Agriculture, may issue rules and regulations providing for the granting of waivers permitting the export by sea of a specified consignment of horses, if the Secretary of Commerce, in consultation with the Secretary of Agriculture, determines that no horse in that consignment is being exported for purposes of slaughter.".

TECHNICAL ADVISORY COMMITTEES

SEC. 110. (a) Section 5(c)(1) of the Export Administration Act of 1969 is amended by striking out "two" in the last sentence thereof and inserting in lieu thereof "four".

(b) The second sentence of section 5(c)(2) of such Act is amended to read as follows: "Such committees, where they have expertise in such matters, shall be consulted with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to any articles, materials, and supplies, including technical data or other information, and (D) exports subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.".

(c) Section 5(c)(2) of such Act is further amended by striking out the third sentence and inserting in lieu thereof the following: "The Secretary shall include in each semiannual report required by section 10 of this Act an accounting of the consultations undertaken pursuant to this paragraph, the use made of the advice rendered by the technical advisory committees pursuant to this paragraph, and the contributions of the technical advisory committees to carrying out the policies of this Act.".

PENALTIES FOR VIOLATIONS

SEC. 111. (a) Section 6(a) of the Export Administration Act of 1969 is amended—

(1) in the first sentence, by striking out "$10,000" and inserting in lieu thereof "$25,000"; and

(2) in the second sentence, by striking out "$20,000" and inserting in lieu thereof "$50,000".

(b) Section 6(b) of such Act is amended by striking out "$20,000" and inserting in lieu thereof "$50,000".

(c) Section 6(c) of such Act is amended by striking out "$1,000" and inserting in lieu thereof "$10,000".

(d) Section 6(d) of such Act is amended by adding at the end thereof the following new sentence: "In addition, the payment of any penalty imposed under subsection (c) may be deferred or suspended in whole or in part for a period of time no longer than any probation period (which may exceed one year) that may be imposed upon such person. Such a deferral or suspension shall not operate as a bar to the collection of the penalty in the event that the conditions of the suspension, deferral, or probation are not fulfilled.".

AVAILABILITY OF INFORMATION TO CONGRESS

SEC. 112. (a) Section 7(c) of the Export Administration Act of 1969 is amended by adding at the end thereof the following new sentence: "Nothing in this Act shall be construed as authorizing the withholding of information from Congress, and any information obtained under this Act, including any report or license application required under section 4(b) and any document or information required under section 4(j)(1), shall be made available upon request to any committee of Congress or any subcommittee thereof.".

(b) Section 4(c)(1) of such Act is amended by inserting immediately before the period at the end of the last sentence thereof "and in the last sentence of section 7(c) of this Act".

SIMPLIFICATION OF EXPORT REGULATIONS AND LISTS

SEC. 113. Section 7 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new subsection (e):

"(e) The Secretary of Commerce, in consultation with appropriate United States Government departments and agencies and with appropriate technical advisory committees established under section 5 (c), shall review the rules and regulations issued under this Act and the lists of articles, materials, and supplies which are subject to export controls in order to determine how compliance with the provisions of this Act can be facilitated by simplifying such rules and regulations, by simplifying or clarifying such lists, or by any other means. Not later than one year after the enactment of this subsection, the Secretary of Commerce shall report to Congress on the actions taken on the basis of such review to simplify such rules and regulations. Such report may be included in the semiannual report required by section 10 of this Act.".

TERRORISM

SEC. 114. Section 3 of the Export Administration Act of 1969 is amended by adding at the end thereof the following:

"(8) It is the policy of the United States to use export controls to encourage other countries to take immediate steps to prevent the use of their territory or resources to aid, encourage, or give sanctuary to those persons involved in directing, supporting, or participating in acts of international terrorism. To achieve this objective, the President shall make every reasonable effort to secure the removal or reduction of such assistance to international terrorists through international cooperation and agreement before resorting to the imposition of export controls.".

SEMIANNUAL REPORTS

SEC. 115. (a) Section 10 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new subsection (c):

"(c) Each semiannual report shall include an accounting of—

"(1) any organizational and procedural changes instituted, any reviews undertaken, and any means used to keep the business sector of the Nation informed, pursuant to section 4(a) of this Act;

"(2) any changes in the exercise of the authorities of section 4(b) of this Act;

"(3) any delegations of authority under section 4(e) of this Act;

"(4) the disposition of export license applications pursuant to sections 4 (g) and (h) of this Act;

"(5) the effects on the national security and foreign policy of the United States of transfers from the United States of technical data or other information which are reported to the Secretary of Commerce pursuant to section 4(j) of this Act;

"(6) consultations undertaken with technical advisory committees pursuant to section 5(c) of this Act;

"(7) violations of the provisions of this Act and penalties imposed pursuant to section 6 of this Act; and

"(8) a description of actions taken by the President and the Secretary of Commerce to effect the policies set forth in section 3(5) of this Act."

(b)(1) The section heading of such section 10 is amended by striking out "quarterly".

(2) Subsection (b) of such section is amended—

(A) by striking out "quarterly" each time it appears; and

(B) by striking out "second" in the first sentence of paragraph (1).

SPECIAL REPORT ON MULTILATERAL EXPORT CONTROLS

SEC. 116. Not later than 12 months after the enactment of this section, the President shall submit to the Congress a special report on multilateral export controls in which the United States participates pursuant to the Export Administration Act of 1969 and pursuant to the Mutual Defense Assistance Control Act of 1951. The purpose of such special report shall be to assess the effectiveness of such multilateral export controls and to formulate specific proposals for increasing the effectiveness of such controls. That special report shall include—

(1) the current list of commodities controlled for export by agreement of the group known as the Coordinating Committee of the Consultative Group (hereafter in this section referred to as the "Committee") and an analysis of the process of reviewing such list and of the changes which result from such review;

(2) data on and analysis of requests for exceptions to such list;

(3) a description and an analysis of the process by which decisions are made by the Committee on whether or not to grant such requests;

(4) an analysis of the uniformity of interpretation and enforcement by the partcipat-

ing countries of the export controls agreed to by the Committee (including controls over the re-export of such commodities from countries not participating in the Committee), and information on each case where such participating countries have acted contrary to the United States interpretation of the policy of the Committee, including United States representations to such countries and the response of such countries;

(5) an analysis of the problem of exports of advanced technology by countries not participating in the Committee, including such exports by subsidiaries or affiliates of United States businesses in such countries;

(6) an analysis of the effectiveness of any procedures employed, in cases in which an exception for a listed commodity is granted by the Committee, to determine whether there has been compliance with any conditions on the use of the excepted commodity which were a basis for the exception; and

(7) detailed recommendations for improving, through formalization or other means, the effectiveness of multilateral export controls, including specific recommendations for the development of more precise criteria and procedures for collective export decisions and for the development of more detailed and formal enforcement mechanisms to assure more uniform interpretation of and compliance with such criteria, procedures, and decisions by all countries participating in such multilateral export controls.

REVIEW OF UNILATERAL AND MULTILATERAL EXPORT CONTROL LISTS

SEC. 117. The Secretary of Commerce, in cooperation with appropriate United States Government departments and agencies and the appropriate technical advisory committees established pursuant to the Export Administration Act of 1969, shall undertake an investigation to determine whether United States unilateral controls or multilateral controls in which the United States participates should be removed, modified, or added with respect to particular articles, materials, and supplies, including technical data and other information, in order to protect the national security of the United States. Such investigation shall take into account such factors as the availability of such articles, materials, and supplies from other nations and the degree to which the availability of the same from the United States or from any country with which the United States participates in multilateral controls would make a significant contribution to the military potential of any country threatening or potentially threatening the national security of the United States. The results of such investigation shall be reported to the Congress not later than 12 months after enactment of this Act.

SUNSHINE IN GOVERNMENT

SEC. 118. (a) Each officer or employee of the Department of Commerce who—

(1) performs any function or duty under this Act or the Export Administration Act of 1969; and

(2) has any known financial interest in any person subject to such Acts, or in any person who obtains any license, enters into any agreement, or otherwise receives any benefit under such Acts;

shall, beginning on February 1, 1977, annually file with the Secretary of Commerce a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Such statement shall be available to the public.

(b) The Secretary of Commerce shall—

(1) within ninety days after the date of enactment of this Act—

(A) define the term "known financial interest" for purposes of subsection (a) of this section; and

(B) establish the methods by which the requirement to file written statements specified in subsection (a) of this section will be monitored and enforced, including appropriate provisions for the filing by such officers and employees of such statements and the review by the Secretary of such statements; and

(2) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

(c) In the rules prescribed under subsection (b) of this section, the Secretary may identify specific positions within the Department of Commerce which are of a nonregulatory or nonpolicymaking nature and provide that officers or employees occupying such positions shall be exempt from the requirements of this section.

(d) Any officer or employee who is subject to, and knowingly violates, this section or any regulation issued hereunder, shall be fined not more than $2,500 or imprisoned not more than one year, or both.

TITLE II—FOREIGN BOYCOTTS

PROHIBITION ON COMPLIANCE WITH FOREIGN BOYCOTTS

SEC. 201. (a) The Export Administration Act of 1969 is amended by redesignating section 4A as section 4B and by inserting after section 4 the following new section:

"FOREIGN BOYCOTTS

"SEC. 4A. (a)(1) For the purpose of implementing the policies set forth in section 3(5)(A) and (B), the President shall issue rules and regulations prohibiting any United States person from taking any of the following actions with intent to comply with, further, or support any boycott fostered or imposed by a foreign country against a country which is friendly to the United States and which is not itself the object of any form of embargo by the United States:

"(A) Refraining from doing business with or in the boycotted country, with any business concern organized under the laws of the boycotted country, or with any national or resident of the boycotted country, pursuant to an agreement with, a requirement of, or a request from or on behalf of the boycotting country. The mere absence of a business relationship with or in the boycotted country, with any business concern organized under the laws of the boycotted country, or with any national or resident of the boycotted country, does not indicate the existence of the intent required to establish a violation of rules and regulations issued to carry out this subparagraph.

"(B) Refraining from doing business with any person (other than the boycotted country, any business concern organized under the laws of the boycotted country, or any national or resident of the boycotted country). The mere absence of a business relationship with a person does not indicate the presence of the intent required to establish a violation of rules and regulations issued to carry out this subparagraph.

"(C) Refraining from employing or otherwise discriminating against any United States person on the basis of race, religion, nationality, or national origin.

"(D) Furnishing information with respect to the race, religion, nationality, or national origin of any other United States person.

"(E) Furnishing information about whether any person has, has had, or proposes to have any business relationship (including a relationship by way of sale, purchase, legal or commercial representation, shipping or other transport, insurance, investment, or supply) with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person which is known or believed to be restricted from having any business relationship with or in the boycotting country.

"(2) Rules and regulations issued pursuant to paragraph (1) shall provide exceptions for—

"(A) compliance with requirements (i) prohibiting the import of goods from the boycotted country or of goods produced by any business concern organized under the laws of the boycotted country or by nationals or residents of the boycotted country, or (ii) prohibiting the shipment of goods to the boycotting country on a carrier of the boycotted country or by a route other than that prescribed by the boycotting country or the recipient of the shipment;

"(B) compliance with import and shipping document requirements with respect to country of origin, the name of the carrier and route of shipment, and the name of the supplier of the shipment;

"(C) compliance with export requirements of the boycotting country relating to transshipments of exported goods to the boycotted country, to any business concern organized under the laws of the boycotted country, or to any national or resident of the boycotted country;

"(D) compliance by an individual with the immigration or passport requirements of the any country; or

"(E) the refusal of a United States person to pay, honor, advise, confirm, process, or otherwise implement a letter of credit in the event of the failure of the beneficiary of the letter to comply with the conditions or requirements of the letter, other than conditions or requirements compliance with which is prohibited by rules and regulations issued pursuant to paragraph (1) which conditions or requirements shall be null and void.

"(3) Nothing in this subsection may be construed to supersede or limit the operation of the antitrust laws of the United States.

"(4) Rules and regulations pursuant to this subsection and section 11(2) shall be issued and become effective not later than 90 days after the date of enactment of this section, except that rules and regulations issued pursuant to this subsection shall apply to actions taken pursuant to contracts or other agreements in effect on such date of enactment only after the expiration of 90 days following the date such rules and regulations become effective.

"(b)(1) In addition to the rules and regulations issued pursuant to subsection (a) of this section, rules and regulations issued under section 4(b) of this Act shall implement the policies set forth in section 3(5).

"(2) Such rules and regulations shall require that any United States person receiving a request for the furnishing of information, the entering into or implementing of agreements, or the taking of any other action referred to in section 3(5) shall report that fact to the Secretary of Commerce, together with such other information concerning such request as the Secretary may require for such action as he may deem appropriate for carrying out the policies of that section. Such person shall also report to the Secretary of Commerce whether he intends to comply and whether he has complied with such request. Any report filed pursuant to this paragraph after the date of enactment of this section shall be made available promptly for public inspection and copying, except that information regarding the quantity, description, and value of any articles, materials, and supplies, including technical data and other information, to which such report relates may be kept confidential if the Secretary determines that disclosure thereof would place the United States person involved at a competitive disadvantage. The Secretary of Commerce shall periodically

transmit summaries of the information contained in such reports to the Secretary of State for such action as the Secretary of State, in consultation with the Secretary of Commerce, may deem appropriate for carrying out the policies set forth in section 3(5) of this Act.".

(b) Section 4(b)(1) of such Act is amended by striking out the next to the last sentence.

(c) Section 7(c) of such Act is amended by striking out "No" and inserting in lieu thereof "Except as otherwise provided by the third sentence of section 4A(b)(2) and by section 6(c)(2)(C) of this Act, no".

STATEMENT OF POLICY

SEC. 202. (a) Section 3(5)(A) of the Export Administration Act of 1969 is amended by inserting immediately after "United States" the following: "or against any United States person".

(b) Section 3(5)(B) of such Act is amended to read as follows: "(B) to encourage and, in specified cases, to require United States persons engaged in the export of articles, materials, supplies, or information to refuse to take actions, including furnishing information or entering into or implementing agreements, which have the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against a country friendly to the United States or against any United States person,".

ENFORCEMENT

SEC. 203. (a) Section 6(c) of the Export Administration Act of 1969 is amended—

(A) by redesignating such section as section 6(c)(1); and

(B) by adding at the end thereof the following new paragraph:

"(2)(A) The authority of this Act to suspend or revoke the authority of any United States person to export articles, materials, supplies, or technical data or other information, from the United States, its territories or possessions, may be used with respect to any violation of the rules and regulations issued pursuant to section 4A(a) of this Act.

"(B) Any sanction (including any civil penalty or any suspension or revocation of authority to export) imposed under this Act for a violation of the rules and regulations issued pursuant to section 4A(a) of this Act may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

"(C) Any charging letter or other document initiating proceedings for the imposition of sanctions for violations of the rules and regulations issued pursuant to section 4A(a) of this Act shall be made available for public inspection and copying.".

(b) Section 8 of such Act is amended by striking out "The" and inserting in lieu thereof "Except as provided in section 6(c)(2), the".

DEFINITIONS

SEC. 204. Section 11 of the Export Administration Act of 1969 is amended to read as follows:

"DEFINITIONS

"SEC. 11. As used in this Act—

"(1) the term 'person' includes the singular and the plural and any individual, partnership, corporation, or other form of association, including any government or agency thereof; and

"(2) the term 'United States person' includes any United States resident or national, any domestic concern (including any subsidiary or affiliate of any foreign concern with respect to its activities in the United States), and any foreign subsidiary or affiliate of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President."

TITLE III—EXPORTS OF NUCLEAR MATERIAL AND TECHNOLOGY

NUCLEAR EXPORTS

SEC. 301. The Export Administration Act of 1969 is amended by adding at the end thereof the following new section:

"NUCLEAR EXPORTS

"SEC. 16. (a)(1) The Congress finds that the export by the United States of nuclear material, equipment, and devices, if not properly regulated, could allow countries to come unacceptably close to a nuclear weapon capability thereby adversely affecting international stability, the foreign policy objectives of the United States, and undermining the principle of nuclear nonproliferation agreed to by the United States as a signatory to the Treaty on the Non-Proliferation of Nuclear Weapons.

"(2) The Congress finds that nuclear export activities which enable countries to possess strategically significant quantities of unirradiated, readily fissionable material are inherently unsafe.

"(3) It is, therefore, the purpose of this section to implement the policies stated in paragraphs (1) and (2) of section 3 of this Act by regulating the export of nuclear material, equipment, and devices which could prove detrimental to United States national security and foreign policy objectives.

"(b)(1) No agreement for cooperation providing for the export of any nuclear material, equipment, or devices for civil uses may be entered into with any foreign country, group of countries, or international organization, and no amendment to or renewal of any such agreement may be agreed to, unless—

"(A) the provisions of the agreement concerning the reprocessing of special nuclear material supplied by the United States will apply equally to all special nuclear material produced through the use of any nuclear reactor transferred under such agreement; and

"(B) the recipient country, group of countries, or international organization, has agreed to permit the International Atomic Energy Agency to report to the United States, upon a request by the United States, on the status of all inventories of plutonium, uranium 233, and highly enriched uranium possessed by that country, group of countries, or international organization and subject to International Atomic Energy Agency safeguards.

"(2)(A) The Secretary of State shall undertake consultations with all parties to agreements for cooperation existing on the date of enactment of this section in order to seek inclusion in such agreements of the provisions described in paragraph (1)(A) and (1)(B) of this subsection.

"(B) The Secretary of State shall seek to acquire, from any party to an agreement for cooperation who is not a nuclear-weapons State (as defined in Article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons), periodic reports on the status of all investories of plutonium, U-233, and highly enriched uranium possessed by that party which are not subject to International Atomic Energy Agency safeguards.

"(3)(A) No license may be issued for the export of any nuclear material, equipment, or devices pursuant to an agreement for cooperation unless the recipient country, group of countries, or international organization, has agreed that the material, equipment, and devices subject to that agreement will not be used for any nuclear explosive devices, regardless of how the device itself is intended to be used.

"(B) Subparagraph (A) of this paragraph shall take effect at the end of the one year period beginning on the date of enactment of this section.

"(4) In any case in which a party to any agreement for cooperation seeks to reprocess special nuclear material produced through the use of any nuclear material, equipment, or devices supplied by the United States, the Secretary of State may only determine that safeguards can be applied effectively to such reprocessing if he finds that the reliable detection of any diversion and the timely warning to the United States of such diversion will occur well in advance of the time at which that party could transform strategic quantities of diverted nuclear material into explosive nuclear devices.".

INTERNATIONAL AGREEMENT ON NUCLEAR EXPORTS

SEC. 302. (a) It is the sense of the Congress that the President should actively seek, and by the earliest possible date secure, an agreement or other arrangement under which—

(A) nuclear exporting nations will not transfer to any other nation any equipment, material, or technology designed or prepared for, or which would materially assist the establishment of, national uranium enrichment, nuclear fuels reprocessing, or heavy water production facilities until and while alternatives to such national facilities are explored and pursued;

(B) nuclear exporting nations will not transfer any nuclear equipment, material, or technology to any other nation that has not agreed to implement safeguards promulgated by the International Atomic Energy Agency;

(C) minimum physical security standards are established to prevent the unauthorized diversion of nuclear equipment, materials, and technology;

(D) arrangements are established for effective and prompt responses in the event of violations of any international agreement to control the use of nuclear materials and technology;

(E) nuclear exporting nations, in cooperation with nuclear importing nations, pursue the concept of multi-national facilities for the purpose of meeting the world's nuclear fuel needs while reducing the risks associated with the spread of national facilities for fuel reprocessing, fabrication, and enrichment; and

(F) nuclear exporting nations establish arrangements for appropriate response, including the suspension of transfers of nuclear equipment, material, or technology, to any non-nuclear weapons country which has detonated a nuclear explosive device or which has clearly demonstrated the intention to embark upon a nuclear weapons program.

Within one year after the date of enactment of this Act, the President shall report to the Congress on the progress made toward the achievement of international agreement or other arrangements on the matters specified in this section.

(b) For purposes of this section, the term "nuclear exporting nations" means the United States, the United Kingdom, France, the Federal Republic of Germany, Canada, Japan, the Union of Soviet Socialist Republics, and such other countries as the President may determine.

EXPORTS OF NUCLEAR TECHNOLOGY

SEC. 303. Section 4(j) of the Export Administration Act of 1969, as added by section 107 of this Act, is amended by adding at the end thereof the following new paragraph:

"(3) The President shall conduct an in-depth study of whether, or the extent to which, the education and training of foreign nationals within the United States in nuclear engineering and related fields contributes to the proliferation of explosive nuclear devices or the development of a capability of

producing explosive nuclear devices. Not later than the end of the 6-month period beginning on the date of enactment of this paragraph, the President shall submit to the Congress a detailed report containing the findings and conclusions of such study. Such report shall analyze the direct and indirect contribution of such education and training to nuclear proliferation.".

NUCLEAR POWERPLANTS

SEC. 304. None of the funds authorized by the Foreign Assistance Act of 1961 may be used to finance the construction of, the operation or maintenance of, or the supply of fuel for, any nuclear powerplant under an agreement for cooperation between the United States and any other country.

By Mr. MATHIAS:

S. 70. A bill to broaden homeownership opportunities by providing alternative types of mortgage loans in order to better match the ability of families to meet monthly payments, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

HOMEBUYERS ASSISTANCE ACT OF 1977

Mr. MATHIAS. Mr. President, I send to the desk the Homebuyers Assistance Act of 1977, an innovative approach to helping people buy their own homes. A growing number of families and individuals are being squeezed out of the home-buying market due to the escalation of cost in housing. Those costs have gone up in such areas as land, labor, code compliance, materials, and the cost of borrowing money with which to buy a home. All of those costs have risen, and continue to rise, at a faster rate than real personal income.

The results are rather obvious. Fewer people are able to purchase a home. Those who are buying homes today are, on the average, older, or in a higher income bracket than the typical homebuyer of 20 years ago.

The ironic thing is that many young couples and individuals who are currently renters and would like to purchase their first home have the future earnings potential that would support a home purchase.

The bill I am introducing today, the Homebuyers Assistance Act of 1977, is intended to alleviate one of those housing costs I have noted—the cost of money. By enabling federally chartered institutions, such as savings and loans, banks, and credit unions to offer a variety of mortgage instruments, I believe we can better match monthly mortgage payments to the homebuyer's income and thus open the door of homeownership to all of our citizens.

My bill authorizes lending institutions to offer such new mortgages as: graduated payment mortgages; flexible payment mortgages; reverse annuity; deferred interest; variable rate; dual-rate, variable-rate; graduated-payment, variable rate.

Mr. President, I ask unanimous consent that a paper explaining these different types of mortgages appear in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection.

Mr. MATHIAS. To protect the consumer, my bill requires that each of these new types of mortgages may only be offered to a homebuyer at the same time as the conventional level payment mortgage, presently the only vehicle for purchasing a home. This provision is meant to assure that the consumer is given a choice and is not talked into something he cannot afford, does not want, or does not understand.

Other consumer protection features of the bill include:

Advance disclosure of each alternative contract's provision to the prospective purchaser. Such disclosure must include projected monthly payments for the life of the loan; the interest rate at the beginning and end of the loan; fees; insurance; and related expenses. The responsibility for developing a uniform format for such disclosure pursuant to the Truth-in-Lending Act should be lodged with the Federal Home Loan Bank Board.

Assumability of the loan. Should the consumer who purchases another home later in life decide not to take his original loan with him, that loan may remain with his original house and be assumed by the new purchaser.

No prepayments penalty. In order to facilitate refinancing for homebuyers and give them as many options as possible, my bill prohibits the lender from charging a penalty if the homeowner with one of these new mortgage instruments decides to complete his outstanding mortgage payments for whatever reason. Such a situation could arise if the homeowner is relocated, because of his or her job, decided to trade up or down to a house which better fit his needs, or decided to pay off his or her mortgage.

Sixty days' advance disclosure of any change in interest rate charged on the mortgage. This provision would apply in the case of a variable rate mortgage.

It is my belief that those types of mortgages should have an interest rate tied to an intermediate index—3-to-5-year Treasury notes for example. When that index goes up or down as measured on an annual basis, the interest rate on the variable rate mortgage would change also.

I also believe that the maximum change in the interest rate for life of the loan should not exceed 2.5 percent, nor should the interest rate fluctuate by more than one-half of 1 percentage point each year. While this provision is not explicitly stated in the bill, I am sure my colleagues would join me in endorsing this basic consumer protection feature and would include it in the committee report as a directive to regulatory bodies. The limit on changes in the interest rate is intended to prevent wide fluctuations in interest rates which translate into higher unanticipated costs to the borrower—when rates go up—and to the lender—when rates go down.

Annual report on the use of alternative mortgage instruments. As part of their annual report, each of the Federal regulatory bodies with control over lenders would analyze the consumer acceptance of different types of mortgages, their lender acceptance, and the effect on the mortgage market of their use.

A public information program. My bill requires the Federal Home Loan Bank Board to develop a public information program for both lenders and borrowers to explain the new kinds of mortgages and who might want to use them. I foresee such a program including public information pamphlets with typical monthly payment schedules for several mortgage amounts.

I believe these consumer protection features offer protection to the home buyer, will reassure him that he does have options of home finance and will give him the opportunity to see the monthly bill laid out for him for the life of the mortgage. I want to emphasize to my colleagues that the lender is required to offer the homebuyer the conventional level-payment mortgage at the prevailing market rate at the same time he offers any of these alternate mortgage instruments. This bill is not intended to press any of these new mortgage instruments on anybody—either the homebuyer or the lender. It is simply to create that option and provide an informed atmosphere in which both parties can decide whether an alternative mortgage instrument meets their needs.

This is also the reason why my bill limits the amount of assets of a thrift institution which may be offered in alternate morgage form to 35 percent. And it is also why my bill limits the HUD section 245 experimental mortgage insurance program to 15 percent of all HUD outstanding aggregate principal.

The idea in both cases is to provide enough leeway for these new home financing mechanisms to come into use and be evaluated by all concerned as to their usefulness. After a period of time we would look again at the track record of lending institutions, the consumer acceptance and experience with such new mortgages, and the larger housing sector of our economy to evaluate whether they are serving their purpose and should be continued, adjusted, or abandoned.

I might add here that I believe that one of the first new kinds of mortgages to be permitted should be similar to a graduated payment mortgage. However, much of those final decisions await the results of the alternative mortgage instrument study currently being conducted by the Home Loan Bank Board. The results of this extensive research investigation are scheduled for completion by this summer. We in the Congress would be well advised to carefully review those findings as they become available to insure that this legislation meets the need and is comprehensive.

Other sections of my bill are intended to deal with the problem of the volatility of credit for financing home purchases and easing the burden of downpayments.

My bill eliminates the Federal income tax on interest or dividends earned on savings accounts. The purpose is twofold. It is intended to remove a deterrent to savers who wish to accumulate savings for a downpayment. Presently, 68.2 percent of savings accounts in savings and loans are less than $5,000. These are the accounts of average middle-income Americans striving to make ends meet in these high inflation times and trying to put away a little something whenever they can. Why then do we penalize them

By Mr. ANDERSON:

S. 51. A bill for the relief of Martha Franco;

S. 52. A bill for the relief of Joseph Bernard Kelly, wife, Shirley Joan, and children Reobert, David and Karen;

S. 53. A bill for the relief of Il Keun Kim;

S. 54. A bill for the relief of Dae Sung Ra; and

S. 55. A bill for the relief of Miss Aurora B. Munar; to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 56. A bill to protect the U.S. from dependence upon foreign petroleum refineries by amending the Tariff Schedules of the United States to impose higher rates of duty on products derived from petroleum, by distributing the revenue from such increased rates of duty to States which consume such products, and for other purposes; to the Committee on Finance.

By Mr. MUSKIE:

S. 57. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

By Mr. BAYH:

S. 58. A bill for the relief of Dora Alicia Adan; to the Committee on the Judiciary.

By Mr. HELMS (for himself and Mr. McCLURE):

S. 59. A bill to amend the Internal Revenue Code of 1954 to permit employers to withhold payroll taxes from the wages of employees who are paid on a weekly, biweekly, or semimonthly basis from a single payment of wages each month; to the Committee on Finance.

By Mr. INOUYE:

S. 60. A bill to amend title II of the Social Security Act to eliminate the special dependency requirements for entitlement to husband's and widower's insurance benefits, to provide benefits for widowed fathers with minor children, and to make certain other changes so that benefits for husbands, widowers, and fathers will be payable on the same basis as benefits for wives, widows, and mothers; to the Committee on Finance.

By Mr. HOLLINGS:

S. 61. A bill entitled the Energy Transportation Security Act of 1977; to the Committee on Commerce.

By Mr. MATHIAS:

S. 62. A bill to amend the Tax Reform Act of 1976 to extend for 1 year the effective date of the provision relating to changes in exclusions for sick pay; to the Committee on Finance.

By Mr. MATHIAS (for himself and Mr. PEARSON):

S. 63. A bill to provide for a program of nuclear waste management; to the Joint Committee on Atomic Energy.

By Mr. CRANSTON:

S. 64. A bill to designate certain lands in the Yosemite National Park in California as wilderness;

S. 65. A bill to designate certain lands in San Luis Obispo County, Calif., as the "Santa Lucia Wilderness";

S. 66. A bill to designate certain lands in the Sequoia and Inyo National Forests, Calif., as the Golden Trout Wilderness; and

S. 67. A bill to add certain lands in the Los Padres National Forest, Calif., to the Ventana Wilderness; to the Committee on Interior and Insular Affairs.

By Mr. CRANSTON:

S. 68. A bill to amend the Immigration and Nationality Act to establish a different numerical limitation for immigrants born in foreign contiguous territories, and for other purposes; to the Committee on the Judiciary.

By Mr. STEVENSON (for himself and Mr. MOYNIHAN):

S. 69. A bill to amend and extend the Export Administration Act; to the Committee on Banking, Housing and Urban Affairs.

By Mr. MATHIAS:

S. 70. A bill to broaden homeownership opportunities by providing alternative types of mortgage loans in order to better match the ability of families to meet monthly payments, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

By Mr. PROXMIRE:

S. 71. A bill to strengthen the supervisory authority of the Federal banking agencies over financial institutions and their affiliates; to the Committee on Banking, Housing and Urban Affairs.

By Mr. PROXMIRE:

S. 72. A bill to amend the Bank Holding Company Act and the Bank Merger Act to restrict the activities in which registered bank holding companies may engage and to control the acquisition of banks by bank holding companies and other banks; to the Committee on Banking, Housing and Urban Affairs.

By Mr. PROXMIRE:

S. 73. A bill to prohibit interlocking management and director relationships between depository institutions; to the Committee on Banking, Housing and Urban Affairs.

By Mr. BUMPERS:

S. 74. A bill to amend the act of October 20, 1976, relating to payments to local governments based upon certain public lands within the boundaries of the jurisdiction of such governments, to include payments for lands on which certain semiactive or inactive military installations are located; to the Committee on Interior and Insular Affairs.

By Mr. INOUYE:

S. 75. A bill to authorize reduced postage rates for certain mail matter sent to Members of Congress; to the Committee on Post Office and Civil Service.

By Mr. STONE (for himself, Mr. INOUYE, Mr. WILLIAMS, Mr. HUMPHREY, Mr. CASE, Mr. GRAVEL, Mr. METCALF, Mr. GOLDWATER, Mr. McINTYRE, and Mr. ABOUREZK):

S. 76. A bill to amend title XVIII of the Social Security Act to authorize payment under the medicare program for certain services performed by chiropractors; to the Committee on Finance.

By Mr. MATHIAS:

S. 77. A bill to amend title II of the Social Security Act to increase the annual amount which individuals may earn without suffering deductions from their social security benefits, and to provide a graduated reduction in benefits for widows and widowers who remarry; to the Committee on Finance.

By Mr. STONE:

S. 78. A bill to amend title II of the Social Security Act to provide that the provisions thereof requiring deductions from benefits on account of excess earnings shall not be applied to any individual, if and to the extent that the application of such provisions would reduce the individual's annual income, in the form of earnings and social security benefits, to less than $7,800 (which amount shall be annually adjusted to reflect increases in the cost of living); to the Committee on Finance.

By Mr. HELMS for himself, Mr. McCLURE, Mr. DOMENICI, Mr. STONE, Mr. CANNON, and Mr. LAXALT):

S. 79. A bill to restore the freedom to use gold clauses in contracts; to the Committee on Banking, Housing and Urban Affairs.

By Mr. BURDICK:

S. 80. A bill to restore to Federal civilian and Postal Service employees their rights to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. INOUYE:

S. 81. A bill to amend the Social Security Act to provide that certain persons, who have innocently entered into a legally defective marriage to an insured individual and have lived with such individual as his husband or wife for at least 5 years, shall be treated, for benefit purposes, as if such marriage had been legally valid; to the Committee on Finance.

By Mr. BUMPERS (for himself and Mr. McCLELLAN):

S. 82. A bill to amend title 18, United States Code, to authorize courts, upon the completion of any juvenile proceeding to release to any victim of such juvenile delinquency information on the final disposition of the juvenile who has been adjudicated delinquent; to the Committee on the Judiciary.

By Mr. BUMPERS:

S. 83. A bill to simplify the appellate jurisdiction of the Supreme Court of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BUMPERS:

S. 84. A bill to amend chapter 31 of title 10, United States Code, to prohibit the requirement for furnishing certain information as a condition to enlisting in the armed forces; to the Committee on Armed Services.

By Mr. BUMPERS:

S. 85. A bill for the relief of Raul Arriaza, his wife, Maria Marquart Schubert Arriaza, and their children, Andres Arriaza and Daniel Aivouich Arraiza; to the Committee on the Judiciary.

By Mr. BUMPERS:

S. 86. A bill to improve the administrative process by making Federal agencies more responsive to the will of the people as expressed by their elected representatives in Congress; to the Committee on the Judiciary.

By Mr. BUMPERS:

S. 87. A bill to amend title II of the Social Security Act to increase to $4,800 the amount of outside earnings permitted without deductions from benefits thereunder; to the Committee on Finance.

By Mr. CRANSTON:

S. 88. A bill to enlarge the Sequoia National Park in the State of California by adding to such park the Mineral King Valley area, to provide for certain planning respecting the management of such addition, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STONE:

S. 89. A bill to amend the Older Americans Act of 1965 to provide nutrition programs for handicapped dependents of older Americans; to the Committee on Labor and Public Welfare.

By Mr. NELSON (for himself, Mr. HUMPHREY, and Mr. LEAHY):

S. 90. A bill to provide price support for milk at not less than 90 percent of the parity price therefor, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. CHILES (for himself and Mr. STONE):

S. 91. A bill to amend section 8e of the Agricultural Adjustment Act of 1933, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, to subject imported tomatoes to restrictions comparable to those applicable to domestic tomatoes; to the Committee on Agriculture and Forestry.

By Mr. WILLIAMS (for himself and Mr. PROXMIRE):

S. 92. A bill to amend and extend the Export Administration Act of 1969 to improve the administration of export controls pursuant to such act, to strengthen the antiboycott provisions of such act, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

By Mr. HOLLINGS:

S. 93. A bill to establish an Energy Mobilization Board; to the Committee on Interior and Insular Affairs.

By Mr. HOLLINGS:

S. 94. A bill to improve the operation and efficiency of the U.S. Postal Service; to the Committee on Post Office and Civil Service.

these tomatoes is disruptive to marketing procedures, since the buyer often does not know what he is getting, and also places the domestic producer at a distinct disadvantage.

Over the years there have been numerous efforts to work out a solution to this problem. I am assured the solution lies in a clarifying amendment to definitely spell out the application of pack regulations to imports under section 8e. Such a change will carry forward the intent of section 8e and work to the benefit of both the producer and the consumer. Enactment of this legislation would incur no additional cost to the Government.

This legislation has been passed once by the Senate after appropriate committee consideration. I urge prompt action on the bill in this Congress.

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

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

S. 91

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8e of the Agricultural Adjustment Act of 1933, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, is amended in the first sentence (1) by inserting after "eggplants" a comma and the following: "or regulating the pack of any container of tomatoes" and (2) by inserting a comma and "and in the case of tomatoes any provisions regulating the pack of any container," after "provisions" wherever it appears, and in the fourth sentence by inserting a comma and "and with respect to imported tomatoes such restrictions on the pack of any container," after "classifications".

PACKAGING STANDARDS FOR IMPORTED TOMATOES

Mr. STONE. Mr. President, I am pleased to join my distinguished colleague, Senator Chiles, in offering legislation to amend section 8e of the Agricultural Marketing Agreement Act of 1933 to require that imported tomatoes conform with pack-of-container standards imposed on domestic tomatoes under marketing orders. This bill, referred to as S.2440 in the 94th Congress, was reported favorable by the Senate Agriculture and Forestry Committee and passed by the Senate last September. Unfortunately, the House did not have time to act upon it. Therefore, we are reintroducing it for the Senate's immediate consideration.

The effect of this bill would simply be to subject the importation of tomatoes to the same packing requirements that our own domestic producers and packers now face. Florida tomato growers, along with many other domestic tomato growers, are faced with an unusual problem by Mexican tomato growers, particularly since Mexico has recently devalued and floated its currency. Because of this devaluation, Mexican tomatoes have been further cheapened as compared to our domestic tomatoes. The real problem lies in the fact that imported tomatoes do not have the same crating and boxing requirements that we have. Therefore, our growers who compete with imported tomatoes are faced with an even greater problem than cost reductions unless we can at least equalize the conditions under which these products are sold. Presently regulations governing tomato quality are now uniform for both domestic and imported tomatoes. This bill would simply add uniformity in packing standards for both domestic and imported tomatoes. The effect of the bill would be to require uniformity in packing practices on those imported tomatoes. This legislation will benefit American consumers as well as tomato growers. It will insure that our consumers will receive the proper grade of imported tomatoes for the price that they pay and will eliminate substandard tomatoes from being included in higher priced shippings.

This legislation will result in no cost to the Government. It is not aimed at curtailing imports. It will result in bringing needed order to the marketing of fresh tomatoes and will benefit both producers and consumers in the United States. I join my distinguished colleague in urging prompt action on this bill.

By Mr. WILLIAMS (for himself and Mr. PROXMIRE):

S. 92. A bill to amend and extend the Export Administration Act of 1969 to improve the administration of export controls pursuant to such act, to strengthen the antiboycott provisions of such act, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

EXPORT ADMINISTRATION AND FOREIGN BOYCOTT AMENDMENTS ACT OF 1977

Mr. WILLIAMS. Mr. President, I am today introducing, on behalf of Senator PROXMIRE and myself, the Export Administration and Foreign Boycott Amendments Act of 1977.

As my colleagues are aware, the Export Administration Act expired last year as a result of the administration's opposition to the antiboycott provisions contained in the necessary extension legislation. As a result, the United States is now without the requisite authority to deal with the complex issues of national and international consequence arising under the jurisdiction of the act. The legislation Senator PROXMIRE and I are cosponsoring will reenact this important statute.

In addition, the bill deals with a panoply of issues—export controls for national security purposes; commodity control lists; simplifying and improving the operation of the Export Administration Act; international terrorism and nuclear proliferation. However, it deals with one issue of particular interest and special concern to this country and one of its closest allies—the Arab boycott of Israel and of American firms doing business in or with Israel.

The 1973 oil embargo has provided the members of the Arab boycott league with enormous leverage to enforce and enlarge the effectiveness and scope of the boycott of Israel. And this is precisely what has happened. What began in the mid-1940's as an economic boycott of Israel has evolved into an unfocused economic and religious campaign by certain Arab countries against not only an adversary, the State of Israel; but also its allies and suporters around the world, especially the United States.

The purpose of this bill is to provide an effective and responsible American position in the face of the serious legal, political, economic and moral questions raised by the Arab boycott at it is practiced in the world today. This would be achieved by making it unlawful for American businessmen to participate to any extent in the Arab boycott of Israel.

Mr. President, since 1965 and until the Export Administration Act expired several months ago, the law regarding foreign boycotts was a statement of official policy in opposition to foreign boycotts and restrictive trade practices. In addition, the law "encouraged and requested" American businessmen to refuse to take any action furthering or supporting restrictive trade practices or boycotts. There were no exact standards of lawful conduct in a boycott context and the law did not provide an effective enforcement mechanism.

As a sponsor in 1965 of these provisions, I pressed for more forceful antiboycott legislation at every opportunity. The need has never been greater than it is at present.

Since the oil embargo of 1973, the reach and purposes of the Arab boycott have been extended far beyond the regional problems in the Middle East. It is now directed against American citizens and businesses and toward altering American policies in that area. American firms doing business with Israel, and even with Jewish Americans in the United States, have become targets of Arab blacklisting, religious discrimination and economic reprisals. Discrimination and blackmail have been injected into U.S. national and international economic and political affairs. And we have allowed ourselves to become enforcers of the boycott against Israel.

Mr. President, I believe the Arab boycott exceeds recognized principles of international law, violates U.S. sovereignty, and abridges fundamental American freedoms—particularly, freedom from religious persecution. Moreover, existing law is inadequate to protect our commitments to all parties in the Middle East, Israel as well as the Arab League countries.

Unfortunately, in too many instances our Government, American business and especially our financial institutions, are collaborating with the boycotting countries to effectuate and enforce the boycott, contrary to our national standards and foreign policy interests and commitments.

Extensive hearings and investigations during the 94th Congress provided graphic illustrations. For example, there is probative evidence that the very officials and agencies charged with administering and enforcing U. S. antiboycott laws—the Commerce, State, and Treasury Departments, as well as the President—have intentionally undermined its purposes. Counseling American business in evasion of the law, withholding information from Congress and the public, and even allowing the Government itself to engage in discriminatory practices are just some examples.

A few actual instances demonstrate precisely how the Arab boycott of Israel tramples national goals and ideals and undermines our Constitution and Bill of Rights.

A U.S. bus manufacturer had its contract to sell buses to an Arab State terminated when it was learned that the seats were to be made by an American company on the Arab blacklist.

Two American investment banking firms were disciplined by the National Association of Securities Dealers for violating its rules of fair practice in substituting nonblacklisted affiliates for blacklisted firms in underwritings with Arab participation.

A large American contracting firm was sued by the Department of Justice because of its refusal to deal with blacklisted American subcontractors and requiring such subcontractors to refuse to deal with blacklisted persons or entities.

Two colonels in the Army Corps of Engineers testified that the corps had acquiesced to Arab pressure to exclude Jewish personnel from projects in Saudi Arabia.

The Department of Commerce—the agency charged with implementing and enforcing the antiboycott laws—distributed to U.S. businesses "trade opportunities" which contained boycott clauses until congressional pressure forced a termination.

In addition to blatant religious discrimination, the economic dimensions of the boycott have also been accurately gauged for the first time. The Arab boycott has an enormous impact on American business. The House Commerce Investigations Subcommittee reported that American businesses are complying with over 90 percent of the boycott requests as the cost of doing business with Arab States. The estimated total value of goods and services involved in all reported boycott requests in 1974 and 1975 was $4.5 billion. Available figures also indicate a sharp increase in both the number of transactions involving boycott requests and the number of companies reporting compliance.

The upward trend results from the continuing increase in the level of trade in the Middle East as these countries continue to reinvest their petro dollars in American products, technology and know-how. While this is beneficial to our overall economy, it also demonstrates that as trade grows, boycott pressures on U.S. business will likewise increase.

In addition, these figures reveal, for the first time, the number of banks, freight forwarders, insurers, carriers, and other companies receiving requests, and the number of transactions in which they comply. And they confirm the central role of these intermediaries in effectuating the Arab boycott.

Mr. President, I cite these figures to prove two points. First, the Arab boycott exists; and second, it is expanding to envelop more trade and more American individuals and firms.

Mr. President, the United States has always stood for international trade unimpeded by artificial barriers which disrupt the open market and interfer with free trade. And unconscionable religious discrimination, integral to the Arab boycott, is repugnant to our ideals as a nation. Neither our citizens nor our Government should tolerate such practices any longer.

In particular, I strongly believe that U.S. businessmen should be protected against harassment and intrusion into their business affairs, and from violation of constitutionally guaranteed freedoms, by foreign governments and members of the Arab League.

New and effective antiboycott legislation is needed to prevent foreign governments from using their economic influence to engage in and coerce others to engage in, restrictive trade practices that violate fundamental rights guaranteed by the Constitution. In addition foreign governments must not be able to interfere with the commercial freedom of U.S. businessmen to do business in any of the world's rapidly expanding and profitable foreign markets.

For too long, the U.S. position on these scores has been too weak. Recognizing this, last year I and many of my colleagues pressed for the enactment of tough antiboycott measures in a variety of areas. More detailed reporting on the boycott requests coupled with mandatory public disclosure of the reporting forms; a statutory ban on compliance with any boycott-related requests; criminal penalties for compliance with the boycott; denial of tax benefits on income derived from operations in boycotting countries; a ban on investments in the United States by foreign persons participating in boycotts—each of these was introduced and considered last session. The only bills enacted were the provisions of the Tax Reform Act and another bill which prohibits certain economic development to aid countries which object to the presence of American officials administering such aid on the basis of race, religion, national origin or sex. However, as in the case of the Tax Reform Act, we have seen the Treasury Department within the last month attempt to deliberately emasculate the new law.

Strong legislation is still needed to prevent U.S. citizens and corporations from participating in the Arab boycott of Israel. Congress would have succeeded in passing such legislation last year except for the administration's unconscionable willingness to exploit the parliamentary situation prevailing at the end of the session.

Prior to the adjournment of the 94th Congress, both the Senate and the House of Representatives had each passed by overwhelming votes—65 to 13 in the Senate; 318 to 63 in the House—legislation to extend the Export Administration Act and strengthen the antiboycott provisions of the act. However, unable to meet in formal conference, Members of the Senate, including myself, met informally with Members of the House to reconcile substantive differences. The result was a blend of the two bills, substantially in the form of the bills being introduced in both the Senate and the House of Repesentatives today.

Given the sentiment of both Houses of Congress, and the statements of the incoming President, this composite bill should be acted upon promptly and favorably.

Mr. President, I request that a brief summary of the antiboycott provisions be printed in the RECORD at this point in my remarks.

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

SUMMARY OF ANTIBOYCOTT PROVISION

A. PROHIBITIONS

Subject to rules and regulations issued by the Secretary of Commerce, it would be a violation of the Export Administration Act for any U.S. person (as defined) to do or agree to do any of the following to comply with, further, or support a foreign boycott or restrictive trade practice against a country which is friendly to the United States and is not the object of any U.S. embargo:

1. Refrain from doing business with any U.S. person or person doing business in the United States.

2. Refrain from employing or otherwise discriminating against persons of a particular race, religion, nationality or national origin.

3. Furnish information regarding any other person's race, religion, nationality or national origin.

4. Refrain from doing business with any person other than the boycotted country or its nationals.

5. Refrain from doing business with the boycotted country or its nationals pursuant to an agreement with, requirement of, or a request from, or on behalf of any boycotting country. The mere absence of a business relationship with or in the boycotted country or with its nationals would not constitute a violation of the above.

6. Furnish information about whether any person does, has done, or proposes to do business with the boycotted country or its nationals or with any person known or believed to be boycotted.

B. EXCEPTIONS TO PROHIBITIONS

The above general prohibitions would not apply to:

1. Compliance with import rules of boycotting country prohibiting import of goods from boycotted country or its nationals or shipment of such goods on carrier of boycotted country or via a route described by boycotting country.

2. Compliance with import and shipping document requirements of boycotting country with respect to a positive designation of a country of origin of the goods and name and route of carrier and name of supplier.

3. Compliance with export requirements of boycotting country with respect to transshipment of good to boycotted country.

4. Refusing to honor letters of credit where beneficiary fails to comply with requirements thereof, except where such compliance would be a violation of the law.

C. SCOPE OF COVERAGE

Above prohibitions and reporting requirements would apply to (1) U.S. persons (defined as individuals plus corporations organized under U.S. law); U.S. controlled subsidiaries and affiliates; and (3) persons doing business in the United States with respect to their business in the United States.

The test of control would be control in fact: Does the parent in the ordinary course of business control the activities or determine the policies of the subsidiary?

D. ENFORCEMENT

Enforcement would be by Commerce Department administrative process in accordance with APA. Rules and regulations to be

effective within three months of enactment. Actions pursuant to existing agreements must be brought into compliance three months after effective date of regulations.

E. DISCLOSURE

Exempted from public disclosure would be information regarding the quantity, description and value of any goods to which the boycott report relates if the Secretary of Commerce determines that disclosure thereof would place the person reporting at a competitive disadvantage.

Charging letters or other documents initiating enforcement proceedings would be made public.

Mr. WILLIAMS. Essentially, Mr. President, six objectives would be accomplished by the enactment of this antiboycott provision.

First, it would strengthen the Export Administration Act by making it illegal for American firms to engage in secondary or tertiary boycotts. Hereafter, the threat of economic reprisal by the Arabs cannot be accepted as a basis for permitting American firms to submit to odious terms that violate the rights and interests of other Americans, or bridge this Nation's sovereign powers.

Second, it will specify with precision conduct and actions prohibited for American persons. Unlike the present uncertainty, it will clarify for American businessmen the range of permissible and impermissible conduct allowable under our laws. This is in sharp contrast to the current confusion as to the actual meaning of "compliance" with a foreign boycott.

Third, under the terms of the bill, U.S. business will be protected from the pressures of foreign boycott requests. It would be a matter of national law that U.S. businessmen may not discriminate on the basis of race, religion, nationality, or national origin or furnish this type of information pursuant to a foreign boycott request. In this sense, the bill reaffirms that the civil rights of our citizens may not be violated by foreign governments, nor will American firms be allowed to aid and abet in such violations.

Fourth, the bill will assure that American businessmen will have freedom of choice as to their commercial relationships any place in the world, and especially at home. So, for example, the notorious Arab blacklist will no longer determine which supplier, subcontractor, customer, or officer an American firm can have or use.

Fifth, the bill will require accountability by the Commerce Department in its administration and enforcement of the antiboycott provisions, both to the public and to the Congress by virtue of expanded public disclosure and more frequent and detailed reporting.

And, finally, the bill will in no way interfere with the primary boycott by the Arab league countries against Israel. Thus, it conforms to the governing principles of international law and respects the sovereign powers of all countries.

Mr. President, this bill deals responsibly with extremely sensitive matters. Its measured provisions are not designed to disrupt any of the initiatives toward a permanent and equitable peace in the Middle East, nor should they be construed to have such an effect. I hope peace will come to this region. The United States must continue to be the catalyst for such a peace and no effort should be spared in order to secure it.

Until it comes, however, I believe these are measures which must be taken by the United States to protect its sovereignty and integrity and to prevent the erosion of values sacred to our democracy under present international realities.

First, the United States must not acquiesce in attempts by foreign governments to coerce American citizens to participate in actions with are anathema to American values. Freedom from discrimination is a benchmark of our democracy. The President and the Congress should reaffirm their resolve through new legislation to attack the most repugnant dimensions of the Arab boycott of Israel and signal to the world that the United States will not participate in or tolerate attempts by foreign governments to enlist our citizens in their battles against other nations.

Second, restrictive and discriminatory trade practices stemming from the Arab boycott must be ended in order to achieve the free and open climate in international trade that has always been a cornerstone of American policy. Distortions in international commerce which are the collateral effects of the Arab boycott can only impede global economic recovery and impede progress toward an environment for international investment unencumbered by governmental influence.

These should be the objectives of U.S. policy and laws and this is the enabling legislation.

Mr. PROXMIRE. Mr. President, today I am cosponsoring a bill to be introduced by Senator WILLIAMS to extend the Export Administration Act which expired on September 30, 1976. As we all know, both Houses of Congress passed bills last year which would have extended the act in a timely manner. Those bills were killed by the Ford administration because they contained provisions to deal with the Arab boycott of Israel and of American firms. This bill, the Export Administration and Foreign Boycott Amendments Act of 1977, will extend the act and provide tough boycott provisions. I am proud to support this legislation which is the same as legislation being introduced in the House today.

Israel is a tiny country in the Middle-East, surrounded by hostile Arab neighbors. The economies of the Arab nations in that part of the world are booming as a result of the more than fivefold increase in the price of oil since they put an embargo on oil exports in 1973. As a result, the Arab nation's of the Middle-East have a favorable balance of trade which runs into the tens of billions of dollars each year. The income of those nations are so high that even their booming economies cannot absorb the goods which their purchasing power may claim. As a result, the Arab nations are awash with liquidity which they invest in the largest banking institutions. The economic clout such liquidity gives the Arabs is enormous.

Trade between the Arab nations and the United States is increasing rapidly. We are exporting large amounts of goods and services to the Middle-East. The impact upon our own economy by such export trade in terms of jobs and upon our own balance of trade is significant.

Unfortunately, a substantial portion of our exports to the Middle East is in the form of military hardware. We are literally arming these nations to the teeth with American produced weapons. The consequences of this weapons buildup will be with us for many years. Israel is a gallant ally which the United States has the strongest kind of moral commitment to defend. There is no doubt that we shall find it necessary in the future to increase our arms supplies to Israel to maintain an effective balance of power in that region.

The Arab nations have made no secret of their desire to destroy our Israeli ally either by force of arms or economic means. A central place in this scheme is the use of their financial muscle to try to choke Israel to death with an economic boycott. They have no hesitation about hammering American firms into line on the issue nor do they flinch at distorting our foreign and domestic commerce. According to information filed with the Department of Commerce the number of export transactions involving an Arab boycott demand jumped from 785 in 1974 to 7,545 in the first 9 months of 1975. This is a tenfold increase. While 23 firms reported receipt of Arab boycott demands in 1974, the number increased to 538 during the first three quarters of 1975. The estimated dollar volume of goods affected by Arab boycott demands during such periods increased from $9.9 to $203 million. As Arab trade and investment grow, so will the pressure on U.S. firms to comply with the boycott.

Both foreign and domestic trade transactions should be executed on the basis of price and quality of goods and services. Boycotts are fundamentally destructive of the concept of the free market. They exclude participation in the market by firms on grounds other than the quality of the goods which they produce. Boycotts are refusals to deal which have long been outlawed by the operation of our antitrust laws because of their pernicious effects.

Boycotts are also fundamentally at odds with our way of life in the United States. Ours is a pluralistic society where the principal of equal opportunity operates to insure that the best produced goods will find their way to the marketplace judged solely on the merits. The Arab boycott is particularly destructive of our basic values because it puts the elements of race and national origin into marketing decisions. The costs of the Arab boycott come too high. Our reputation is tarnished in the eyes of the world. Our national state of mind is infected with the toleration of religious-racial discrimination. This corrupts our institutions and our values.

Even our largest financial institutions are drawn into the Arab net by which their boycott policies are enforced. American firms through their banks which issue letters of credit to finance international trade must certify that no

part of the goods are of Israeli origin; neither the exporter nor any of its affiliates is on the Arab "blacklist"; the vessel carrying the goods is not "blacklisted"; and the insurer of the goods is not "blacklisted." Over 1,500 American firms are on the Arab "blacklist." An American firm which desires to do business with the Arabs must refuse to do business with any of these "blacklisted" American firms. And such American firms must forego commercial relations with Israel thus discouraging foreign commercial relationships by American firms that might otherwise arise.

Let us make no mistake about it. The Arabs force American firms and American banks to discriminate against America's Jewish ancestry. New York State has filed antidiscrimination cases against Citibank and Morgan Guaranty, two of the Nation's largest banks, for their part in enforcing the Arab boycott on this basis. According to public reports, the complaint accused the two banks of routinely enforcing provisions in letters of credit that bar payment for exports to Arab countries unless the American suppliers certify that they have complied with the Arab boycott against Jewish individuals, Jewish organizations and companies that have Jewish sounding names. There is no question that these boycott practices must be stopped.

The existing provisions of the Export Administration Act are woefully inadequate. This bill will put teeth into the law to prohibit all aspects of the Arab boycott which undermine our commerce. Specifically this bill will prohibit any of the following actions taken to comply with the Arab boycott:

First. Refraining from doing business with Israel or any corporation organized by Israel or by any national or resident of Israel.

Second. Refraining from doing business with any other person or company.

Third. Refraining from employing or otherwise discriminating against any U.S. person on the basis of race, religion, nationality, or national origin.

Fourth. Furnishing information with respect to the race, religion, nationality, or national origin of any U.S. person.

Fifth. Furnishing information about the business relationships of a company with or in Israel, or any concern organized in Israel, or with any national or resident of Israel, or with any firm on the Arab boycott "blacklist".

Mr. President, I can see absolutely no reason why any firm should be allowed to supply any information whatsoever concerning the race, religion, nationality, or national origin of any person. Furthermore, I see no reason why the Arab nations should be allowed to obtain any information concerning the business relationships of American firms with Israel, or with any other companies. This kind of information request is so pernicious and fraught with danger that it should never be given in a commercial transaction. The only reason for obtaining such information is to enable compliance with the Arab boycott and "blacklist" and should, therefore, be prohibited in my view by this bill. The supplying of any such information can only support a subtle compliance with the "blacklist" by encouraging negative views about Israel or certain firms and should not be countenanced in any circumstances.

Where an Arab nation has a legitimate commercial interest in information concerning the place of production of goods or methods of shipment of such goods exceptions are provided in the legislation. The bill also requires disclosure of boycott requests and intentions to comply with such requests to the Secretary of Commerce and provides for public inspection of such reports. This disclosure provision should be a strong deterrent to compliance with the boycott by American firms. Any violations of the antiboycott provisions of this bill are subjected to loss of export privileges.

Mr. President, this is a tough bill. But every provision is necessary. Businessmen and bankers cannot be permitted to conduct the trade and commerce of the Nation in a manner which violates the principles on which our Nation was founded.

By Mr. HOLLINGS:

S. 94. A bill to improve the operation and efficiency of the U.S. Postal Service; to the Committee on Post Office and Civil Service.

POSTAL REORGANIZATION ACT AMENDMENTS OF 1977

Mr. HOLLINGS. Mr. President, as we all know, most Americans are dissatisfied with the U.S. Postal Service. We receive literally thousands of letters expressing this dissatisfaction from our constituents. Daily, we read stories and editorials which express concern about the erosion of service and which question the management of the Postal Service. We are not only seeing the erosion but we are experiencing a crisis in confidence in an institution which touches and effects the lives of almost every American daily.

In 1970, we in the Congress, with the support of the President, past Postmasters General, and most mail users transformed the old Post Office Department into a publicly-controlled corporation named the U.S. Postal Service. For 6 years, we have watched the Postal Service hoping that it would be able not only to survive, but to provide more efficient service. We have been disappointed. Service has eroded and the poorer service is costing us more. The prices for mail users are rising and we have recently been compelled to raise the level of the Federal appropriation.

If the Postal Service were truly a business, it would be bankrupt. Their annual report for 1976 shows a net loss of $1,176,000,000. Total current assests are $1,344,984 while total current liabilities are $2,098,010. In the private sector, an excess of liabilities over assets, coupled with revenues that regularly fail to cover expenses, strongly suggests that the entity is bankrupt. Of course, the Postal Service's equity is not quite like that of a corporate entity since most of the Service's liabilities are held by the Federal Financing Bank of the U.S. Treasury, another Government entity.

Last year, the Congress decided to place a moratorium on service cuts and rate increases, to authorize additional funding and to appoint a blue ribbon commission with the task of studying and defining postal difficulties. I objected to this procedure and I offered a comprehensive alternative reform measure.

However, the Commission is appointed and they are presently working toward their goal of reporting back to the Congress in March of this year. I am hopeful that their report will prove enlightening, but at the same time I do not feel that the Senate can ignore our postal dilemma.

President-elect Carter has also made several statements criticizing the Postal Service and suggesting his plans for correcting postal problems. Thus, it seems that the new administration and the Congress can work together to attack and solve the many difficult problems facing the Postal Service.

Accordingly, I am introducing a postal reform bill which is similar to my substitute amendment to H.R. 8603 which was debated on August 23 and 24, 1976. I refer my colleagues to the CONGRESSIONAL RECORDS of those dates for a comprehensive review of my proposal which consists of the following provisions:

First. Annual authorization.—The Postal Service would be required to come before the Congress each year for authorization and appropriation of its total budget.

Second. Presidential appointment of Postmaster General.—The Postmaster General would be appointed by the President and confirmed by the Senate. The Postal Service requires positive attention and guidance from as well as accountability to the executive branch.

Third. Abolish Board of Governors.—The Board of Governors simply has not done the job. Also it should be the responsibility of the Congress, publicly accountable representatives, to guide and direct the Postal Service.

Fourth. Limit borrowing authority.—The ability of the Postal Service to borrow funds to offset operating expenses would be limited to $500 million at any one time. This provision will provide the Postal Service with a buffer should a cash flow problem arise during the annual authorization and appropriations process.

By Mr. BROOKE (for himself and Mr. MCINTYRE):

S. 97. A bill to amend the Internal Revenue Code; to the Committee on Finance.

ENERGY CONSERVATION TAX CREDITS FOR RESIDENCES AND SMALL BUSINESSES AMENDMENT

Mr. BROOKE. Mr. President, we begin the new year and the 95th Congress at a time when the Nation's energy supply problem is once again reaching crisis proportions. Our dependence on foreign petroleum products is vastly greater than it was when the Arabs imposed the embargo of 1973. The temporary sense of urgency our people felt in the face of a demonstrated need to conserve energy has now evaporated. The Nation's elected

fatal desire to individually outshine their confreres. They will irrepressibly carp, cavil, criticize, in a hair-splitting manner their comrades and associates. Yet more probably than not, they will miss the broad sweep of the momentous while entangled in niggling picayunes of irrelevance. In such a situation they invariably offer no contribution to a cause, let alone a constructive and workable solution.

We have also found that in our cooperation with Liberals all over the world they distort or diminish their effectiveness to a cause since they oftentimes in the spur of the moment wish to add to or subtract from a preagreed plan of operation. Yet let it not be misunderstood for a moment that Liberals are all clumsy blunderers and mala fide roits. In fact they are often very clever and ingenious; certainly they are necessary forward troops attired in camouflage to achieving success in world revolution. They are all-important, too, in (1) laying the ground work, and (2) clearing the mine fields, so to speak, and (3) generally softening-up resistance and prejudice against Communism. In the words of Lenin, Socialism is impossible without democracy. In other words, Liberalism must be made the spearhead for Communism. Witness again what Martov, Kerensky, the Liberals, the Mensheviks et al. did for us in the initial stages of completion of our Revolution internally in 1917. We are strongly convinced that the Liberals of the world are and will continue to be useful and even of greater use to us in the evolvement of World Revolution. Personally I (Borodin speaking) find them most attractive in their Hamlet-like equivocations and provocative intellectual gymnastics. I do not regard them as only good for the "elegant sneers" as most Leninists do.

COMMUNISM'S GOAL

Now the pursuivant question is: What follows after stating Communism's goal of World Revolution? The answer is action, fomenting first, discontent, cleavages in thought whenever and wherever opportunity affords. This is to be followed by small and large social upsets, demonstrations and the spreading of dissatisfaction and dissension on a nation-wide scale. This sounds futile and nihilistic, but it must be constantly realized that revolution means to revolute, to turn the wheel 360 degrees around, and anything that revolves 360 degrees to travel all the way from its original point of departure is by its very nature drastic. Being thoroughly drastic, it involves the purging of the whole body politic as well as whole society and its various stratum from top to bottom. Regrettable and paradoxical as it may seem, CHAOS is the key to revolution. For chaos brings purification and it is through chaos, the cleaning and rinsing processes, that Marxism-Leninism can bring order and sanity into society—a self-purification process. In other words, to build anew the new order in society requires a freedom to destruct, unfettered by past fetishes of stultifying mores and referrals to old traditionalism. The past is to be obliterated to make Russia a nation not of Nitzschean Supermen, but of Russian Communist Supermen. While remoulding our own country we will turn evangels in the world either through sending out our missionaries to preach the Communist Gospel, by making converts in the indigenous countries or by getting their people to come to Russia to be educated. This is not to say that we do not realize that our missionaries and converts of the first generation are all men of impeccable quality, zeal or convictions, but we plan to quickly improve with time. Secondly, we are not unaware that human nature, being ingrained with thousands of years of selfishness, avarice and conceptualized ways of thinking with their stunted petrified modus operandi, is all so antithetical to Communism. As the saying goes, Rome was not built in a day, and it will be far from easy to remould human nature, but we shall have all the courage and patience needed to guarantee that all humanity will turn into a Civitas Communismus—and that it will not turn into an Augustinian Civitas Dei—City of God (sec!)—which has proved to be representative of privileges for the comparative few and the oppression of imperialism to the conquered!

COMMUNIST NIRVANA

The next question that will surely come to mind is: How to achieve the Communist Nirvana on Earth? We must correct human weaknesses. They are: (1) gullibility, (2) emotionalism—at the wrong time or on the wrong issues, (3) apathy, (4) moral and/or physical cowardice, (5) excitement-seeking syndrome, (6) griping and dissatisfaction, (7) vain self-gratification, (8) competitive cruelty, (9) greed and intrigue, (10) jealousy, (11) a desire to belong, to the old order of things, (12) insecurity and anxiety, (13) a need of recognition of every success, and (14) vacillation. These are human instincts which are inborn and have been fostered by circumstances to varying degrees in all civilizations, cultures and subcultures. These frailties exist even among the cannibals and head-hunters in the remotest corners and jungles of the world. With these parameters of insight, we can correct these human deviations through Communism. Of these frailties, amazingly enough, the Intellectuals are the worst offenders to a high degree. However, in a larger sense, it must be said of Intellectuals, once they are committed to us, ninety-nine per cent stay committed for the very good reason that they are too proud or too intellectually fearful to admit that they want to back-track or that they were "intellectually bought" by Communism. The most obvious attribute among the other attributes of an Intellectual is his heavy investment in his own ego. The fact that he, an Intellectual, had come to espouse a faulty idea, let alone a dynamic doctrine such as Marxism, without going through a prolonged process of arduous and weighty thinking, would be tantamount to accusing him of most heinous crime of being a fake, a numbskull, or a confused intellectual nonentity. For him to own up to his mistake would be almost as agonizing as a tortured death itself. It is the gravest insult with which one could possibly accuse an Intellectual or a self-anointed Intellectual. It is also the cause of many a hatred-laden terrible denunciation and heated polemics that Intellectuals are embroiled in interminably. It poisons the air and engenders such venom which ironically oftentimes redounds to our advantage. It is interesting to watch on the sidelines the bulldog-like never-let-go fights with never-ending vituperations and insolent reciprocating accusations between two Intellectuals.

PROPAGANDA MACHINERY

Through the technique of propaganda first used to great advantage by the religions of the world, especially by the Catholic Church—the Congregation of Propaganda—from which came the best features we adopted eclectically for our use, we honed our own propaganda machinery accordingly. Propaganda, like bread or rice, serves the need of the people who throughout history want to be guided, solaced and led by the hand. We and we alone provide these needs

And it is in a democracy where free speech abounds that intellectualism flowers best with its many hues and subtle shadings and layers of nuances which are mostly self-serving or self-negating in their own circle, ideas which cancel out other ideas. In the meeting and melding with other streams of ideas that come splattering down helter-skelter into the torrents of the intellectual river, theirs are lost into a sea of ideological confusion even before reaching the end of their intellectual journey. As for example, after an attempt was made on Lenin's life on August 30, 1918, by a socialist revolutionary, Dora Kaplan, we used the opportunity to systematically ferret out and clean up sizable numbers of intellectuals and bourgeois of all types. Unfortunately, it was misunderstood and referred to abroad as the "reign of terror." From our point of view it was to serve notice to the whole world that this was necessary in order to stem all opposition to the work that Lenin and our comrades were accomplishing for Russia and laid out for the world.

To achieve the greatest possible dissemination of our ideology, we have to rely on the news media of the world. We gradually channel our sympathisers to think our way by first putting up with their inaccurate thinking, idiosyncracies and complexes, and then swiftly but gently through persuasion, quid pro quos, lead them to work with us for the common cause. We have observed happily that gradually the mass media of the press and the radio in Europe and in the United States are beginning to come around and become "us oriented." Some are even more openly radical, which is as it should be. But as Communists, what we must always beware of is when they start protecting their own pet little interests and turf. They often defend them with fierce rabidity, tooth and nail. This is taboo with us because it brings out to the fore selfish interest, and it develops into personal vendettas, losing sight of the great issues at stake. We do not want them to be feuding within our discipline. As to the postulate that basically most Intellectuals have an innate sense of intellectual honesty, we are on very moot ground.

FLEXIBLE PRINCIPLES

Let me say that I agree with you and say that intellectualism per se is wonderful as is preached and practiced in the civilized world today, but it has the formulation of the concept of immediacy, rooted in the uncertainty of changing, flexible opportunistic principles as contracted with the intellectualism of purpose and action in Marx, Plakhanov and Lenin. The parlour room Socialists talk endlessly often in brilliant philipics without showing results while Marx is the only socio-economic-political prophet who systemized and defined parts to the whole and designated where each part played in the whole.

To put it in another way, Communism is the only doctrine which embraces completely politics, social phenomena and economics all integrated into the best possible system. Communism is the only doctrine which recognizes the importance of economic and social reforms. As Marx is inclusively integral in his doctrine, others are at best fractionated and mutually exclusive of sociopolitico-economic interactions. Plakhanov, the father of Russian Marxism, augured Lenin in proclaiming that it is explicit and implicit that every principle of liberty, individual rights, decency, democracy and justice should be subordinated to the Revolution, and it is along these lines that we have put maxim into action.

Here I would like to interject by saying that while Borodin continued on with his thinking-aloud soliloquy, in my mind I was not a little surprised that he had made no mention of the contribution of Gracchus Babeuf. Leon Trotsky at the Communist International of 1919 had hailed this French revolutionary leader and insurrectionist not Plakhanov nor Lenin, as one of the great founding fathers who had prepared the ground for the Bolshevik triumph in Russia and the imminent World Revolution. Some of Trotsky's paeans of Babeuf I had retained in my mind especially because at the time when I read it cursorily I thought of Trotsky as being

products are produced meet certain minimum standards of sanitation, and for other purposes; to the Committee on Agriculture.

H.R. 2132. A bill to establish a bureau of agricultural statistics for the purpose of monitoring the changes in prices which occur in the price of agricultural commodities from the time they are sold by the farmer until the time when the consumer purchases such commodities or products thereof, and for the purpose of making recommendations to the Congress with respect to correcting situations in which the retail price of an agricultural commodity, or product thereof, rises while the prices received by the farmer for the same commodity decreases; to the Committee on Agriculture.

H.R. 2133. A bill to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research; to the Committee on Agriculture.

H.R. 2134. A bill to amend the Federal law relating to the care and treatment of animals to broaden the categories of persons regulated under such law, to assure that birds in pet stores and zoos are protected, and to increase protection for animals in transit; to the Committee on Agriculture.

H.R. 2135. A bill to prohibit the military departments from using dogs in connection with any research or other activities relating to biological or chemical warfare agents; to the Committee on Armed Services.

H.R. 2136. A bill to amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped; to the Committee on Education and Labor.

H.R. 2137. A bill to amend the Domestic Volunteer Service Act of 1973 to provide that developmentally disabled children receiving services under the foster grandparent program may continue to receive such services as adults; to the Committee on Education and Labor.

H.R. 2138. A bill to authorize a national summer youth sports program; to the Committee on Education and Labor.

H.R. 2139. A bill to establish an Agency of Economic, and Natural Resources Planning in the executive branch of the Federal Government; to the Committee on Government Operations.

H.R. 2140. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials; to the Committee on Government Operations.

H.R. 2141. A bill to amend the Public Health Service Act to provide for the screening and counseling of Americans with respect to Tay-Sachs disease; to the Committee on Interstate and Foreign Commerce.

H.R. 2142. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus supplies and equipment to State and local public recreation agencies; to the Committee on Government Operations.

H.R. 2143. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to provide for the disposal of surplus real property to States and their political subdivisions, agencies, and instrumentalities for economic development purposes; to the Committee on Government Operations.

H.R. 2144. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit rescue squads to obtain surplus property; to the Committee on Government Operations.

H.R. 2145. A bill to prohibit the licensing of certain activities regarding plutonium until expressly authorized by Congress, and to provide for a comprehensive study of plutonium recycling; to the Committee on Interior and Insular Affairs.

H.R. 2146. A bill relating to the settlement of debts owed the United States by foreign countries; to the Committee on International Relations.

H.R. 2147. A bill to prohibit actions by U.S. exporters which have the purpose or effect of supporting restrictive trade practices or boycotts imposed against countries friendly to the United States by other foreign countries; to the Committee on International Relations.

H.R. 2148. A bill to prohibit the transfer of nuclear materials to countries which have not ratified the Treaty on Non-Proliferation of Nuclear Weapons; to the Committee on International Relations.

H.R. 2149. A bill to improve the Nation's energy resources; to the Committee on Interstate and Foreign Commerce.

H.R. 2150. A bill to amend the Social Security Act to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost; to the Committee on Interstate and Foreign Commerce.

H.R. 2151. A bill to provide for accelerated research and development in the care and treatment of autistic children, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2152. A bill to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and research in, Huntington's disease; to the Committee on Interstate and Foreign Commerce.

H.R. 2153. A bill to amend the Public Health Service Act to provide for the control of vitiligo; to the Committee on Interstate and Foreign Commerce.

H.R. 2154. A bill to amend the Public Health Service Act to provide assistance for the planning and development of schools of veterinary medicine; to the Committee on Interstate and Foreign Commerce.

H.R. 2155. A bill to provide for protection of franchised dealers in petroleum products; to the Committee on Interstate and Foreign Commerce.

H.R. 2156. A bill to provide preemptive option and financial assistance to States to purchase abandoned rail lines for transportation and utility purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2157. A bill to discourage the use of leg-hold or steel jaw traps on animals in the United States; to the Committee on Interstate and Foreign Commerce.

H.R. 2158. A bill to incorporate the National Ski Patrol System, Inc.; to the Committee on the Judiciary.

H.R. 2159. A bill to incorporate the Italian American War Veterans of the United States, Inc.; to the Committee on the Judiciary.

H.R. 2160. A bill to amend section 401(j) of the Federal Aviation Act of 1958 to provide that no air carrier shall discontinue service, in whole or in part, unless such discontinuance is found to be in the public interest by the Civil Aeronautics Board after public hearings; to the Committee on Public Works and Transportation.

H.R. 2161. A bill to amend the Small Business Act to provide that a small business concern shall include a nonprofit organization providing economic benefit or valuable service to its members; to the Committee on Small Business.

H.R. 2162. A bill to amend title 38 of the United States Code in order to provide mortgage protection life insurance to certain veterans unable to acquire commercial life insurance because of service-connected disabilities; to the Committee on Veterans' Affairs.

H.R. 2163. A bill to amend title 38, United States Code, to authorize a program of assistance to States for the establishment, expansion, improvement, and maintenance of veterans cemeteries, and to provide for transportation of bodies to a national cemetery; to the Committee on Veterans' Affairs.

H.R. 2164. A bill to provide a program of tax adjustment for small business and for persons engaged in small business; to the Committee on Ways and Means.

H.R. 2165. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

H.R. 2166. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

H.R. 2167. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption where a taxpayer, his spouse, or any dependent of the taxpayer is handicapped; to the Committee on Ways and Means.

H.R. 2168. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

H.R. 2169. A bill to amend the Internal Revenue Code of 1954 to increase the excise tax on cigarettes, and to amend the Public Health Service Act to increase the authorization for appropriations for the National Heart and Lung Institute by amounts equal to the increase in receipts from such tax; to the Committee on Ways and Means.

H.R. 2170. A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit or an income tax deduction for certain expenditures of a taxpayer relating to the thermal design of such taxpayer; to the Committee on Ways and Means.

H.R. 2171. A bill to amend the Internal Revenue Code of 1954 to deny certain benefits to taxpayers who participate in or cooperate with the boycott of Israel; to the Committee on Ways and Means.

H.R. 2172. A bill to amend the Vocational Rehabilitation Act of 1973, and for other purposes; jointly, to the Committees on Education and Labor and Post Office and Civil Service.

H.R. 2173. A bill to promote services and programs designed to assure the opportunity for adoption for all eligible children; jointly, to the Committees on Education and Labor, and Ways and Means.

H.R. 2174. A bill to amend title XVIII of the Social Security Act to make it clear that payment may be made under the supplementary medical insurance program for wheelchairs and other durable medical equipment furnished on a lease-purchase basis; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. ROE (for himself and Mr. KILDEE):

H.R. 2175. A bill to provide income tax incentives for the modification of certain facilities so as to remove architectural and transportational barriers to the handicapped

useful means of transporting the elderly to nutrition sites or senior centers.

In order to make schoolbuses more accessible for use by older persons, my bill seeks to remove a large obstacle blocking contractors' use of schoolbuses for nonschool purposes. Presently, schoolbuses owned by contractors are exempt from Federal excise tax—that is, 10 percent of the vehicle—if the contractor signs an affidavit at the time of the purchase that the vehicle will be used solely for trips to and from school. This exemption provides great savings to the contractor, particularly when there are large numbers of buses involved. Many contractors, however, are unwilling to jeopardize these savings in order to provide nonschool transportation.

As revealed in the House Aging Committee transportation study, an "informal interpretation" by an official of the Internal Revenue Service indicated that "if subsequent circumstances arise which would dictate that a bus purchased tax free can no longer be exclusively used for exempt purposes, then its diversion to other uses will not negate the exemption for that bus." Most bus contractors, however, tend to interpret the law more narrowly.

In light of the great uncertainty on the part of schoolbus contractors as to their tax exemption if schoolbuses are used to transport persons other than pupils, my bill would amend the Internal Revenue code to allow the transport of the elderly and other disadvantaged persons through publicly-supported programs without the loss of the exemption presently permitted in Sec. 4221(e)(1).

I believe this amendment to the law would remove schoolbus contractors' fears of any loss of exemption coverage in providing for the transportation of individuals during nonuse of schoolbuses by pupils. I believe this amendment would promote greater access to transportation resources for our Nation's immobilized elderly. It is my hope that this legislation will see early enactment.

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

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

S. 389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (5) of section 4221(e) of the Internal Revenue Code of 1954 (relating to exemption for school buses) is amended to read as follows:

"(5) CERTAIN BUSES.—Under regulations prescribed by the Secretary or his delegate, the tax imposed by section 4061(a) shall not apply to a bus—

"(A) which is sold to any person for use exclusively in providing transportation for a State or local government or a nonprofit organization described in section 501(c) which is exempt from tax under section 501(a); or

"(B) which is sold to such a nonprofit organization for use by it or by any other such organization exclusively for purposes described in section 501(c)(3)."

(b) The amendment made by subsection (a) shall apply to articles sold after the date of the enactment of this Act.

By Mr. MATSUNAGA:

S. 390. A bill to amend the Internal Revenue Code of 1954 to provide that the amount of the charitable deduction allowable for expenses incurred in the operation of a highway vehicle will be determined in the same manner as the business deduction for such expenses; to the Committee on Finance.

Mr. MATSUNAGA. Mr. President, the second bill I am introducing today is another attempt to further transportation services for the elderly by extending tax deductions for expenses incurred by volunteers driving to and from charitable-service functions.

Our older Americans are important human resources. Many of the Nation's senior population have the desire to prolong their years of productivity and services. However, all too often, their contributions made as volunteers in local or State services, are stymied by the burdens of rising expenses in driving or being driven to their charitable activities.

Numerous programs and projects throughout the country rely upon the services of volunteer drivers. But frequently many volunteer drivers are forced to curtail their voluntary driving because of the imbalance between increasing costs in operating a vehicle and the limited, fixed income of the senior volunteer.

Volunteerism is usually effective when there is a potential to alleviate burdening costs to the volunteer, and when the out-of-pocket expenses of the volunteer is at a minimal. Consideration of incentives is an important aspect of promoting greater participation by volunteers and in strengthening the operation of senior projects.

One of the roadblocks deterring transportation services provided by volunteer drivers lies in our Federal tax law. One provision of our current Federal tax law permits individuals who itemize their deductions to include the mileage driven in bona fide volunteer activities at the rate of 7 cents a mile. A figure much more aligned to the real costs of operation is the business mileage deduction of 15 cents a mile. As indicated in the House transportation report by the Select Committee on Aging, "for even a middle-income elderly person, whose marginal tax rate is as high as 20 percent, the charitable mileage deduction amounts to less than a cent a half per mile."

By proposing to amend the tax law as it relates to tax deduction for charitable or volunteer mileage and equate such deductions with those for nonreimbursed business mileage deductions, my bill would trigger the transportation potential embodied in the use of volunteer drivers. The bill provides an incentive to volunteerism and should be enacted.

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

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

S. 390

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 170 of the Internal Revenue Code of 1954 (relating to charitable deductions) is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

"(i) AMOUNT OF DEDUCTION FOR EXPENSES OF OPERATING A MOTOR VEHICLE.—The amount allowable as a deduction under this section with respect to expenses incurred by the taxpayer for the operation of a highway vehicle—

"(1) shall include that portion of the costs of operating and maintaining such vehicle (including a reasonable allowance for depreciation) which is allocable to such operation; and

"(2) shall be determined in the same manner as if such operation were in connection with a trade or business of the taxpayer.".

(b) The amendment made by subsection (a) shall apply with respect to the operation of a motor vehicle occurring after the date of the enactment of this Act in taxable years ending after such date.

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. JOHNSTON, the Senator from Minnesota (Mr. ANDERSON) was added as a cosponsor of S. 15, the Federal Election Campaign Act Amendments of 1977.

S. 69

At the request of Mr. STEVENSON, the Senator from New Mexico (Mr. DOMENICI), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of S. 69, to extend the Export Administration Act.

ADDITIONAL STATEMENTS

AN EXTRAORDINARY FEAT IN ANTARCTICA

Mr. SPARKMAN. Mr. President, I wish to call the attention of the Senate to a most remarkable achievement of a small band of extraordinarily skillful and dedicated men. This is the completion of the recovery of three ski-equipped C-130 Hercules aircraft which were wrecked in 1975 in a series of bizarre accidents at Dome Charlie in Antarctica.

Dome Charlie is about 625 miles from the main U.S. Antarctic base at McMurdo Sound. Its altitude is 11,000 feet and its average summer temperature is 22° below zero. It was recently described in a report to the Foreign Relations Committee by one of the committee's widely traveled staff members as "quite possibly the worst place I have ever been." Describing the work at Dome Charlie, this staff member reported,

The men live in canvas-covered huts and work 12-hour shifts in sub-zero temperatures made worse by high winds and an altitude of 11,000 feet. It has to be one of the most difficult aircraft repair jobs ever accomplished.

This salvage operation has spanned three austral summers. At a cost of $25 million it repaired three aircraft which would have cost $27 million to replace. The first aircraft was damaged while on a mission to pick up a five-person international Antarctic glaciological project

S. 446

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That under such regulations as the Secretary of Defense may prescribe, the Secretary of a military department may, from appropriations made specifically available for the purpose, reimburse nonappropriated fund instrumentalities located in the Ryukyu Islands and Daito Islands, Japan, or their designated fiscal successor-in-interest accounts, for any increase in severance pay entitlement of Japanese employees who were employed by such instrumentalities on May 15, 1972, and whose severance pay computation formula was changed, effective on such date, as a result of the agreement entered into by the United States and Japan entitled "The Agreement Between the United States of America and Japan concerning the Ryukyu Islands and the Daito Islands" (signed at Washington, D.C. and Tokyo on June 17, 1971).

SEC. 2. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of the first section of this Act.

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. JOHNSTON, the Senator from Minnesota (Mr. ANDERSON) was added as a cosponsor of S. 15, the Federal Election Campaign Act Amendments of 1977.

S. 21

At the request of Mr. DOMENICI, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of S. 21, to amend the Occupational Safety and Health Act.

S. 92

At the request of Mr. WILLIAMS, the Senator from Idaho (Mr. CHURCH), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Indiana (Mr. BAYH), the Senator from Washington (Mr. JACKSON), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 92, to amend and extend the Export Administration Act of 1969.

S. 107

At the request of Mr. PEARSON, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 107, a bill to avoid reductions in veterans' pensions concomitant with increases in social security benefits.

S. 121

At the request of Mr. BIDEN, the Senator from Minnesota (Mr. ANDERSON), the Senator from New York (Mr. JAVITS), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 121, the Federal Oil Pollution Liability and Compensation Act of 1977.

S. 123

At the request of Mr. INOUYE, the Senator from Indiana (Mr. BAYH) and the Senator from New Hampshire (Mr. MCINTYRE) were added as cosponsors of S. 123 a bill to amend the Social Security Act.

S. 175

At the request of Mr. SCHWEIKER, the Senator from Alabama (Mr. SPARKMAN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Louisiana (Mr. JOHNSTON) were added as cosponsors of S. 175, a bill to provide a special program of financial assistance to opportunities industrialization centers, and to other national community based organizations.

S. 182

At the request of Mr. KENNEDY, the Senator from Minnesota (Mr. ANDERSON), the Senator from Michigan (Mr. RIEGLE), the Senator from Maryland (Mr. SARBANES), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 182, the Federal Tanker Safety and Marine Anti-Pollution Act of 1977.

S. 311

At the request of Mr. ROTH, the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 311, a bill entitled the College Tuition Tax Relief Act of 1977.

S. 317

At the request of Mr. MCGOVERN, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 317, to provide service pensions to certain veterans of World War I.

S. 367

At the request of Mr. MCGOVERN, the Senator from North Dakota (Mr. YOUNG) was added as a cosponsor of S. 367, to authorize the Secretary of the Interior to guarantee certain bonds issued to finance water resource facilities.

S. 398

At the request of Mr. PEARSON, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 398, the Emergency Construction Trade Employment and Airport Development Act of 1977.

S. RES. 7, S. RES. 8, AND S. RES. 9

At the request of Mr. HATFIELD, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of Senate Resolution 7, Senate Resolution 8, and Senate Resolution 9, amending rule XXII of the Standing Rules of the Senate.

SENATE CONCURRENT RESOLUTION 6—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE PLACING OF A STATUE OF MARTIN LUTHER KING, JR., IN THE CAPITOL

(Referred to the Committee on Rules and Administration.)

Mr. BAYH. Mr. President, it is with great pleasure that I introduce today a resolution, introduced in the House by Representative JONATHAN BINGHAM and cosponsored by 157 Members of the House, including all members of the Black Congressional Caucus, to authorize the commissioning of a bust or statue of the Rev. Dr. Martin Luther King, Jr., for placement in the U.S. Capitol.

Evidence of the strong support this resolution has is indicated by the fact that last year it passed both Houses, falling short of final passage only because the House refused to accept a Senate amendment, and the 94th Congress adjourned before the two Houses could go to conference on the resolution.

It seems only fitting and proper that Congress pass this resolution as a gesture of our respect for a great American. Furthermore, I wholeheartedly agreed with my colleague from the other body, Mr. BINGHAM, when he so eloquently stated that the absence of any statue or portrait of a distinguished black American among the 681 statues and portraits in the Capitol is a disgrace to a nation striving to correct the legacy of 200 years of racial injustice. This resolution would not only be a mark of respect for the memory of the Rev. Dr. Martin Luther King, Jr., it would be a means of expressing our appreciation for the important role of black Americans in our Nation.

For too many years the history of the black American's accomplishments in this country have been ignored. Black children have been denied the proud pleasure of reading in the history books of the great accomplishments of their ancestors. Recently, many schools have attempted to remedy this unpardonable omission through the creation of black studies courses and through the inclusion of black Americans in the history books. Now it is time for the U.S. Congress to do the same. Black children must be able to feel the same kind of pride when they walk through the Halls of Congress as they do when they sit in a black studies class or read in the history books about the great deeds of Frederick Douglass, Harriett Tubman, Sojourner Truth, or Booker T. Washington. A bust or statue of Dr. King would be the first step in achieving such a feeling of pride among our black citizens when they visit their Nation's Capitol.

A cultural legacy is a key variable in any people's struggle for ethnic or racial identity. For this body not to pass this resolution, and thusly deny more than 22 million people the right to a feeling of their own racial pride, would be unjust. All Americans should and must share in the cultural heritage of America. A bust or statue of the Rev. Dr. Martin Luther King, Jr., certainly would represent a rich and rewarding symbol of what our country is all about. Such a gesture would furthermore move us closer to recognizing that black Americans have played a major role in the development of America. And finally, by placing a bust or statue of Dr. King here in the Capitol, we will help move our black citizens away from a feeling of alienation toward their country and their government, and closer to a feeling that their deeds shall not go unheeded as has too often been the case in the past. I urge prompt adoption of the resolution.

I ask unanimous consent that the text of this resolution be printed at this point in the RECORD.

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

S. CON. RES. 6

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on the Library is authorized and directed to procure a bust or statue of Martin Luther King, Junior, and to cause such sculpture to be placed in a suitable location in the Capitol as determined by the Joint Committee on the Library.

SEC. 2. Expenses incurred by the Joint Committee on the Library in carrying out this concurrent resolution, which shall not

ject to audit by the General Accounting Office, have become a regular feature of many of the appropriation accounts of Federal departments. According to a study entitled "Confidential Funds" prepared by Mr. Louis Fisher of the Congressional Research Service, various accounts of executive agencies contained over $70 million of confidential funds in fiscal year 1975.

Examples of accounts containing confidential funds include the following: White House Office, salaries and expenses; Federal Bureau of Investigation, salaries and expenses; Treasury Department, Office of the Secretary, salaries and expenses; District of Columbia, general operating expenses; and President's special authority, foreign assistance.

The use of confidential funds not subject to GAO audit is a most unhealthy practice. First of all, this practice severely weakens congressional control and oversight over Governent spending. Second, the use of confidential funds conceals the expenditure of millions of dollars from public view, and makes it extremely difficult for the American people to judge and hold accountable the actions of Government officials. Moreover, confidential funds present a grave potential for abuse. They may conceivably be used by executive officials for illegal surveillance purposes or for entertainment not specifically authorized without fear of an audit by the General Accounting Office.

Therefore, I have introduced legislation which would amend the Budget and Accounting Act of 1921 to provide the Comptroller General with the power to audit confidential funds. I believe that this legislation would play an important role in reasserting congressional control over Federal spending, in providing greater openness in Goverment, and in limiting the potential for abuse of power and misuse of public funds.

A copy of this legislation follows:

H.R. —

A bill to amend the Budget and Accounting Act, 1921, to provide the Comptroller General additional authority to audit certain expenditures

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 313 of the Budget and Accounting Act, 1921 (31 U.S.C. 54), is amended by designating the existing paragraph of that section as paragraph "(a)" and adding thereto the following new paragraph:

"(b) Notwithstanding any provision of law heretofore enacted permitting an expenditure to be accounted for solely on the approval, authorization, or certificate of the President of the United States or the head of a department or establishment, the Comptroller General shall be furnished such information relating to such expenditure as he may request and access to all necessary books, documents, papers, and records, relating to such expenditure in order that he may determine whether the expenditure was, in fact, actually made and whether such expenditure was authorized by law. The provisions of this paragraph shall not be superseded except by a provision of law enacted after the date of enactment of this paragraph and specifically repealing or modifying the provisions of this paragraph."

THE ANTIDEFENSE LOBBY—III: CENTER FOR INTERNATIONAL POLICY

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1977

Mr. McDONALD. Mr. Speaker, in the aftermath of its "détente" victories in Vietnam and Angola, the Soviet Union is again pressing a phony "peace" program of disarmament for the West. Internationally, the Soviet drive to bring "world public opinion" into alignment with Soviet foreign policy goals is coordinated to a large extent through the World Peace Council—WPC—an international Soviet-direct front.

The World Peace Council, headed by Indian Communist Party Central Committee member Romesh Chandra, has awarded its gold medal "Peace Prize" to such "peace champions" as Yasir Arafat, head of the terrorist Palestine Liberation Organization; Soviet Communist Party chief Leonid Brezhnev; and has representatives from most of the Soviet-backed Marxist-Leninist terrorist "national liberation movements" on its presidential committee.

Created at the beginning of the Soviet Union's cold war of aggression and subversion to sow confusion and discord with demands for "peace" and nuclear disarmament even as the Iron Curtain fell over Eastern Europe, as the Communists waged a civil war in Greece, and as North Korea invaded the South, the WPC in the United States has an official "continuations committee" branch operated by the Communist Party, U.S.A., and several other cooperating organizations. The cooperating organizations include overtly leftist groups documented as having been penetrated by the Communist Party such as Women Strike for Peace and the Women's International League for Peace and Freedom, socialist/pacifist groups such as the American Friends Service Committee, and the Fund for Peace, which runs and partially funds the Center for Defense Information—see CONGRESSIONAL RECORD, January 17, 1977, E198, the Center for National Security Studies which works to discover the operations of the American intelligence agencies and restrict their activities; and the Center for International Policy—CIP—which with the CDI works to sharply reduce U.S. defense preparedness and for an American foreign policy of noninterference with aggression by the Soviet-bloc countries.

In a report on the proceedings of the WPC's "World Forum of Peace Forces" in Moscow, TASS reported:

The chairman of the United States Fund for Peace, Nicholas Nyary, noted that further spiralling of the strategic arms race can lead to a world catastrophe. The participants in the forum must work our new ideas, make new initiatives in the struggle for peace that would promote further relaxation of international tensions, would make it irreversible. Nicholas Nyary noted that a dangerous trend for the build up of armaments and armed forces is now being revived in the United States. But the policy of the reactionary circles of the United States is not supported by the American people, he said.

The president of the Fund for Peace, Nichols Nyary, also was a "delegate" to the World Peace Council's "World Conference To End the Arms Race, for Disarmament and Détente" held September 23–26, 1976, in Helsinki. Also attending from the United States was Terry Provance, who directs the American Friends Service Committee's "Stop the B–1 Bomber" project and is active in the Coalition for a New Foreign and Military Policy—CNFMP—whose program is identical to that of the U.S.S.R.'s WPC. See CONGRESSIONAL RECORD, January 12, 1977, page 1063.

It is significant that the U.S. citizens present for the WPC's Helsinki meeting were John Pittman, the Communist Party, U.S.A.—CPUSA—representative on the editorial of the official Soviet-bloc Communist theoretical journal, "World Marxist Review—Problems of Peace and Socialism;" Lucy Webster, World Association of World Federalists; Rev. Christoph Schumauch, Christian Peace Conference; Manuel Coss, Puerto Rico, secretary of the Cuban Communist Continental Organization of Latin American Students—OCLAE and representative of the Puerto Rican Socialist Party youth group, the Federation of Puerto Rican University Students for Independence—FUPI; Abraham Feinglass, Communist Party, U.S.A. and vice president of the Amalgamated Meatcutters and Butcherworkmen's Union; Karen Talbot, CPUSA and secretary of the U.S. section of the World Peace Council: Joseph North, recently deceased CPUSA leader; Loretta Pauker; Prof. Archie Singham; Dr. Herbert Schiller, University of California, La Jolla; Detroit City Councilwoman Erma Henderson; Prof. John Fried, CUNY; Prof. E. W. Pfeiffer, University of Minnesota, U.S. WPC; Luther Evans, noted peace activist; Howard L. Parsons, a U.S. member of the WPC Presidential Committee and sponsor of many Communist Party, U.S.A. fronts including the American Institute for Marxist Studies, the America-Korea Friendship and Information Center and the National Coalition to Fight Inflation and Unemployment; and Donald Ray Hopkins, described as "representative of Congressman RONALD DELLUMS."

The Fund for Peace established the Center for International Policy, originally called the Institute for International Policy, but the name was changed to avoid confusion with the closely-connected Institute for Policy Studies—IPS and its Transnational Institute—TNI, late in 1974. Its offices are in the elegant $375,000 townhouse at 122 Maryland Avenue NE., Washington, D.C. 20002 (202/543–0400) owned by CIP adviser and "philanthropist" Stewart Mott who rents the premises to FFP related projects.

The Center for International Policy publishes the Foreign Affairs Newsletter which is distributed free of charge to editors and broadcasters on a bi-

By Mr. CRANE (for himself, Mr. DUNCAN of Tennessee, Mr. WAGGONNER, Mr. SEBELIUS, Mr. DUNCAN of Oregon, Mr. IRELAND, Mr. BADHAM, Mr. CHARLES WILSON of Texas, Mr. CORCORAN, Mr. MILLER of California, Mrs. LLOYD of Tennessee, Mr. BAUCUS, Mr. SPENCE, Mr. NEAL, Mr. GILMAN, Mr. DORNAN, Mr. WALSH, Mr. KETCHUM, Mr. STEIGER, Mr. SYMMS, Mr. MARTIN, Mr. BURLESON of Texas, Mr. FLOWERS, Mrs. SPELLMAN, and Mr. CHAPPELL):

H.R. 2410. A bill to require that the U.S. Government prepare and make public annual consolidated financial statements utilizing the accrual method of accounting, and for other purposes; to the Committee on Government Operations.

By Mr. DANIELSON:

H.R. 2411. A bill to amend title 38 of the United States Code in order to require the Administrator of Veterans' Affairs to pay a $150 allowance to any State or any agency or political subdivision of a State in reimbursement for expenses incurred in the burial of each veteran in any cemetery owned by such State or agency or political subdivision of a State, if the cemetery or section thereof is used solely for the interment of veterans; to the Committee on Veterans' Affairs.

By Mr. DANIELSON (by request):

H.R. 2412. A bill to insure that a national cemetery is established in each State, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2413. A bill to amend title 38, United States Code, so as to authorize furnishing of memorial markers for graves in private cemeteries wherein the remains of an honorably discharged serviceman are not recoverable; to the Committee on Veterans' Affairs.

H.R. 2414. A bill to place Arlington National Cemetery within the National Cemetery System; to the Committee on Veterans' Affairs.

By Mr. DELANEY:

H.R. 2415. A bill for the relief of certain residents of Northern Ireland; to the Committee on the Judiciary.

By Mr. DELLUMS:

H.R. 2416. A bill to amend chapters 5 and 7 of title 5, United States Code, to require formal rulemaking procedures in the establishment of grant, loan, benefit, and contract practices, to authorize payment of expenses to certain participants in administrative proceedings, to waive sovereign immunity where judicial relief other than money damages is sought, and to require establishment of enforcement procedures for grant-in-aid programs; to the Committee on the Judiciary.

By Mr. DRINAN:

H.R. 2417. A bill to provide for a comprehensive 5-year study of the nuclear fuel cycle, with particular reference to its safety and environmental hazards, to be conducted by the Office of Technological Assessment; to the Committee on Interior and Insular Affairs.

H.R. 2418. A bill to amend the Export Administration Act of 1969 to stabilize domestic prices, and for other purposes; to the Committee on International Relations.

H.R. 2419. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the regulation of tobacco products under that act in the same manner as food is regulated under that act; to the Committee on Interstate and Foreign Commerce.

H.R. 2420. A bill to amend title II of the Social Security Act to eliminate the special dependency requirements for entitlement to husband's and widower's insurance benefits, to provide benefits for widowed fathers with minor children, to make certain other changes so that benefits for husbands, widowers, and fathers will be payable on the same basis as benefits for wives, widows, and mothers, and to permit the payment of benefits to a married couple on their combined earnings record where that method of computation provides a higher combined benefit; to the Committee on Ways and Means.

By Mr. DUNCAN of Oregon (for himself, Mr. ULLMAN, and Mr. WEAVER):

H.R. 2421. A bill to increase and extend the authorization for the Federal-aid primary system, to increase the Federal share for Federal-aid primary system projects, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ECKHARDT (for himself, Mr. BROOKS, Mr. MOSS, Mr. CONYERS, Mr. DRINAN, Ms. JORDAN, Mr. DINGELL, Mr. DENT, Mr. BRADEMAS, Mr. BROYHILL, Mr. GIBBONS, Mr. HAWKINS, Mr. ROYBAL, Mr. CHARLES H. WILSON, Mr. DE LA GARZA, Mr. JACOBS, Mr. SCHEUER, Ms. CHISHOLM, Mr. KOCH, Mr. OTTINGER, Mr. MITCHELL of Maryland, Mr. SEIBERLING, Ms. HOLTZMAN, Mr. LEHMAN, and Mr. MOAKLEY):

H.R. 2422. A bill to amend the Budget and Accounting Act, 1921, to provide the Comptroller General additional authority to audit certain expenditures; to the Committee on Government Operations.

By Mr. ECKHARDT (for himself, Mr. ROSE, Mr. STARK, Mr. WON PAT, Mr. BAUCUS, Mr. BLOUIN, Mr. BONKER, Mr. BRODHEAD, Mr. DOWNEY, Mr. FORD of Tennessee, Mr. HANNAFORD, Mr. HUGHES, Mr. LA FALCE, Mr. NEAL, Mr. HALL, Mr. AMMERMAN, Mr. BONIOR, Mr. HEFTEL, Mr. PANETTA, Mr. PURSELL, Mr. RAHALL, Mr. RUDD, Ms. SPELLMAN, and Mr. CORRADA):

H.R. 2423. A bill to amend the Budget and Accounting Act, 1921, to provide the Comptroller General additional authority to audit certain expenditures; to the Committee on Government Operations.

By Mr. ECKHARDT (for himself and Mr. GAMMAGE):

H.R. 2424. A bill to amend the definition of the term "lawful bridge" in "An Act to provide for the alteration of certain bridges over navigable waters of the United States," approved June 21, 1940 (54 Stat. 497), as amended, for the purpose of clarifying such definition; to the Committee on Public Works and Transportation.

H.R. 2425. A bill to modify the project for navigation at Houston Ship Channel (Greens Bayou), Texas, to maintain a 40-foot project depth in Greens Bayou; to the Committee on Public Works and Transportation.

By Mr. EILBERG:

H.R. 2426. A bill to establish in the State of Pennsylvania the Edgar Allan Poe National Historical Park; to the Committee on Interior and Insular Affairs.

By Mr. EMERY (for himself and Mr. LENT):

H.R. 2427. A bill to apply to all vessels entering the U.S. Fishery Conservation Zone the same design, construction, cargo, and other related standards which apply, under the Ports and Waterways Safety Act of 1972, to vessels documented under the laws of the United States or which enter the navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. EVANS of Colorado:

H.R. 2428. A bill to assure American consumers of a stable and adequate supply of sugar by assuring the continued existence of a viable domestic sugar industry; jointly to the Committees on Agriculture and Ways and Means.

By Mr. GRASSLEY (for himself, Mr. BAUMAN, Mr. MARTIN, Mr. SEBELIUS, Mr. LAGOMARSINO, Mr. JACOBS, Mr. ERTEL, Mr. QUIE, Mr. SNYDER, Mr. DUNCAN of Tennessee, Mr. MARLENEE, Mr. CHARLES WILSON of Texas, Mr. BEDELL and Mr. DORNAN):

H.R. 2429. A bill to abolish the Commission on Executive, Legislative, and Judicial Salaries established by section 225 of the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GRASSLEY (for himself, Mr. BAUMAN, Mr. RUDD, Mr. MILLER of Ohio, Mr. WALKER, Mr. LAGOMARSINO, Mr. KINDNESS, Mr. MOTTL, Mr. CLEVELAND, Mr. PURSELL, Mr. BLOUIN, Mr. TRIBLE, Mr. SEBELIUS, Mr. JACOBS, Mr. ARCHER, Mr. GRADISON, and Mr. EDGAR):

H.R. 2430. A bill to repeal the recently enacted provisions authorizing increases in the salaries of Senators and Representatives; to the Committee on Post Office and Civil Service.

By Mr. GRASSLEY (for himself, Mr. ERTEL, Mr. EDWARDS of Oklahoma, Mr. LEACH, Mr. HAGEDORN, Mr. TREEN, Mr. SNYDER, Mr. DUNCAN of Tennessee, Mr. MARLENEE, Mr. CHARLES WILSON of Texas, Mr. BEDELL, Mr. DORNAN, and Mr. QUAYLE):

H.R. 2431. A bill to repeal the recently enacted provisions authorizing increases in the salaries of Senators and Representatives; to the Committee on Post Office and Civil Service.

By Mr. GRASSLEY (for himself, Mr. ANDREWS of North Dakota, Mr. ARCHER, Mr. BADHAM, Mr. BARNARD, Mr. BEARD of Tennessee, Mr. BROWN of California, Mr. BUCHANAN, Mr. CARTER, Mr. COUGHLIN, Mr. DAN DANIEL, Mr. DUNCAN of Tennessee, Mr. EDWARDS of Oklahoma, Mr. FORD of Tennessee, Mr. HALL, Mr. HIGHTOWER, Mr. HOWARD, Mr. HYDE, Mr. KEMP, Mr. KINDNESS, Mr. LAGOMARSINO, Mr. MCCLOSKEY, Mr. MAZZOLI, Mr. MINETA, and Mr. MITCHELL of New York):

H.R. 2432. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. GRASSLEY (for himself, Mr. MOORHEAD of California, Mr. MURPHY of New York, Mr. PANETTA, Mr. QUAYLE, Mr. QUIE, Mr. RAHALL, Mr. RAILSBACK, Mr. RANGEL, Mr. RUDD, Mr. RUNNELS, Mr. RYAN, Mr. SCHEUER, Mr. SIMON, Mr. STOKES, Mr. THONE, Mr. TREEN, Mr. TRIBLE, Mr. WHITEHURST, Mr. CHARLES H. WILSON of California, Mr. YATRON, and Mr. BROYHILL):

H.R. 2433. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. HAMMERSCHMIDT:

H.R. 2434. A bill to amend the Internal Revenue Code of 1954 to encourage the employment of handicapped individuals by providing a tax credit for a certain portion of the wages paid to such individuals; to the Committee on Ways and Means.

By Mr. HARKIN:

H.R. 2435. A bill to establish a program for repairing and replacing unsafe highway bridges; jointly to the Committees on Public Works and Transportation and Ways and Means.

robberies is that their consequences go far beyond drug abuse and drug-related crimes. Pharmacies performing the service of dispensing drugs does, of course, make them prime targets for drug crimes; but that service is also of vital importance to their communities. As more and more pharmacies are struck by violence and death, the number of pharmacies may well decrease. In any given area, the loss of a pharmacy is hard felt.

As chairman of the Senate Aging Committee, I can attest to the special impact this situation has on the elderly; but clearly, it affects all of us, whether we live in large cities or rural areas. In Idaho, Mr. President, we are fortunate not to have suffered the virus of drug violence in the same strain as in other parts of the country. Yet, counting only those incidents reported to the Idaho Board of Pharmacy, there were 10 such reports in just the last 4 months.

Idaho pharmacists join the vast majority of pharmacists across the Nation in supporting the bill I reintroduce today. This legislation would permit prosecution under Federal law for pharmacy robberies involving controlled substances with a maximum penalty of a $5,000 fine and/or 10 years' imprisonment. Because of the availability of this option, local and State officials would be able to receive help from Federal drug and criminal investigatory authorities in their efforts to curb these crimes in their communities.

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. DOLE, the Senator from North Carolina (Mr. MORGAN), the Senator from North Dakota (Mr. BURDICK), and the Senator from New Hampshire (Mr. DURKIN) were added as cosponsors of S. 4, a bill to amend the Internal Revenue Code.

S. 69

At the request of Mr. STEVENSON, the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 69, to extend and amend the Export Administration Act.

S. 107

At the request of Mr. PEARSON, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 107 relating to reform of veterans' pensions.

S. 196

At the request of Mr. BURDICK, the Senator from Nebraska (Mr. CURTIS), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arizona (Mr. GOLDWATER), the Senator from Montana (Mr. MELCHER), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 196, to amend the Internal Revenue Code of 1954.

S. 243

At the request of Mr. NELSON, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 243, to amend the Small Business Act and the Small Business Investment Act.

S. 427

At the request of Mr. CRANSTON, the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 427, to establish a public works employment program.

S. 467

At the request of Mr. DOMENICI, the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 467, to amend the Railroad Retirement Act of 1974.

SENATE RESOLUTION 4

At the request of Mr. STEVENSON, the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Utah (Mr. GARN) were added as cosponsors of Senate Resolution 4, the Committee Reorganization Amendments of 1977.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. DOLE, the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of Senate Concurrent Resolution 3, to establish a presidential task force on MIA/POW's.

SENATE CONCURRENT RESOLUTION 7

Mr. CHURCH. Mr. President, I ask unanimous consent that the Senator from New Mexico (Mr. DOMENICI), the Senator from Oregon (Mr. HATFIELD), and the Senator from Colorado (Mr. HASKELL) be added as original cosponsors to my resolution Senate Concurrent Resolution 7, concerning the freedom of emigration of Soviet Jews.

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

SENATE RESOLUTION 52—SUBMISSION OF A RESOLUTION DISAPPROVING CONGRESSIONAL SALARY INCREASES

(Referred to the Committee on Post Office and Civil Service.)

DE CONCINI ON CONGRESSIONAL PAY INCREASES

Mr. DECONCINI. Mr. President, in his final budget message as President of the United States, Gerald R. Ford proposed salary increases for certain members of the executive, the judicial, and legislative branches of the Government.

The proposal was the result of a study conducted by the Commission on Executive, Legislative, and Judicial Salaries. Its intent is to bring about a rough equivalence between private and public sector employment. The need for men and women of superior ability as managers and judges is self-evident. We may, indeed, be a nation governed by laws, but those laws must be applied and adjudicated. In a society as diverse and as complex as ours, this is no easy task. To do the job adequately, we must recruit the best our society has to offer.

Disparities between private and public sector employment at the upper levels has become too great. The recruitment of personnel with adequate training and experience is becoming increasingly difficult. Remedies are in order. I support, therefore, that portion of the President's proposal which addresses this problem.

I do not support the increase in salaries for members of the legislative branch. We are not career officials; nor should we make a career of the legislature. We are directly elected by the people to act on their behalf in the creation and modification of legislation. Our service is at the people's pleasure, to do the people's business. The very idea of professional or career legislators is antithetical to the concept of representative government.

Each and every Member of Congress can point to a long list of reasons why he or she should receive an increase in salary. Certainly, Members of Congress have no special immunity from inflation. But our position is a special one that creates unique responsibilities.

As the Nation's legislators, it is within our power to grant or deny ourselves an increase in salary—an enviable position, to be sure, but one that puts us squarely in the national limelight. In my view, Mr. President, this just underscores the responsibility we have to set an example for the rest of the Nation.

Members of Congress are presently compensated for their service at the rate of $44,600 per annum. By any standard, this is not a small amount. It is almost three times what the average American family of four earns. The proposed increase is almost $13,000—a figure which approaches the average family's income itself.

This comes at a time, Mr. President, when the Nation still finds itself in the midst of a severe economic crisis. More than 7 million of our fellow citizens are out of work, and unknown thousands are so discouraged they have simply stopped looking. Inflation has abated somewhat from its double-digit highs of a few years ago, but it remains unacceptably high, eroding the purchasing power of individuals whose incomes are relatively fixed. Real economic growth is only about 4 percent, not sufficient to insure recovery. Without further stimulus, every indication is that the budget deficit will be in the range of $60 to $65 billion. With whatever version of President Carter's stimulus package the Congress agrees to, that figure will rise substantially.

My question, Mr. President, is how can I justify a salary increase of $13,000 under these circumstances? How can I face thousands of senior citizens who must make do on a few hundred dollars a month they receive on social security? How can I explain to the working men and women of my State why they should be moderate in their wage demands when my own salary is about to be increased by almost 30 percent? In fact, Mr. President, I cannot justify or explain this.

I fully recognize that congressional pay levels have remained relatively static for a number of years; I also recognize that the contemplated increase will not materially affect the deficit nor will it have any discernible impact on inflation. But the importance of the congressional pay raise is symbolic, and symbols are the lifeblood of any political system.

If we symbolically deny ourselves what would be easy to obtain, we will have set an example for the rest of the Nation. We will have contributed to the process of restoring public confidence in governmental institutions by dissipating some of the distrust of elected officials. In the wake of the Nixon tragedy, too many voters have come to see public servants as self-serving, subjugating the commonweal to selfish interests. If we deny ourselves this increase, we will be able to ask others to defer immediate gratifica-

ing information on which legislative judgments can be made. We believe that, absent the Committee on Aging, these needs and legislative solutions could not be adequately made."

DAVID H. MARLIN,
Director, Legal Research and Services for the Elderly.

SEPTEMBER 23, 1976.

". . . We rely heavily on the expertise and personal dedication of the Senators who serve on the Special Committee and the staff who serve them. For fifteen years, the Committee has worked unfailingly to improve the quality of life for older people and to inform the Congress and the general public of their growing needs."

JACK OSSOFSKY,
Executive Director, National Council on the Aging, Inc.

SEPTEMBER 23, 1976.

". . . As a six state senior advocacy organization in federal region VIII which is designed to improve the economic and social conditions of older citizens, the Mountain Plains Congress of Senior Organizations would like to comment on your committee's prospective recommendations regarding potential changes in jurisdictional lines of various committees under study.

"The Senate Special Committee on Aging has provided the Mountain Plains Congress of Senior Organizations with considerable guidance and pertinent information during the formative months of our development. The staff of the Senate Aging Committee has been readily accessible to our organization and others like it."

RENEE BRERETON,
Director, Mountain Plains Congress of Senior Organizations.

SEPTEMBER 24, 1976.

". . . We hope and are sure, that by now, you have heard all the reasons why this reorganization action should not be taken but we must add that this would be a calamity in regards to the welfare of the Aging. We can reach no other conclusion and Senior Citizens everywhere would be lost without this Select Senate Committee on Aging to turn to in time of need for consultation."

WALTER A. JONES,
Vice President, Greater Washington, D.C., Area Council of Senior Citizens.

SEPTEMBER 24, 1976.

"I express concern that the proposed reorganization of the Senate Committee System will abolish the Special Committee on Aging. Such action, even absorption of functions under an 'umbrella committee', would in my view mean the loss of valuable advocacy and information functions on behalf of the rapidly increasing proportion of our citizens who are elderly."

A. F. BRAMBLE,
Director, Services for the Aging Section, Kansas State Dept. of Social and Rehabilitation Services.

SEPTEMBER 27, 1976.

"We strongly urge the retention of the Special Committee on Aging. During the deliberation on Senate Committee reform there is yet much which needs to be done to aid the elderly indigent and near indigent."

GERTRUDE LYNCH NEFF,
Chairman, NRTA/AART, Joint Legislative Committee.

SEPTEMBER 27, 1976.

". . . a reorganization which would dissolve the Special Committee on Aging and disperse its activities would be a great disservice to our older Americans. I would appreciate your support of the Special Committee on Aging and its activities."

PHIL. S. PETERS,
Director, Arkansas Office on Aging.

SEPTEMBER 27, 1976.

". . . if there were no Special Committee on Aging, you'd have to develop one all over again. The need is great. In the name of the state units on aging throughout the United States, all of whom have benefited in real and tangible ways from the work of the Senate Special Committee on Aging, I hope that your reorganization will not affect this very special Committee."

LOUISE B. GERRARD, Ph. D.

SEPTEMBER 27, 1976.

"The Special Senate Committee on Aging is too important to older Americans for any consideration of its elimination. It has had a significant role in developing key legislation for the elderly in our country and has encouraged the views of these older people to be heard. In fact, the functions of the Senate Committee on Aging are so important that a similar committee has been formed in the House."

KATHY STREETER,
Executive Director, Wyoming Senior Citizens, Inc.

SEPTEMBER 27, 1976.

". . . Only through the Senate Special Committee on Aging can their interests be represented and acknowledged. A committee addressing the broad spectrum of human service needs could not possibly adequately address those needs which are unique to the aging population."

JOHN G. DETMER,
Chairman of the Board.
NITIA L. PACHAK,
Executive Director.

SEPTEMBER 27, 1976.

". . . The Committee on Aging serves as an effective defender of aging citizens' rights nationwide. We urge that you make a strong recommendation to your peers that the Committee on Aging remain intact."

PRISCILLA R. ENGOLIA,
Director, State of Louisiana, Bureau of Aging Services.

SEPTEMBER 28, 1976.

". . . Because the urban elderly need almost every city service: police protection; health care; housing; transportation; and basic economic security, a need to coordinate the many services delivered by many city agencies that impact our older citizens has arisen. For this reason, many cities have established Mayors' Offices on Aging, Departments on Aging, Commissions on Aging, etc. Likewise, the Administration on Aging was established in the Executive Branch to better coordinate the various Federal programs which impact the elderly. We believe that it is vital for Congress to maintain a separate and distinct Committee which serves as a focal point to coordinate the programs affecting the elderly in both the House and Senate.

"Because so many Congressional Committees have jurisdiction over programs which affect the elderly, the need for the Senate Special Committee on Aging becomes critical to those of us who administer services to the elderly on the local level."

WES UHLMAN,
Mayor of Seattle and Chairman, Task Force on Aging, U.S. Conference of Mayors.

SEPTEMBER 29, 1976.

"The board of directors of the National Council on the Aging urges you to retain the Senate Special Committee on Aging in any reorganization of the Senate committee system. Meeting in Chicago at NCOA's 26th Annual Conference, the board voted unanimously to ask your continued support for this commitee which has worked unfailingly to improve the quality of life for the nation's 22,000,000 older citizens. Only through the retention of this committee can older Americans be assured their needs and potential contributions will receive their just attention."

Mother BERNADETTE DE LOURDES, O.C.,
President, National Council on Aging.

SEPTEMBER 29, 1976.

". . . In the last quarter of a century, there has been an astonishing growth in the over age 65 population. From 1950 through 1975, this segment of our population increased by 80 percent, and indications are that this growth will continue. It seems inevitable that the coming years will see an increased emphasis placed on government programs which serve or involve the elderly. In light of this, we urge you, your committee, and members of the Senate not to diminish the effectiveness of the Senate Special Committee on Aging. To do so would be to deprive the Senate of the research and analysis of issues affecting the elderly and advocacy for needed programs benefiting the elderly which the Committee currently provides."

Rev. Msgr. CHARLES J. FAHEY,
President, American Association of Homes for the Aging.

B. Excerpts from letters received by Senator Frank Church, chairman, U.S. Senate Special Committee on Aging (or from copies sent to Senator Church of letters sent to the temporary Senate Select Committee To Study the Senate Committee System.)

NOVEMBER 30, 1976.

"I, on behalf of some 3,750 Senior Citizens in small rural Garrett County, am concerned about a proposal for the abolition of the Senate Special Committee on Aging.

"I feel the Committee has been a forceful advocate for the elderly, and the projected increase in the numbers of senior citizens over the next 25 years lends further support for its continued existence."

W. DALE ELLIS,
Director, Senior Citizens Programs, Garrett County, Maryland Community Action Committee, Inc.

NOVEMBER 11, 1976.

"We have found that when the interests of older persons are submerged under a broad committee or unit of government, the older people end up as a low priority. We would like to feel that human resources, programs, services would apply equally to all but we are not confident or assured this will happen if the Special Committee on Aging is eliminated. It did not in the past."

MADELINE ARMBRUST,
Director, Senior Centers of Metropolitan Chicago.

DECEMBER 5, 1976.

"This organization has over 25,000 dues paying members in this county and our members have gone on record opposing the abolition of the Aging Committee in the Senate and being placed in Human Resources committee.

"This type of discrimination cannot be tolerated as we object to being placed in the same category as welfare clients. The older you grow in this country the more barriers are put up to prevent you from being classed as 1st class citizens."

GERARD FARLEY,
Chairman of the Board, Suffolk County Senior Citizens Council, New York.

elementary or secondary education; to the Committee on Ways and Means.

H.R. 2911. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

H.R. 2912. A bill to provide for tax counseling to the elderly in the preparation of their Federal income tax returns; to the Committee on Ways and Means.

H.R. 2913. A bill to amend the Internal Revenue Code of 1954 to provide that the tax on the amounts paid for communication services shall not apply to the amount of the State and local taxes paid for such services; to the Committee on Ways and Means.

H.R. 2914. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 2915. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

H.R. 2916. A bill to amend title XVIII of the Social Security Act to provide payment under the supplementary medical insurance program for optometrists' service and eyeglasses; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. LONG of Maryland:

H.R. 2917. A bill to prohibit, except in cases of extreme emergency, assistance under the Agricultural Trade Development and Assistance Act of 1954 to any country which does not make reasonable and productive efforts, especially with regard to family planning, designed to alleviate the causes of the need for assistance provided under such act; to the Committee on International Relations.

H.R. 2918. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct certain expenses paid by him in connection with his education or training, or the education or training of his spouse or any of his dependents, at an institution of higher education or a trade or vocational school; to the Committee on Ways and Means.

H.R. 2919. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax, in the case of an individual or a married couple, for amounts received as annuities, pension, or other retirement benefits; to the Committee on Ways and Means.

H.R. 2920. A bill to amend the Internal Revenue Code of 1954 to provide for the payment of interest at a rate of 5 percent on excess amounts withheld from individuals' wages; to the Committee on Ways and Means.

H.R. 2921. A bill to amend the Internal Revenue Code of 1954 to provide individuals a limited exclusion from gross income for interest on deposits in certain savings institutions; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 2922. 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 Mr. PATTEN:

H.R. 2923. A bill to grant a Federal charter to the National Opportunity Camps; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 2924. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 2925. A bill to amend the Internal Revenue Code of 1954 to impose a windfall profits tax on natural gas which is sold in interstate commerce and which is exempt from price regulation under emergency natural gas legislation; to the Committee on Ways and Means.

By Mr. ROGERS:

H.R. 2926. A bill to amend title 18, United States Code, to prohibit union organization of, and collective bargaining on behalf of, members of the Armed Forces and to amend the Uniform Code of Military Justice to prohibit union organizing, union membership, and collective bargaining by members of the Armed Forces, and for other purposes; jointly, to the Committees on the Judiciary and Armed Services.

By Mr. ST GERMAIN:

H.R. 2927. A bill to amend title 5, United States Code, to make Presidential Election Day a legal public holiday; to the Committee on Post Office and Civil Service.

H.R. 2928. A bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the uniformed services to receive compensation concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

By Mr. SISK:

H.R. 2929. A bill to amend title XVI of the Social Security Act to make needed improvements with regard to the attribution of parents' income and resources to children; to the Committee on Ways and Means.

By Mrs. SPELLMAN:

H.R. 2930. A bill to authorize Federal agencies to experiment with flexible and compressed employee work schedules; to the Committee on Post Office and Civil Service.

H.R. 2931. A bill to amend chapter 89 of title 5, United States Code, to establish uniformity in Federal employee health benefits and coverage provided pursuant to contracts made under such chapter by preempting State or local laws pertaining to such benefits and coverage which are inconsistent with such contracts; to the Committee on Post Office and Civil Service.

H.R. 2932. A bill to require that buildings financed with Federal funds utilize the best practicable measures for the conservation of energy and the use of solar energy systems; to the Committee on Public Works and Transportation.

H.R. 2933. A bill to amend the Internal Revenue Code of 1954 to deny certain benefits to taxpayers who participate in or cooperate with the boycott of Israel; to the Committee on Ways and Means.

By Mrs. SPELLMAN (for herself, Mr. ABDNOR, Mr. BADILLO, Mr. BAUCUS, Mr. BEDELL, Mr. BINGHAM, Mr. BLANCHARD, Mr. BRODHEAD, Mr. BUCHANAN, Mrs. BURKE of California, Mr. CARNEY, Mrs. CHISHOLM, Mr. CORRADA, Mr. DRINAN, Mr. EDGAR, Mr. EDWARDS of California, Mrs. FENWICK, Mr. FORD of Tennessee, Mr. GILMAN, Mr. HAWKINS, Mr. HEFTEL, Mr. HOWARD, Mr. JEFFORDS, Mr. KOCH, and Mr. KOSTMAYER):

H.R. 2934. A bill to amend title 38 of the United States Code in order to extend specially adapted housing benefits to certain disabled veterans; to the Committee on Veterans' Affairs.

By Mrs. SPELLMAN (for herself, Mrs. LLOYD of Tennessee, Mr. MARLENEE, Mr. MAZZOLI, Mr. MCKINNEY, Ms. MIKULSKI, Mr. MINETA, Mr. MITCHELL of Maryland, Mr. MOORHEAD of California, Mr. NEAL, Mr. NIX, Mr. PATTERSON of California, Mr. RANGEL, Mr. ROE, Mr. STEERS, Mr. STOKES, Mr. TREEN, Mr. WALGREN, Mr. WHITEHURST, Mr. CHARLES WILSON of Texas, Mr. ZEFERETTI, and Mrs. COLLINS of Illinois):

H.R. 2935. A bill to amend title 38 of the United States Code in order to extend specially adapted housing benefits to certain disabled veterans; to the Committee on Veterans' Affairs.

By Mr. TAYLOR (for himself, Mr. PICKLE, Mr. WRIGHT, Mr. ICHORD, Mr. YOUNG of Missouri, and Mr. HAMMERSCHMIDT):

H.R. 2936. A bill to amend the Federal Aviation Act of 1958 to limit under certain circumstances the discretion of the Civil Aeronautics Board in determining the rate of compensation to be paid to an air carrier for the transportation of mail by aircraft; to the Committee on Public Works and Transportation.

By Mr. WOLFF (for himself, Mr. LENT, Mr. AMBRO, Mr. WALSH, Mr. MURPHY of New York, Mr. RICHMOND, Mr. MCHUGH, Mr. LUNDINE, Mr. PATTISON of New York, Mr. MITCHELL of New York, Mr. GILMAN, Mr. SOLARZ, Mr. ZEFERETTI, Mr. MCEWEN, Mr. WEISS, Mr. ROSENTHAL, Mr. KEMP, Mr. BADILLO, Mr. SCHEUER, and Mr. STRATTON):

H.R. 2937. A bill to amend the Federal Water Pollution Control Act relating to the period of time for which certain funds allotted to States for the construction of treatment works shall remain available; to the Committee on Public Works and Transportation.

By Mr. WOLFF (for himself, Mr. LENT, Mr. AMBRO, Mr. WALSH, Mr. DELANEY, Mr. LAFALCE, Mr. BIAGGI, Mr. CONABLE, Mr. NOWAK, Mr. RANGEL, Mr. HORTON, Ms. HOLTZMAN, Mr. KOCH, Mr. ADDABBO, Mr. FISH, Mr. PIKE, Mr. WYDLER, Mr. DOWNEY, and Ms. CHISHOLM):

H.R. 2938. A bill to amend the Federal Water Pollution Control Act relating to the period of time for which certain funds allotted to States for the construction of treatment works shall remain available; to the Committee on Public Works and Transportation.

By Mr. BURKE of Massachusetts:

H.J. Res. 218. Joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons; to the Committee on the Judiciary.

By Mr. BYRON:

H.J. Res. 219. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in national emergency; to the Committee on the Judiciary.

By Mr. CARTER:

H.J. Res. 220. Joint resolution designating the American rose as the national floral emblem of the United States; to the Committee on Post Office and Civil Service.

By Mr. GOLDWATER:

H.J. Res. 221. Joint resolution to provide for the designation of a National Aviation

culture to provide consultation and advice to the Administrator of the Federal Grain Inspection Service with respect to the implementation of the U.S. Grain Standards Act of 1976, in order to assure the orderly implementation of that act.

The committee, to be known as the Grain Standards Act Advisory Committee, would have a term of 2 years and be composed of 10 members appointed by the Secretary of Agriculture. The members would be appointed so as to give equal representation on the committee to: First, grain producers; second, grain elevators and other commercial users of services under the U.S. Grain Standards Act; third, official inspection or weighing agencies; fourth, consumers; and fifth, law enforcement agencies.

The committee would generally operate under the provisions of the Federal Advisory Committee Act.

The members of the committee would not be compensated for their work for the committee; although they would receive travel expenses, including per diem.

Appropriations would be authorized for the implementation of this section.

And section 3 of the bill requires the Administrator to consult with and receive the advice of the Grain Standards Act Advisory Committee on the record-keeping requirements of the U.S. Grain Standards Act for grain elevator operators, prior to his initial promulgation of regulations pursuant to section 12(d) of the more act.

Mr. President, this legislation will define clearly for the Federal Grain Inspection Service the intent of Congress. It also will allow FGIS to get on with the task of implementing Public Law 94-582.

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

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

S. 593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 12(d) of the United States Grain Standards Act (90 Stat. 2882; 7 U.S.C. 87a(d)) is amended to read as follows—

"(d) Every State, political subdivision thereof, or person who is the owner or operator of an export elevator located at an export port location or an inland terminal elevator and who, at any time, has obtained or obtains official inspection or weighing services shall, within the 5-year period thereafter, maintain such records of the operations of the elevator as the Administrator may, by regulation, prescribe in order to facilitate the administration of this Act, and permit any authorized representative of the Secretary or the Administrator, at all reasonable times, to have access to, and to copy, such records and to have access to such elevator. As used herein, the term 'inland terminal elevators' means grain elevators, warehouses, or other terminal grain storage or handling facilities located in the interior of the United States, as determined by the Administrator that receive grain primarily from other inland elevators, ship grain out primarily to export elevators or grain processors and millers, and handle a total volume of grain in an average year, of 10,000,000 bushels or more."

ESTABLISHMENT OF ADVISORY COMMITTEE

SEC. 2. (a) In order to assure the orderly implementation of the United States Grain Standards Act of 1976, the Secretary of Agriculture shall establish within the United States Department of Agriculture an advisory committee to be known as the Grain Standards Act Advisory Committee (hereinafter in this section referred to as "the Committee"), which shall consist of not more than 10 members. The Committee shall provide consultation and advice to the Administrator of the Federal Grain Inspection Service with respect to the implementation of the United States Grain Standards Act of 1976, as amended by this Act.

(b) Members shall be appointed so as to give equal representation on the Committee to (1) grain producers, (2) grain elevators and other commercial users of services under the United States Grain Standards Act, (3) State or local governmental agencies and persons performing inspection or weighing functions under the United States Grain Standards Act, (4) consumers, and (5) Federal, State, or local law enforcement agencies.

(c) The Committee shall be governed in full by the provisions of the Federal Advisory Committee Act, except as inconsistent with this section.

(d) The Secretary of Agriculture shall provide clerical assistance, staff personnel, and quarters to the Committee, adequate for the Committee to carry out its duties.

(e) Members of the Committee shall serve without compensation, if not otherwise officers or employees of the United States, except that members shall, while away from their homes or regular places of business in the performance of services under this section, be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of title 5 of the United States Code.

(f) The Committee shall cease to exist at the expiration of two years proceeding its appointment.

(g) There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this section.

CONSULTATION WITH ADVISORY COMMITTEE

SEC. 3. Notwithstanding any other provision of law, the Administrator of the Federal Grain Inspection Service shall consult with and receive the advice of the Grain Standards Act Advisory Committee established pursuant to the provisions of section 2 of this Act, with respect to the implementation of section 12(d) of the United States Grain Standards Act, as amended by this Act, prior to the initial promulgation of regulations thereunder by the Administrator.

ADDITIONAL COSPONSORS

S. 92

At the request of Mr. WILLIAMS, the Senator from Michigan (Mr. RIEGLE), the Senator from Vermont (Mr. LEAHY), the Senator from Rhode Island (Mr. PELL), and the Senator from Florida (Mr. CHILES) were added as cosponsors of S. 92, to amend and extend the Export Administration Act of 1969.

S. 104

At the request of Mr. INOUYE, the Senator from Vermont (Mr. STAFFORD) and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of S. 104, to amend the Social Security Act.

S. 123

At the request of Mr. INOUYE, the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 123, to amend the Social Security Act.

S. 124

At the request of Mr. GLENN, the Senator from Connecticut (Mr. RIBICOFF), the Senator from Arizona (Mr. DECONCINI), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 124, to amend the Internal Revenue Code.

S. 143

At the request of Mr. TALMADGE, the Senator from Nevada (Mr. LAXALT) was added as a cosponsor of S. 143, relating to fraudulent activities under the medicare and medicaid programs.

S. 230

At the request of Mr. INOUYE, the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 230, to amend the Federal Water Pollution Control Act.

S. 247

At the request of Mr. GOLDWATER, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of S. 247, to provide recognition to Women's Air Force Service Pilots.

S. 258

At the request of Mr. RIBICOFF, the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 258, to provide for the development of programs for children and youth camp safety.

S. 507

At the request of Mr. PROXMIRE, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 507, the Limousine Limitation Act.

S. 528

At his own request, the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 528, relating to collective bargaining contracts.

S. 528

At the request of Mr. WILLIAMS, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 528, supra.

S. 543

At the request of Mr. PELL, the Senator from Iowa (Mr. CLARK) was added as a cosponsor of S. 543, a bill to amend title VII of the Social Security Act to provide that benefit checks shall be mailed for delivery on the day preceding a Saturday, Sunday, or legal public holiday, and to amend section 3020 of title 38, United States Code, relating to the time of delivery of benefit checks paid under laws administered by the Veterans' Administration.

SENATE RESOLUTION 39

At the request of Mr. ALLEN, the Senator from South Carolina (Mr. THURMOND) and the Senator from Oklahoma (Mr. BARTLETT) were added as cosponsors of Senate Resolution 39, disapproving pay recommendations of the President.

SENATE RESOLUTION 50

At the request of Mr. ALLEN, the Senator from South Carolina (Mr. THURMOND) and the Senator from Oklahoma (Mr. BARTLETT) were added as cosponsors of Senate Resolution 50, relating to the disapproval of the pay recommendations of the President.

SENATE JOINT RESOLUTION 11

At the request of Mr. STONE, the Senator from Minnesota (Mr. HUMPHREY) was

and even spiritual functions of tree planting. "How enduring are the animate trees of our planting," he wrote.

They grow and self-perpetuate themselves and shed yearly blessings on our race. Trees are the monuments I would have. The cultivation of flowers and trees is the cultivation of the good, the beautiful and the noble in man.

A resolution Morton introduced before the Nebraska State Board of Agriculture proclaimed the first Arbor Day in 1872. Over a million trees were planted on that first Arbor Day, and in 1885 it was made a legal holiday in Nebraska. Several other States soon followed suit.

Unfortunately, as the frontier disappeared and our Nation became increasingly urbanized, interest in Arbor Day declined. The need to plant and maintain trees, however, is greater than ever.

The hostile natural environment encountered by J. Sterling Morton has largely been replaced by the equally hostile manmade environment of our cities. Instead of the desolate landscape of the Great Plains, we are faced with the desolation of concrete. And just as the early tree plantings in Nebraska produced manifold benefits, trees can serve to beautify our cities, cut air and noise pollution, provide shade, and cushion extremes of heat and cold. In recent years, unfortunately, city trees have become victims of budget cuts, diseases, and environmental stresses. They are often inadequately cared for, and when they die they are not replaced. Therefore, a new commitment to tree planting is urgently needed. A uniform National Arbor Day would help to renew this commitment. The National Arbor Day Committee has worked tirelessly for the past 25 years toward this goal. Largely due to the committee's efforts, 23 States has passed laws to designate the last Friday in April as Arbor Day. The legislation I am introducing today would establish a unified annual nationwide observance of Arbor Day. Through such legislation I believe we can rekindle interest in this important celebration of our ties with nature.

Mr. President, I ask unanimous consent that the resolution be printed at this point in the RECORD.

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

S.J. RES. 21

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue annually a proclamation designating the last Friday of April "National Arbor Day" and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

S. 82

At the request of Mr. BUMPERS, the Senator from Wyoming (Mr. HANSEN) and the Senator from New Mexico (Mr. SCHMITT) were added as cosponsors of S. 82, a bill to amend title 18, United States Code, to authorize courts, upon the completion of any juvenile proceeding to release to any victim of such juvenile delinquency information on the final disposition of the juvenile who has been adjudicated delinquent.

S. 87

At the request of Mr. BUMPERS, the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 87, a bill to amend title II of the Social Security Act to increase to $4,800 the amount of outside earnings permitted without deductions from benefits thereunder.

S. 92

At the request of Mr. WILLIAMS, the Senator from Maryland (Mr. SARBANES) and the Senator from Oregon (Mr. PACKWOOD) were added as cosponsors of S. 92, to amend the Export Administration Act of 1969.

S. 104

At the request of Mr. INOUYE, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 104, to amend the Social Security Act.

S. 113

At the request of Mr. CASE, the Senator from Maryland (Mr. MATHIAS) and the Senator from Hawaii (Mr. MATSUNAGA) were added as cosponsors of S. 113, to promote confidence in the branches of the Federal Government.

S. 119

At the request of Mr. INOUYE, the Senator from Hawaii (Mr. MATSUNAGA), the Senator from New York (Mr. JAVITS), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 119, to incorporate the Pearl Harbor Survivors Association.

S. 133

At the request of Mr. INOUYE, the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 133, to amend the Public Health Service Act.

S. 174

At the request of Mr. CLARK, the Senator from Connecticut (Mr. WEICKER) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 174, to amend the United Nations Participation Act.

S. 175

At the request of Mr. SCHWEIKER, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 175, to provide a special program of financial assistance to Opportunities Industrialization Centers.

S. 224

At the request of Mr. INOUYE, the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 224, to amend title 5, United States Code.

S. 261

At the request of Mr. KENNEDY, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 261, to amend the Internal Revenue Code.

S. 294

At the request of Mr. MELCHER, the Senator from Colorado (Mr. HASKELL) and the Senator from Nebraska (Mr. ZORINSKY) were added as cosponsors of S. 294, a bill to amend the Meat Import Quota Act of 1964 to define fresh, chilled and frozen meat, and for other purposes.

S. 369

At the request of Mr. INOUYE, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 369, to amend the Tariff Act.

S. 412

At the request of Mr. HUMPHREY, the Senator from Minnesota (Mr. ANDERSON) was added as a cosponsor of S. 412, the Modern Congress Act of 1977.

S. 459

At the request of Mr. CHURCH, the Senator from Vermont (Mr. LEAHY) and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 459, to authorize reduced air fares for youth and elderly.

S. 489

At the request of Mr. BROOKE, the Senator from Oklahoma (Mr. BARTLETT), the Senator from New Jersey (Mr. CASE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), the Senator from Montana (Mr. METCALF), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 489, to amend the Foreign Assistance Act of 1961.

S. 503

At the request of Mr. BAKER, the Senator from Rhode Island (Mr. CHAFFEE), the Senator from Michigan (Mr. GRIFFIN), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Indiana (Mr. LUGAR), the Senator from Illinois (Mr. PERCY), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 503, the Youth Employment Act.

S. 508

At the request of Mr. CHURCH, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 508, to eliminate the trading of potato futures on commodity exchanges.

S. 528

At the request of Mr. WILLIAMS, the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 528, relating to collective-bargaining contracts.

S. 543

At the request of Mr. PELL, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 543, to amend title VII of the Social Security Act.

S. 551

At the request of Mr. HUMPHREY, the Senator from Washington (Mr. MAGNUSON) was added as a cosponsor of S. 551, relating to compensation of persons injured by certain criminal acts.

S. 567

At the request of Mr. THURMOND, the Senator from Virginia (Mr. WILLIAM L. SCOTT) was added as a cosponsor of S. 567, relating to the distribution of food stamps.

S. 621

At the request of Mr. BUMPERS, the Senator from New Mexico (Mr. DOMENICI), the Senator from Michigan (Mr. RIEGLE), and the Senator from Nebraska (Mr. ZORINSKY) were added as cospon-

By Mr. ICHORD:

H.R. 4136. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has 40 quarters of coverage, regardless of when such quarters were earned; to the Committee on Ways and Means.

H.R. 4137. A bill to amend title II of the Social Security Act to provide that increases in monthly insurance benefits thereunder (whether occurring by reason of increases in the cost of living or enacted by law) shall not be considerd as annual income for purposes of certain other benefit programs; to the Committee on Ways and Means.

By Mr. KETCHUM:

H.R. 4138. A bill to amend title XVI of the Social Security Act to provide that supplemental security income benefits shall be payable only to aged, blind, or disabled individuals who are both citizens and residents of the United States; to the Committee on Ways and Means.

H.R. 4139. A bill to amend title XVI of the Social Security Act to provide that supplemental security income benefits shall be payable to a resident alien only if he has continuously resided in the United States for at least 5 years; to the Committee on Ways and Means.

By Mr. LEGGETT (for himself and Mr. FORSYTHE):

H.R. 4140. A bill to extend the provisions of the Fishermen's Protective Act of 1967, relating to the reimbursement of seized commercial fishermen, until October 1, 1980; to the Committee on Merchant Marine and Fisheries.

H.R. 4141. A bill to extend until October 1, 1980, the appropriation authorizations for the Seal Beach, Great Dismal Swamp, and San Francisco Bay National Wildlife Refuges; to the Committee on Merchant Marine and Fisheries.

By Mr. MATHIS:

H.R. 4142. A bill to amend the Internal Revenue Code of 1954 to exempt certain agricultural aircraft from the aircraft use tax, to provide for the refund of the gasoline tax to the agricultural aircraft operator, and for other purposes; to the Committee on Ways and Means.

By Mr. MEEDS (for himself, Mr. PEASE and Mr. BALDUS):

H.R. 4143. A bill to create the Young Adult Conservation Corps to complement the Youth Conservation Corps; to the Committee on Education and Labor.

By Mr. MURPHY of Pennsylvania:

H.R. 4144. A bill to extend and amend the Export Administration Act of 1969, as amended; to the Committee on International Relations.

By Mr. GARY A. MYERS (for himself, Mr. BADILLO, Mrs. FENWICK, Mr. EDGAR, Mr. KEMP, Mr. HARRINGTON, Mr. KILDEE, Mr. SOLARZ, Mr. RINALDO, Mr. OTTINGER, Mr. LAFALCE, Mr. KOSTMAYER, Mr. TONRY, and Mr. MAGUIRE):

H.R. 4145. A bill to provide for the Federal payment of State unemployment compensation benefits which are paid to individuals who are unemployed because of the natural gas shortage; to the Committee on Ways and Means.

By Mr. QUIE:

H.R. 4146. A bill to establish a Department of Education, Training, and Careers; to the Committee on Government Operations.

H.R. 4147. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption for a taxpayer, his spouse, or his dependent, who is disabled; to the Committee on Ways and Means.

H.R. 4148. A bill to amend the Tariff Schedules of the United States to permit the free entry of Canadian petroleum (including reconstituted crude petroleum) and crude shale oil, provided that an equivalent amount of the same kind and quality of domestic crude petroleum (including reconstituted crude petroleum) and crude shale oil has been exported to Canada; to the Committee on Ways and Means.

By Mr. RAILSBACK:

H.R. 4149. A bill to amend title 23 to provide a comprehensive bridge replacement and rehabilitation program; to the Committee on Public Works and Transportation.

By Mr. RISENHOOVER (for himself, Mr. AUCOIN, Mr. DIGGS, Mr. FAUNTROY, Mr. HAWKINS, Mr. HOWARD, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, and Mr. PERKINS):

H.R. 4150. A bill to establish a utility stamp program which will provide utility stamps to certain low-income households to help meet utility costs incurred by such households; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS:

H.R. 4151. A bill to amend the Clean Air Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RONCALIO:

H.R. 4152. A bill to authorize the Secretary of the Interior to study certain areas in the State of Wyoming; to the Committee on Interior and Insular Affairs.

By Mr. STEED:

H.R. 4153. A bill to allow Federal employment preference to certain employees of the Bureau of Indian Affairs, and to certain employees of the Indian Health Service, who are not entitled to the benefits of, or who have been adversely affected by the application of, certain Federal laws allowing employment preference to Indians, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WOLFF (for himself, Mr. SEIBERLING, Mr. EDWARDS of California, Mr. BLANCHARD, Mr. HOWARD, Mr. DIGGS, Mr. DOWNEY, Mr. SCHEUER, Mr. CHARLES WILSON of Texas, Mr. MOFFETT, Mr. BRODHEAD, Mr. MURPHY of Pennsylvania, Mr. DAN DANIEL, Mr. BADILLO, Mr. STEERS, Mr. JEFFORDS, Mr. BEDELL, Mr. VENTO, Mr. MOAKLEY, Mr. SOLARZ, Mr. NOLAN, and Mr. WALGREN):

H.R. 4154. A bill to amend the Internal Revenue Code of 1954 to allow a deduction or credit against tax to individuals and corporations for certain expenses incurred in the conversion of pilot lights to a system of manual ignition in certain gas appliances; to the Committee on Ways and Means.

By Mr. YOUNG of Missouri:

H.R. 4155. A bill to amend the Federal Water Pollution Control Act to provide for additional authorizations, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ICHORD (for himself, Mr. BOLLING, Mr. SKELTON, Mr. VOLKMER, Mr. BURLISON of Missouri, Mr. YOUNG of Missouri, Mr. CLAY, and Mr. GEPHARDT):

H.R. 4156. A bill to clarify and reaffirm the intent of Congress with respect to the transmission and sale of electric power and energy generated or purchased in the Southwestern power area; to the Committee on Interior and Insular Affairs.

By Mr. MEEDS (for himself, Mr. LUJAN, Mr. UDALL, Mr. DON H. CLAUSEN, Mr. KREBS, Mr. SYMMS, Mr. WON PAT, Mr. CORRADA, Mr. RUNNELS, Mr. TSONGAS, Mr. JOHNSON of California, and Mr. ROSE):

H.R. 4157. A bill to provide for a continuing program of water resources research and development; to the Committee on Interior and Insular Affairs.

By Mr. MURPHY of Pennsylvania:

H.R. 4158. A bill to amend the Mineral Leasing Act of 1920 to ban the exportation of Alaskan petroleum and natural gas to insure the use of these fuels to alleviate domestic energy shortages; jointly, to the Committees on Interior and Insular Affairs, Interstate and Foreign Commerce, and International Relations.

By Mr. LAGOMARSINO (for himself, Mr. AKAKA, Mr. CORRADA, Mr. FLOOD, Mr. FRENZEL, and Mr. SEBELIUS):

H.J. Res. 286. Joint resolution designating the period March 1, 1977, through March 7, 1977, as National Weights and Measures Week; to the Committee on Post Office and Civil Service.

By Mr. MARKS:

H.J. Res. 287. Joint resolution to designate the week commencing with the third Monday in February of each year as National Patriotism Week; to the Committee on Post Office and Civil Service.

By Mr. HAGEDORN (for himself and Mr. RINALDO):

H. Con. Res. 131. Concurrent resolution establishing a Commission on Legislative-Judicial Relations; to the Committee on the Judiciary.

By Mr. CARR (for himself, Mr. BEDELL, Mr. BRODHEAD, Mr. KILDEE, Mr. PANETTA, Mr. STEERS, Mr. EDWARDS of Oklahoma, Mr. CHARLES WILSON of Texas, Mr. FISH, Mr. DOWNEY, Mr. HARRIS, Mr. BAUCUS, Mr. KETCHUM, Mr. NOLAN, Mr. RICHMOND, Mr. WALSH, Mr. DELLUMS, Mr. LUJAN, Mr. EDWARDS of California, Mr. STARK, Mr. QUAYLE, Mr. LUKEN, Mr. LEACH, and Mr. DIGGS):

H. Res. 339, Resolution to amend the Rules of the House of Representatives to require committee approval of certain travel proposals, and for other purposes; to the Committee on Rules.

By Mr. COHEN:

H. Res. 340. Resolution to provide that Members of the House of Representatives and certain employees of the House, except in certain cases, may not be reimbursed for the difference between the cost of first-class air travel accommodations and the cost of other air travel accommodations; to the Committee on House Administration.

By Mr. HAMILTON (for himself, Mr. OBEY, Mr. D'AMOURS, Mr. MEEDS, Mr. KOCH, Mr. BENJAMIN, Mr. KASTENMEIER, Mr. LUKEN, and Mr. AUCOIN):

H. Res. 341. Resolution to amend the Rules of the House of Representatives, and for other purposes; divided and referred as follows: Title I, section 301, and titles IV, V, VI, and VII to the Committee on Rules; title II and section 303 to the Committee on Standards of Official Conduct; and section 302 to the Committee on House Administration.

By Mrs. MEYNER:

H. Res. 342. Resolution applauding the courageous efforts of the Women's Peace Movement to end the tragic sectarian violence in Northern Ireland; to the Committee on International Relations.

By Mr. MURPHY of New York:

H. Res. 343. Resolution to provide for the expenses of investigations, and studies to be conducted by the Ad Hoc Select Committee on the Outer Continental Shelf; to the Committee on House Administration.

By Mr. PANETTA (for himself, Mr. MINETA, Mr. WEISS, Mr. ROYBAL, Mr. CAVANAUGH, Mr. HANNAFORD, and Mr. KASTENMEIER):

H. Res. 344. Resolution to amend the Code of Official Conduct of the House of Representatives to prohibit Members of the House from using funds other than those appropriated by Congress for the purpose of fulfilling their activities as Federal officeholders; to the Committee on Standards of Official Conduct.

By Mr. RAILSBACK (Mr. ABDNOR, Mr. ANDERSON of Illinois, Mr. BADILLO, Mr. BLANCHARD, Mr. BLOUIN, Mr. BONIOR, Mr. COLLINS of Texas, Mr. FRENZEL, Mr. GLICKMAN, Mr. HYDE, Mr. LEACH, Mr. MOAKLEY, Mr. OTTINGER, Mr. PURSELL, Mr. QUIE, Mr.

By Mr. PEPPER (for himself, Mr. ROYBAL, Mr. ROONEY, Mr. BIAGGI, Mr. BEARD of Rhode Island, Mr. BLOUIN, Mr. DOWNEY, Mr. FLORIO, Mr. FORD of Tennessee, Mr. HUGHES, Mr. DRINAN, Ms. MEYNER, Mr. RUSSO, and Mr. RINALDO):

H.R. 4315. A bill to amend the Older Americans Act to provide expanded counseling assistance for the elderly sick and disabled; to the Committee on Education and Labor.

By Mr. QUILLEN (for himself, Mr. CEDERBERG, Mr. CORRADA, Mr. EDWARDS of Oklahoma, Mr. FLOWERS, and Mr. HOLLAND):

H.R. 4316. A bill to amend title 38 of the United States Code to revise certain administrative requirements of the veterans' educational program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROSENTHAL (for himself and Mr. BURKE of Florida):

H.R. 4317. A bill to amend the Export Administration Act of 1969 in order to extend the authorities of that act and improve the administration of export controls under that act, to strengthen the antiboycott provisions of that act, and to provide for stricter controls over exports of nuclear material and technology, and for other purposes; to the Committee on International Relations.

By Mr. SLACK:

H.R. 4318. A bill to amend part B of title XI of the Social Security Act to assure appropriate participation by professional registered nurses in the peer review, and related activities authorized thereunder; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mrs. SPELLMAN:

H.R. 4319. A bill to amend subchapter III of chapter 83 of title 5, United States Code, to provide that employees who retire after 5 years of service, in certain instances, may be eligible to retain their life and health insurance benefits, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4320. A bill to amend chapter 83 of title 5, United States Code, to discontinue civil service annuity payments for periods of employment as a justice or judge of the United States, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RANGEL:

H.R. 4321. A bill to direct the Attorney General to establish Special Drug Forces for the purpose of providing temporary emergency law enforcement assistance to States and local governments; to the Committee on the Judiciary.

By Mr. STARK (for himself, Mr. BOLAND, Mr. CONYERS, Mr. PRICE, Mr. PIKE, Mr. FAUNTROY, Mr. EDWARDS of California, Mr. MURTHA, Mr. MOSS, Mr. FRASER, Mr. THOMPSON, Mr. LEGGETT, Mr. KREBS, Mr. PHILLIP BURTON, Mr. CHARLES WILSON of Texas, Mr. ROYBAL, Mr. MITCHELL of Maryland, Mrs. FENWICK, Mr. WAXMAN, Mr. WIRTH, Mr. MARTIN, Mr. BADILLO, Mr. EDWARDS of Oklahoma, Mr. RANGEL, and Mr. ROE):

H.R. 4322. A bill to govern the disclosure of certain financial information by financial institutions to governmental agencies, to protect the constitutional rights of citizens of the United States, and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing disclosure of such information, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. STARK (for himself, Mr. GLICKMAN, Mr. AKAKA, Mr. OTTINGER, Mr. EDGAR, Mr. MATHIS, Mr. SCHEUER, Mr. BROWN of California, Mr. MCKAY, Mr. DIGGS, Mr. BEDELL, Mr. HOLLENBECK, Mr. SANTINI, Mr. DOWNEY, Mr. BONIOR, Mr. HARRINGTON, Mr. FRENZEL, Mr. KOSTMAYER, Mr. MINETA, Mrs. SPELLMAN, Mr. NEAL, Mr. GILMAN, Mr. LEACH, Mr. WALKER, and Mr. ROSENTHAL):

H.R. 4323. A bill to govern the disclosure of certain financial information by financial institutions to governmental agencies, to protect the constitutional rights of citizens of the United States, and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing disclosure of such information, and for other purposes; to the Committee on Banking, Finance, and Urban Affairs.

By Mr. STARK (for himself, Mr. MURPHY of Pennsylvania, Mr. WEISS, Mr. MOAKLEY, Mr. GIAIMO, Mr. MITCHELL of New York, Mr. SOLARZ, Mr. DRINAN, Mr. BAUCUS, Mr. VOLKMER, Mrs. MEYNER, Mr. KASTENMEIER, Mr. WON PAT, Mr. HANNAFORD, Mr. PATTERSON of California, Mr. D'AMOURS, Mr. MAGUIRE, Mr. JENRETTE, Mr. MOFFETT, Mr. ANDERSON of Illinois, Mr. BRODHEAD, and Mr. MANN):

H.R. 4324. A bill to govern the disclosure of certain financial information by financial institutions to governmental agencies, to protect the constitutional rights of citizens of the United States, and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing disclosure of such information, and for other purposes; to the Committee on Banking, Finance, and Urban Affairs.

By Mr. STUDD:

H.R. 4325. A bill to amend the Internal Revenue Code to allow an additional exemption for taxpayer who is deaf, and for other purposes; to the Committee on Ways and Means.

By Mr. TRAXLER:

H.R. 4326. A bill to establish a fuel-stamp program which will provide fuel stamps to certain low-income households to help meet fuel costs incurred by such households; to the Committee on Interstate and Foreign Commerce.

By Mr. TRAXLER (for himself, Ms. MIKULSKI, Mr. WALGREN, Mr. BALDUS, Mr. D'AMOURS, Mr. DUNCAN of Tennessee, Mr. KILDEE, Mr. LEACH, Mr. RINALDO, Mr. DE LUGO, Mr. HOWARD, Mr. CHARLES WILSON of Texas, Mr. NIX, Mr. CONYERS, Mr. AKAKA, Mr. THONE, Mr. BEVILL, Mr. VENTO, Mr. DOWNEY, Mr. HARRIS, Mr. EDWARDS of Oklahoma, Mr. PRICE, Mr. ROSENTHAL, Mr. PEPPER, and Mr. LONG of Maryland):

H.R. 4327. A bill to amend title II of the Social Security Act to provide that the automatic cost-of-living increases in benefits which are authorized thereunder may be made on a semiannual basis (rather than only on an annual basis as at present); to the Committee on Ways and Means.

By Mr. TRAXLER (for himself, Mr. WALGREN, Mr. BALDUS, Mr. D'AMOURS, Mr. DUNCAN of Tennessee, Mr. LEACH, Mr. RINALDO, Mr. DE LUGO, Mr. HOWARD, Mr. NIX, Mr. CONYERS, Mr. AKAKA, Mr. CORNELL, Mr. THONE, Mr. BEVILL, Mr. VENTO, Mr. DOWNEY, Mr. SIMON, Mr. PRICE, Mr. HORTON, Mr. ROSENTHAL, Mr. PEPPER, and Mr. LONG of Maryland):

H.R. 4328. A bill to provide for the monthly publication of a Consumer Price Index for the Aged and other Social Security Beneficiaries, which shall be used in the provision of the cost-of-living benefit increases authorized by title II of the Social Security Act; to the Committee on Ways and Means.

By Mr. UDALL (for himself and Mr. ASHBROOK):

H.R. 4329. A bill to provide for the regulation of State Presidential primary elections; to the Committee on House Administration.

By Mr. VANIK:

H.R. 4330. A bill to amend title XVIII and XIX of the Social Security Act to provide for a greater utilization of the professional services of qualified clinical social workers in the medicare and medicaid programs, to include outpatient services, community mental health centers and neighborhood health centers among the entities which may be qualified providers, and to remove the special limitations which are presently imposed on coverage of psychiatric and mental health services under parts A and B of title XVIII and title XIX; jointly, to the Committee on Ways and Means, and Interstate and Foreign Commerce.

By Mr. VENTO:

H.R. 4331. A bill to amend title 35, United States Code, to provide that any provision in any law, regulation, or contract which requires an employee to assign all his rights in certain patentable inventions to the employer is void; to the Committee on the Judiciary.

H.R. 4332. A bill to amend the Internal Revenue Code of 1954 to simplify tax preparation by allowing individuals whose income consists solely of employee compensation and interest to elect to have the Internal Revenue Service compute their income tax liability, and for other purposes; to the Committee on Ways and Means.

By Mr. WHITEHURST (for himself, Mr. BUTLER, Mr. DAN DANIEL, Mr. ROBERT W. DANIEL, Jr., Mr. FISHER, Mr. HARRIS, Mr. ROBINSON, Mr. SATTERFIELD and Mr. TRIBLE):

H.R. 4333. A bill to provide for the transfer of Old Cape Henry Lighthouse, the DeGrasse Monument, the Overlook, and the Old Railroad Station at Fort Story, Va., to the Department of the Interior for inclusion in the Colonial National Historical Park; to the Committee on Armed Services.

By Mr. WHITEHURST (for himself, Mr. BADILLO, Mr. BAFALIS, Mr. CAPUTO, Mr. DAN DANIEL, Mr. DELLUMS, Mr. DERWINSKI, Mr. DUNCAN of Tennessee, Mrs. FENWICK, Mr. HANNAFORD, Mr. HYDE, Mrs. LLOYD of Tennessee, Mrs. MEYNER, Mr. MURPHY of Pennsylvania, and Mr. WOLFF):

H.R. 4334. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for State and local public utility taxes; to the Committee on Ways and Means.

By Mr. WYDLER:

H.R. 4335. A bill to incorporate the United States Submarine Veterans of World War II; to the Committee on the Judiciary.

By Mr. YATRON (for himself, Mr. SCHEUER, Mr. COUGHLIN, Mr. PATTEN, and Mr. NIX):

H.R. 4336. A bill to extend the emergency unemployment compensation program for an additional year; to the Committee on Ways and Means.

By Mr. ANDERSON of California:

H.R. 4337. A bill to require that a percentage of U.S. oil imports be carried on U.S.-flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. BADILLO:

H.R. 4338. A bill to provide for a record of admission for permanent residence in the case of certain aliens who entered the United States prior to July 4, 1976, and for other purposes; to the Committee on the Judiciary.

By Mr. BEDELL (for himself, Ms. FENWICK, Mr. STARK, Mr. BADILLO, Mr. EDGAR, Mr. SCHEUER, Mr. VENTO, Mr. KASTENMEIER, Ms. SPELLMAN, Mr. NEAL, and Mr. MOAKLEY):

H.R. 4339. A bill to require the Secretary of the Army to establish a schedule of user charges to be paid by the owner or operator of any shallow-draft cargo vessel using any

inland waterway of the United States, and for other purposes; jointly, to the Committees on Public Works and Transportation, and Ways and Means.

By Mr. DENT (for himself, Mr. ERLENBORN, and Mr. CONABLE):

H.R. 4340. A bill to amend the Employee Retirement Income Security Act of 1974 to promote more efficient and satisfatcory management of the functions of the Federal Government relating to employee pension and welfare benefit plans and more effectively carry out the purposes of such act, and for other purposes; to the Committee on Education and Labor.

By Mr. BRINKLEY:

H.R. 4341. A bill to amend title 38, United States Code, to eliminate the requirement for inspections of the mobile home manufacturing process by the Administrator of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. BYRON:

H.R. 4342. A bill to amend the Disaster Relief Act of 1974; jointly, to the Committees on Small Business and Agriculture.

By Mr. CLAY (for himself, Mr. BADILLO, Mr. CARNEY, Mrs. COLLINS, of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. FAUNTROY, Mr. FRASER, Mr. HAWKINS, Mr. LEGGETT, Mr. METCALFE, Mrs. MEYNER, Ms. MIKULSKI, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. RANGEL, Mr. ROYBAL, Mr. SOLARZ, Mr. STARK, Mr. STOKES, Mr. THOMPSON, Mr. CHARLES H. WILSON of California, and Mr. OBERSTAR):

H.R. 4343. A bill to provide for improved labor-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. COHEN (for himself and Mr. EMERY):

H.R. 4344. A bill to repeal the provisions of law allowing automatic cost-of-living adjustments in the salaries of Members of Congress; to the Committee on Post Office and Civil Service.

By Mr. DELANEY (for himself and Mr. BEARD of Rhode Island):

H.R. 4345. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. DRINAN:

H.R. 4346. A bill to establish a Federal Bank Commission to administer all Federal laws relating to the conduct of the banking business both foreign and domestic, including such laws relating to the chartering of banking institutions and their branching activities, bank holding companies and their activities, Edge Act corporations and their activities, and the examination, supervision, and regulation of banking institutions under Federal law; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ERTEL:

H.R. 4347. A bill for the relief of the Milton Public Library and the Himmelreich Library; to the Committee on the Judiciary.

By Mrs. FENWICK (for herself, Mr. FORSYTHE, Mr. SEIBERLING, Mr. GILMAN, Mr. MAGUIRE, Mr. MCHUGH, and Mr. EDGAR):

H.R. 4348. A bill to terminate the authorization for the Tocks Island Reservoir project as part of the Delaware River Basin project, and for other purposes; jointly, to the Committees on Public Works and Transportation, and Interior and Insular Affairs.

By Mr. FLOOD:

H.R. 4349. A bill for the relief of the Shippensburg Public Library, the Osterhout Library, the West Pittston Library, the West Shore Public Library, the Milton Public Library, and the Himmelreich Library; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 4350. A bi.l to amend the Internal Revenue Code of 1954 to permit a taxpayer to defer a portion of his income tax based upon the amount of certain expenses paid or incurred by him in connection with the education or training at an institution of higher education or a vocational school of the taxpayer, his spouse, or any dependent; to the Committee on Ways and Means.

By Mr. KASTENMEIER (for himself, Mr. BALDUS, Mr. AMMERMAN, Mr. BEDELL, Mr. BROWN of California, Mr. JOHN L. BURTON, Mr. CORNELL, Mrs. LLOYD of Tennessee, Mr. MINETA, Mr. MOAKLEY, Mr. NOLAN, Mr. OBEY, Mr. PANETTA, Mr. SIMON, Mr. STUDDS, and VOLKMER):

H.R. 4351. A bill to amend the Clayton Act to provide for additional regulation of certain anticompetitive developments in the agricultural industry; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mr. SCHEUER, Mr. DELANEY, Mr. LONG of Maryland, and Mr. TONRY):

H.R. 4352. A bill to prohibt companies from participating in hte boycott of another U.S. company or a country friendly to the United States, or providing certain information, in response to a foreign country's request; to the Committee on International Relations.

By Mr. KOCH (for himself, Mr. BONKER, Mr. BOWEN, Mr. BREAUX, Mr. CLEVELAND, Mr. EDWARDS of California, Mr. EILBERG, Mrs. HOLT, Mr. JENRETTE, Mr. KOSTMAYER, Mr. LE FANTE, Mr. LONG of Maryland, Mr. MIKVA, Mr. MOTTL, Mr. OBERSTAR, Mr. STOKES, and Mr. ZEFERETTI):

H.R. 4353. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. KREBS (for himself, Mr. FRASER, Mr. MATHIS, Mr. CHARLES WILSON of Texas, Mr. ECKHARDT, Mr. RONCALIO, Mr. RUNNELS, Mr. BONKER, Mr. SHARP, Mr. TSONGAS, Mr. DE LUGO, Mr. WON PAT, Mr. BURKE of FLORIDA, and Mr. MURPHY of Pennsylvania):

H.R. 4354. A bill to enlarge the Sequoia National Park in the State of California by adding to such park the Mineral King Valley area, to provide for certain planning respecting the management of such addition, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LAGOMARSINO:

H.R. 4355. A bill to prevent Members of Congress from receiving a cost-of-living pay adjustment in October 1977; to the Committee on Post Office and Civil Service.

By Mr. LEDERER:

H.R. 4356. A bill to encourage financial institutions to help meet the credit needs of the communities in which they are chartered, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 4357. A bill to amend title VII of the Civil Rights Act of 1964 to prohibit sex discrimination on the basis of pregnancy; to the Committee on Education and Labor.

By Mr. LEVITAS (for himself, Mr. FLOWERS, Mr. JENRETTE, Mr. LLOYD of California, Mr. MOORE, Mr. STUMP, Mr. PATTERSON of California, Mr. WHITE, Mr. DORNAN, Mr. HEFNER, Mr. HIGHTOWER, Mr. HEFTEL, Mr. BONIOR, Mr. GILMAN, Mr. NOLAN, Mr. FITHIAN, Mr. COUGHLIN, Mr. CHAPPELL, Mrs. KEYS, Mr. ROSE, Mr. MOORHEAD of Pennsylvania, Mr. FUQUA, Mr. BENNETT, Mr. ST GERMAIN, and Mr. EVANS of Indiana):

H.R. 4358. A bill amending title 5 of the United States Code to improve agency rulemaking by expanding the opportunities for public participation, by creating procedures for congressional review of agency rules, and by expanding judicial review, and for other purposes; jointly to the Committees on the Judiciary, and Rules.

By Mr. LEVITAS (for himself, Mr. JENRETTE, Mr. LLOYD of California, Mr. MOORE, Mr. STUMP, Mr. PATTERSON of California, Mr. WHITE, Mr. DORNAN, Mr. HEFNER, Mr. HIGHTOWER, Mr. HEFTEL, Mr. BONIOR, Mr. GILMAN, Mr. NOLAN, Mr. FITHIAN, and Mr. MANN):

H.R. 4359. A bill amending title 5 of the United States Code to improve agency rulemaking by expanding the opportunities for public participation, by creating procedures for congressional review of future agency rules, and by expanding judicial review and for other purposes; jointly, to the Committees on the Judiciary, and Rules.

By Mr. LEVITAS (for himself, Mr. JENRETTE, Mr. LLOYD of California, Mr. MOORE, Mr. STUMP, Mr. PATTERSON of California, Mr. WHITE, Mr. DORNAN, Mr. HEFNER, Mr. HIGHTOWER, Mr. HEFTEL, Mr. BONIOR, Mr. GILMAN, Mr. NOLAN, Mr. FITHIAN, Mr. STEERS, Mrs. SPELLMAN, Mr. COUGHLIN, Mr. SHARP, Mr. NEAL, and Mr. CHAPPELL):

H.R. 4360. A bill amending title 5 of the United States Code to improve agency rulemaking by expanding the opportunities for public participation, by creating procedures for congressional review of agency rules imposing certain sanctions, and by expanding judicial review, and for other purposes; jointly, to the Committees on the Judiciary, and Rules.

By Mr. McCLOSKEY:

H.R. 4361. A bill to provide for certain import restrictions against enterprises engaged in prohibited whaling activities, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, and Ways and Means.

By Mr. MITCHELL of Maryland (for himself, Mr. BADILLO, Mr. BAUCUS, Mr. BRODHEAD, Mr. BROWN of California, Mrs. BURKE of California, Mr. CARNEY, Mrs. CHISHOLM, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. CORMAN, Mr. DELLUMS, Mr. DICKS, Mr. DIGGS, Mr. DODD, Mr. DRINAN, Mr. DUNCAN of Tennessee, Mr. EDWARDS of California, Mr. FASCELL, Mr. FAUNTROY, Mr. FORD of Tennessee, Mr. GEPHARDT, Mr. HARRINGTON, and Mr. HAWKINS):

H.R. 4362. A bill to amend the Small Business Act to expand assistance under such act to minority small business concerns, to provide statutory standards for contracting and subcontracting by the United States with respect to such concerns, and to create a Commission on Federal Assistance to Minority Enterprise, and for other purposes; jointly, to the Committees on Small Business, Government Operations, and Banking, Finance and Urban Affairs.

By Mr. MITCHELL of Maryland (for himself, Mr. JENRETTE, Ms. JORDAN, Mr. LE FANTE, Mr. METCALFE, Mr. MCHUGH, Mr. MCKINNEY, Mr. MIKVA, Mr. MINETA, Mr. MOFFETT, Mr. NEAL, Mr. NIX, Mr. OTTINGER, Mr. PATTERSON of California, Mr. PEPPER, Mr. RANGEL, Mr. RICHMOND, Mr. RODINO, Mr. SCHEUER, Mr. STARK, Mr. STOKES, Mr. STUDDS, and Mr. TRAXLER):

H.R. 4363. A bill to amend the Small Business Act to expand assistance under such act to minority small business concerns, to provide statutory standards for contracting and

payer is at least 65 years of age; to the Committee on Ways and Means.

By Mr. BINGHAM (for himself, Mr. ZABLOCKI, Mr. FINDLEY, Mr. FRASER, Mr. HAMILTON, Mr. LONG of Maryland, Mr. OTTINGER, Mr. UDALL, and Mr. WHALEN):

H.R. 4409. A bill to provide for more efficient and effective control over the proliferation of nuclear explosive capability; to the Committee on International Relations.

By Mr. BINGHAM (for himself, Mr. HARRINGTON, Mr. DOWNEY, and Mr. TONRY):

H.R. 4410. A bill to amend the Export Administration Act of 1969 in order to extend the authorities of that act and improve the administration of export controls under that act, to strengthen the antiboycott provisions of that act, and to provide for stricter controls over exports of nuclear material and technology, and for other purposes; to the Committee on International Relations.

By Mr. BURLESON of Texas:

H.R. 4411. A bill to amend the Internal Revenue Code of 1954 to exempt certain agriculutral aircraft from the aircraft use tax, to provide for the refund of the gasoline tax to the agricultural aircraft operator, and for other purposes; to the Committee on Ways and Means.

By Mr. BURLESON of Texas (for himself, Mr. BROWN of Michigan, Mr. BURKE of Florida, Mr. DERWINSKI, Mr. DUNCAN of Tennessee, Mr. FUQUA, Mr. MILFORD, and Mr. ROBERTS):

H.R. 4412. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of health care by strengthening the organization and delivery of health care nationwide and by making comprehensive health care insurance (including coverage for medical catastrophes) available to all Americans, and for other purposes; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mrs. COLLINS of Illinois (for herself, Mrs. CHISHOLM, Mr. MITCHELL of Maryland, Mr. FAUNTROY, Ms. HOLTZMAN, Ms. MIKULSKI, Mr. NIX, Mr. FORD of Tennessee, Mr. BAUCUS, Mrs. SPELLMAN, Mr. EDWARDS of Oklahoma, Mr. DRINAN, Mr. BADILLO, Mr. WEISS, and Mr. RICHMOND):

H.R. 4413. A bill to amend title 5, United States Code, to require certain Federal agencies to provide to certain employees notice of procedures through which such employees may challenge actions taken against them by such agencies; to the Committee on Post Office and Civil Service.

By Mr. CORMAN (for himself, Mr. BADILLO, Mrs. COLLINS of Illinois, Mr. FRASER, Mr. HEFTEL, Ms. MIKULSKI, and Mr. NOLAN):

H.R. 4414. A bill to broaden the income tax base, provide equity among taxpayers, and to otherwise reform the income, estate, and gift tax provisions; to the Committee on Ways and Means.

By Mr. CORNWELL (for himself, Mr. EDWARDS of Oklahoma, Mr. BEVILL, Ms. HOLTZMAN, Mrs. SPELLMAN, Mr. VENTO, Mr. HOLLENBECK, Mr. CORRADA, Mrs. CHISHOLM, Mr. EILBERG, Mr. MAGUIRE, Mr. GILMAN, Mr. COHEN, Mr. GLICKMAN, Mr. BINGHAM, Mr. CLEVELAND, Mr. RICHMOND, Mr. MOAKLEY, Mr. ERTEL, Mr. BAUCUS, Mr. HAWKINS, Mr. NEAL, Mr. D'AMOURS, Mr. DICKS, and Mr. CONTE):

H.R. 4415. A bill to amend title VII of the Social Security Act to require that social security and supplemental security income benefit checks be mailed in time for delivery prior to the regularly scheduled delivery day whenever that day falls on a Saturday, Sunday, or legal holiday; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 4416. A bill to repeal the Occupational Safety and Health Act; to the Committee on Education and Labor.

H.R. 4417. A bill to repeal the earnings limitation of the Social Security Act; to the Committee on Ways and Means.

H.R. 4418. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct certain expenses paid by him in connection with his education or training, or the education or training of his spouse or any of his dependents, at an institution of higher education or a trade or vocational school; to the Committee on Ways and Means.

H.R. 4419. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. DRINAN (for himself, Mr. BADILLO, Mr. BAUCUS, Mr. BINGHAM, Mr. BOLAND, Mr. BONIOR, Mr. PHILLIP BURTON, Mr. CARNEY, Mrs. CHISHOLM, Mr. COHEN, Mrs. COLLINS of Illinois, Mr. CONTE, Mr. CONYERS, Mr. CORNELL, Mr. CORNWELL, Mr. CORRADA, Mr. DIGGS, Mr. DOWNEY, Mr. EDGAR, Mr. EDWARDS of California, Mr. EDWARDS of Oklahoma, Mr. ERTEL, Mr. FASCELL, Mrs. FENWICK, and Mr. FORD of Tennessee):

H.R. 4420. A bill to amend title II of the Social Security Act to eliminate the special dependency requirements for entitlement to husband's and widower's insurance benefits, to provide benefits for widowed fathers with minor children, to make certain other changes so that benefits for husbands, widowers, and fathers will be payable on the same basis as benefits for wives, widows, and mothers, and to permit the payment of benefits to a married couple on their combined earnings record where that method of computation provides a higher combined benefit; to the Committee on Ways and Means.

By Mr. DRINAN (for himself, Mr. FORD of Michigan, Mr. HANNAFORD, Mr. HORTON, Mr. KOCH, Mr. LONG of Maryland, Mr. MAGUIRE, Mrs. MEYNER, Ms. MIKULSKI, Mr. MINETA, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOFFETT, Mr. MOORHEAD of California, Mr. MOSS, Mr. MURPHY of Pennsylvania, Mr. NEAL, Mr. OTTINGER, Mr. PATTERSON of California, Mr. RANGEL, Mr. RICHMOND, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SCHEUER, and Mr. SIMON):

H.R. 4421. A bill to amend title II of the Social Security Act to eliminate the special dependency requirements for entitlement to husband's and widower's insurance benefits, to provide benefits for widowed fathers with minor children, to make certain other changes so that benefits for husbands, widowers, and fathers will be payable on the same basis as benefits for wives, widows, and mothers, and to permit the payment of benefits to a married couple on their combined earnings record where that method of computation provides a higher combined benefit; to the Committee on Ways and Means.

By Mr. DRINAN (for himself, Mr. STARK, Mr. THONE, Mr. WAXMAN, Mr. CHARLES WILSON of Texas, and Mr. WINN):

H.R. 4422. A bill to amend title II of the Social Security Act to eliminate the special dependency requirements for entitlement to husband's and widower's insurance benefits, to provide benefits for widowed fathers with minor children, to make certain other changes so that benefits for husbands, widowers, and fathers will be payable on the same basis as benefits for wives, widows, and mothers, and to permit the payment of benefits to a married couple on their combined earnings record where that method of computation provides a higher combined benefit; to the Committee on Ways and Means.

By Mr. FASCELL:

H.R. 4423. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder, to the Committee on Ways and Means.

H.R. 4424. A bill to amend title XVIII of the Social Security Act to include dental care, eye care, hearing aids, physical checkups, and foot care among the items and services for which payment may be made under the supplementary medical insurance program, and to provide safeguards against consumer abuse in the provision of these items and services; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. FASCELL (for himself, Mr. LEVITAS, Mr. CONTE, Mr. HOLLAND, and Mr. BINGHAM):

H.R. 4425. A bill to reestablish the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes; to the Committee on Government Operations.

By Mr. FINDLEY:

H.R. 4426. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 to provide certain benefits to miners disabled due to pneumoconiosis, and for other purposes; to the Committee on Educaion and Labor.

By Mr. FINDLEY (for himself, Mr. BUCHANAN, Mr. CARTER, Mr. CORNWELL, Mr. D'AMOURS, Mr. SISK, Mr. FLOOD, Mr. GILMAN, Mr. GLICKMAN, and Mrs. SPELLMAN):

H.R. 4427. A bill to terminate age discrimination in employment; to the Committee on Education and Labor.

By Mr. FREY (for himself, Mr. BADHAM, Mr. BAUCUS, Mr. BLOUIN, Mr. BRINKLEY, Mr. BURGENER, Mr. CEDERBERG, Mr. COCHRAN, Mr. DAVIS, Mr. DUNCAN of Tennessee, Mr. EMERY, Mr. GILMAN, Mr. HALL, Mr. HORTON, Mr. HOWARD, Mr. KEMP, Mr. KINDNESS, Mr. MCCLOSKEY, Mr. MITCHELL of New York, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. NEAL, Mr. PRESSLER, Mr. SKUBITZ, and Mr. WALKER):

H.R. 4428. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of certain increases in monthly benefits under the Social Security Act and other Federal retirement programs; to the Committee on Veterans' Affairs.

By Mr. FREY (for himself, Mr. CHARLES WILSON of Texas, and Mr. YOUNG of Florida):

H.R. 4429. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of certain increases in monthly benefits under the Social Security Act and other Federal retirement programs; to the Committee on Veterans' Affairs.

By Mr. FREY (for himself, Mr. BADHAM, Mr. BAUCUS, Mr. BLOUIN, Mr. BURGENER, Mr. CEDERBERG, Mr. COCHRAN, Mr. DAVIS, Mr. DUNCAN of Tennessee, Mr. EMERY, Mr. GILMAN, Mr. HORTON, Mr. HOWARD, Mr. HYDE, Mr. JEFFORDS, Mr. JONES of North Carolina, Mr. KEMP, Mr. KINDNESS, Mrs.

940. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a report on the Department's activities under the Freedom of Information Act during calendar year 1976, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

941. A letter from the Secretary, Emergency Loan Guarantee Board, Department of the Treasury, transmitting a report on the Board's activities under the Freedom of Information Act during calendar year 1976, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

942. A letter from the Director of Communication, Department of Agriculture, transmitting a correction to the Department's annual report on its activities under the Freedom of Information Act during calendar year 1976, pursuant to 5 U.S.C. 552 (d); to the Committee on Government Operations.

943. A letter from the Director, Office of Public Information, Commodity Futures Trading Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1976, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

944. A letter from the Executive Director, National Capital Planning Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1976, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

945. A letter from the Executive Director, Privacy Protection Study Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1976, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

946. A letter from the Acting Comptroller General of the United States, transmitting a report on the General Services Administration's procurement practices pertaining to its multiple ward schedule program (PSAD-77-69, March 4, 1977); to the Committee on Government Operations.

947. A letter from the Secretary of State, transmitting a report on the progress made toward achieving full respect for the human and legal rights of U.S. citizens detained in Mexico, pursuant to section 408(b)(2) of Public Law 94-329; to the Committee on International Relations.

948. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

949. A letter from the Director, Defense Security Assistance Agency, transmitting quarterly reports on commercial and governmental military exports, covering the quarter ended December 31, 1976, pursuant to section 36(a)(1)-(9) of the Arms Export Control Act; to the Committee on International Relations.

950. A letter from the Director, Health Resources Administration, Public Health Service, Department of Health, Education, and Welfare, transmitting a summary of research studies supported by the National Center for Health Services Research during the last 2 fiscal years; to the Committee on Interstate and Foreign Commerce.

951. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report that NASA's Contract Adjustment Board did not grant any request for extraordinary contractual adjustment during calendar year 1976, pursuant to section 4 of Public Law 85-804; to the Committee on the Judiciary.

952. A letter from the Acting Administrator of General Services, transmitting a prospectus proposing alterations at the Kansas City, Mo., Federal Building, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

953. A letter from the Acting Administrator, U.S. Environmental Protection Agency, transmitting the second annual 5-year plan for EPA's evironmental research program, pursuant to section 5 of Public Law 94-475; to the Committee on Science and Technology.

954. A letter from the Acting Comptroller General of the United States, transmitting a report on learning problems among institutionalized juvenile delinquents (GGD-76-97, March 4, 1977); jointly, to the Committees on Government Operations, and Education and Labor.

955. A letter from the Acting Comptroller General of the United States, transmitting a report suggesting improvements in the Interior Department's program of leasing Outer Continental Shelf lands for the domestic development of oil and natural gas resources (EMD-77-19, March 7, 1977); jointly, to the Committees on Government Operations, and Interior and Insular Affairs.

956. A letter from the Director, Health Resources Administration, Public Health Service, Department of Health, Education, and Welfare, transmitting a report on research in controlling the cost of health care; jointly, to the Committees on Interstate and Foreign Commerce, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DENT: Committee on House Administration. House Resolution 361. Resolution providing additional funds for the expenses of the Committee on House Administration to carry out its responsibilities under section 382 of title 2, United States Code, et seq., and the Rules of the House of Representatives. (Rept. No. 95-58). Referred to the House Calendar.

Mr. FRASER: Committee on International Relations. H.R. 1746. A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome; with amendment (Rept. No. 95-59). Referred to the Committee of the Whole House on the State of the Union.

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. McCORMACK (for himself, Mr. FOLEY, Mr. DICKS, Mr. DUNCAN of Oregon, Mr. DANIELSON, Mr. DORNAN, Mr. KETCHUM, and Mr. CHARLES H. WILSON of California):

H.R. 4537. A bill to provide temporary authorities to the Secretary of the Interior to facilitate emergency actions to mitigate the impacts of the 1976-77 drought; to the Committee on Interior and Insular Affairs.

By Mr. ABDNOR:

H.R. 4538. A bill to amend section 906, title 38, United States Code, to allow a deceased veteran's estate to receive in cash the amount it costs the U.S. Government to provide a headstone or a marker; to the Committee on Veterans' Affairs.

By Mr. ANDERSON of California:

H.R. 4539. A bill to establish a comprehensive program for the systematic reduction of noncompatible land uses in the areas surrounding certain airports in the United States and the level of ncise created by aircraft operating at such airports; to the Committee on Public Works and Transportation.

By Mr. BRINKLEY:

H.R. 4540. A bill to amend title 10, United States Code, so as to provide that the Chief of the Biomedical Sciences Corps of the Air Force shall be a brigadier general, and for other purposes; to the Committee on Armed Services.

By Mr. CLEVELAND:

H.R. 4541. A bill to require the distribution of pinpoint disaster assistance for elementary and secondary school facilities destroyed or seriously damaged between January 2, 1968, and October 1, 1978; to the Committee on Education and Labor.

By Mr. DANIELSON:

H.R. 4542. A bill to repeal sections 3478 and 3479 of the Revised Statutes (31 U.S.C. 204 and 205), which impose a requirement upon persons prosecuting claims, either as attorney or on their own account, to take the oath of allegiance and to support the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DAVIS:

H.R. 4543. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. DENT (for himself and Mr. PERKINS):

H.R. 4544. A bill to amend the Federal Coal Mine Health and Safety Act to improve the black lung benefits program established under such act, and for other purposes; to the Committee on Education and Labor.

By Mr. DIGGS (by request):

H.R. 4545. A bill to authorize the Parole Board to credit "street time" for a prisoner whose parole is revoked; to the Committee on the District of Columbia.

H.R. 4546. A bill to make shoplifting in the District of Columbia a crime; to the Committee on the District of Columbia.

H.R. 4547. A bill relating to crime and law enforcement in the District of Columbia; to the Committee on the District of Columbia.

H.R. 4548. A bill to amend the District of Columbia Stadium Act of 1957 to provide for a sharing of the financial obligations of such stadium, and for other purposes; to the Committee on the District of Columbia.

H.R. 4549. A bill to permit States the reciprocal right to sue in the Supreme Court of the District of Columbia to recover taxes due the State; to the Committee on the District of Columbia.

H.R. 4550. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act with respect to the borrowing authority of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. DRINAN (for himself, Mr. BEDELL, Mrs. CHISHOLM, Mr. CONYERS, Mr. DELLUMS, Mr. EDGAR, Mr. EDWARDS of California, Mr. FORD of Tennessee, Ms. HOLTZMAN, Mr. MAGUIRE, Mr. MOSS, Mr. ROSENTHAL, Mr. SCHEUER, and Mr. WEISS):

H.R. 4551. A bill to repeal the Military Selective Service Act; to the Committee on Armed Services.

By Mr. DRINAN (for himself, Mr. BRODHEAD, Mrs. COLLINS of Illinois, Mr. DUNCAN of Tennessee, Mr. EDGAR, Mr. EILBERG, Mr. HARRINGTON, Mr. LONG of Maryland, Mr. MOAKLEY, Mr. MURPHY of New York, Mr. OTTINGER, Mr. ROYBAL, Mr. RYAN, and Mr. STARK):

H.R. 4552. A bill to amend the Export Administration Act of 1969 to stabilize domestic prices, and for other purposes; to the Committee on International Relations.

By Mr. DUNCAN of Tennessee:

H.R. 4553. A bill to amend the Railroad Retirement Act of 1974 to provide for the counting of certain World War II military service toward the years of service requirements for eligibility for certain benefits

962. A letter from the Chairman, National Commission for Manpower Policy, transmitting the Commission's second annual report, entitled "An Employment Strategy for the United States—Next Steps," pursuant to section 505 of Public Law 93-203; to the Committee on Education and Labor.

963. A letter from the Chairman, National Commission for Manpower Policy, transmitting the Commission's special report No. 12, entitled "Demographic Trends and Full Employment"; to the Committee on Education and Labor.

964. A letter from the Acting Director, Community Services Administration, transmitting a report on the agency's activities under the Freedom of Information Act during calendar year 1976, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

965. A letter from the President, Panama Canal Company, transmitting a report on the agency's activities under the Freedom of Information Act during calendar year 1976, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

966. A letter from the Chairman of the Board, Tennessee Valley Authority, transmitting a report on the agency's activities under the Freedom of Information Act during calendar year 1976, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

967. A letter from the Executive Secretary, Federal Deposit Insurance Corporation, transmitting notice of various proposed new or modified records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

968. A letter from the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, transmitting the annual report of the activities of the committee during fiscal year 1976, pursuant to section 1(1) of Public Law 739, 75th Congress, as amended (85 Stat. 79); to the Committee on Government Operations.

969. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential Determination No. 77-12, finding that it is in the national interest to waive the exclusion of Syria from sales under title I of the Agricultural Trade Development and Assistance Act for the purpose of selling approximately $15 million of agricultural commodities, pursuant to section 103(d)(3) of the act; to the Committee on International Relations.

970. A letter from the Director, Defense Security Assistance Agency, transmitting addenda to the reports on commercial and governmental military exports for the quarter ended December 31, 1976, pursuant to section 36(a)(1) and (2) of the Arms Export Control Act; to the Committee on International Relations.

971. A letter from the Secretary of Health, Education, and Welfare, transmitting the annual report on the Department's activities under the Fair Packaging and Labeling Act, covering fiscal year 1976, pursuant to section 8 of Public Law 89-755; to the Committee on Interstate and Foreign Commerce.

972. A letter from the Secretary of Health, Education, and Welfare, transmitting the sixth annual report on the health consequences of marihuana use, pursuant to section 502 of Public Law 91-296; to the Committee on Interstate and Foreign Commerce.

973. A letter from the Acting Assistant General Counsel for International, Conservation, and Resource Development Programs, Federal Energy Administration, transmitting notice of a meeting related to the International Energy Program on March 16, 17, and 18, 1977, at Rome, Italy; to the Committee on Interstate and Foreign Commerce.

974. A letter from the Secretary of Commerce, transmitting the first report on activities of the Regional Fishery Management Councils and the Department of Commerce on fishery management plans, regulations to implement such plans, and other activities relating to the conservation and management of fishery resources, pursuant to section 305(f) of Public Law 94-265; to the Committee on Merchant Marine and Fisheries.

975. A letter from the Secretary of Transportation, transmitting the annual report for calendar year 1976 on the Department's regulation of ocean dumping, pursuant to section 112 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (90 Stat. 725); to the Committee on Merchant Marine and Fisheries.

976. A letter from the Chairman, Civil Aeronautics Board, transmitting the Board's annual report for fiscal year 1976, pursuant to section 205 of the Federal Aviation Act of 1958; to the Committee on Public Works and Transportation.

977. A letter from the Acting Administrator of General Services, transmitting a prospectus proposing construction of a new Border Station facility at Fort Kent, Maine, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

978. A letter from the Acting Comptroller General of the United States, transmitting a report on rates charged certain patients in overseas military medical facilities (FGMSD-76-102, March 8, 1977); jointly, to the Committees on Government Operations, and Armed Services.

979. A letter from the Acting Comptroller General of the United States, transmitting a report on the status of the Navy's high-speed antiradiation missile system (PSAD-77-22, March 8, 1977); jointly, to the Committees on Government Operations and Armed Services.

980. A letter from the Acting Comptroller General of the United States, transmitting a report on the status of the Navy's Trident submarine and missile programs (PSAD-77-34, March 8, 1977); jointly, to the Committees on Government Operations and Armed Services.

981. A letter from the Acting Comptroller General of the United States, transmitting a report on Federal efforts to control and abate noise pollution (CED-77-42, March 7, 1977); jointly, to the Committees on Government Operations, Interstate and Foreign Commerce, and Public Works and Transportation.

982. A letter from the Comptroller General of the United States, transmitting a report on the need for a Government-wide budget classification structure for Federal research and development information, pursuant, to section 202(a)(2) of the Legislative Reorganization Act of 1970, as amended (88 Stat. 328); jointly, to the Committees on Government Operations, Science and Technology, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON: Committee on House Administration. Report on allocation of budget totals by program (Rept. No. 95-60). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 383. Resolution establishing a Select Committee on Ethics; with amendment (Rept. No. 95-61). Referred to the House Calendar.

Mr. SMITH of Iowa: Committee of conference. Conference report on H.R. 2647 (Rept No. 95-62). Ordered to be printed.

Mr. MOAKLEY: Committee on Rules. House Resolution 388. Resolution providing for the consideration of H.R. 3843. A bill to authorize additional funds for housing assistance for lower income Americans in fiscal year 1977, to extend the Federal riot reinsurance and crime insurance programs, to establish a National Commission on Neighborhoods, and for other purposes. (Rept. No. 95-63). Referred to the House Calendar.

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. STEIGER (for himself, Mr. STARK, Mr. CONABLE, Mr. JONES of Oklahoma, Mr. FRENZEL, Mr. OBEY, and Mr. BALDUS):

H.R. 4611. A bill to amend the Internal Revenue Code of 1954 to provide that the tax home of a State legislator is in the legislative district he represents; to the Committee on Ways and Means.

By Mr. BALDUS (for himself, Mr. OBEY, Mr. CORNELL, Mr. HANLEY, Mr. PRESSLER, Mr. HALL, Mr. CHARLES WILSON of Texas, Mr. MCCORMACK, Mr. OBERSTAR, Mr. NOLAN, Mr. DAVIS, Mr. MITCHELL of New York, and Mr. BLOUIN):

H.R. 4612. A bill to provide price support for milk at not less than 90 percent of the parity price therefor, and for other purposes; to the Committee on Agriculture.

By Mr. BOWEN:

H.R. 4613. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4614. A bill to amend the Social Security Act to provide for inclusion of the services of licensed (registered) nurses under medicare and medicaid; to the Committee on Ways and Means.

By Mr. CORNELL (for himself, Mr. BAUCUS, Mr. BINGHAM, Mr. CLEVELAND, Mrs. COLLINS of Illinois, Mr. CONTE, Mr. D'AMOURS, Mr. DOWNEY, Mr. EDWARDS of Oklahoma, Mr. HAGEDORN, Mr. HANNAFORD, Mr. LENT, Mr. LOTT, Mr. MOAKLEY, Mr. MOORHEAD of Pennsylvania, Mr. RUSSO, Mr. SOLARZ, Mr. STARK, and Mr. STUDDS):

H.R. 4615. A bill to amend the Internal Revenue Code of 1954 to allow persons covered by certain other retirement plans to establish personal savings for retirement; to the Committee on Ways and Means.

By Mr. CORRADA:

H.R. 4616. A bill to amend title II of the Public Works Employment Act of 1976 to provide that funds be allocated thereunder to Puerto Rico, Guam, and the Virgin Islands; to the Committee on Government Operations.

By Mr. DEVINE:

H.R. 4617. A bill to provide for the protection of franchised distributors and retailers of motor fuel; to the Committee on Interstate and Foreign Commerce.

By Mr. EILBERG:

H.R. 4618. A bill to amend the Export Administration Act of 1969 in order to extend the authorities of that act and improve the administration of export controls under that act, to strengthen the antiboycott provisions of that act, and to provide for stricter controls over exports of nuclear material and technology, and for other purposes; to the Committee on International Relations.

By Mr. FASCELL (for himself, Mr. BUCHANAN, Mr. DIGGS, Mr. RYAN, and Mrs MEYNER):

H.R. 4619. A bill to authorize additional appropriations for the Department of State for fiscal year 1977; to the Committee on International Relations.

territory authorization, but also for other matters such as rehabilitation of Eniwetok Atoll, compensation for the inhabitants of Rongelap, rehabilitation of Guam, and other measures, but, they have not transmitted the authorizations on which the appropriations request depend. I want to be sure that the people in the trust territory do not suffer because of the delay in the administration's submittal of draft authorization legislation.

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

S. 1033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is amended by amendment to draft bill by deleting the words "and such amounts as were authorized but not appropriated for fiscal year 1975," and inserting in lieu thereof the following language, "for fiscal year 1978, $108,862,000, of which amount $13,515,000 shall be appropriated for the Government of the Northern Mariana Islands until the provisions of the Covenant to establish a Commonwealth for the Northern Mariana Islands (90 Stat. 263) (hereinafter the "Covenant") have been met and approved as required in section 1003(b) of the Covenant, at which time the authorization provisions of appropriations contained in Article VII, section 704(b) of the Covenant will take effect. For fiscal year 1979, $95,000,000, for fiscal year 1980, $90,000,000, and up to but not to exceed $6,000,000 for program development and construction of facilities required for a College of Micronesia to serve the Micronesian Community.

SEC. 2. Section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is further amended by deleting the words "and up to $8,000,000 for the construction of such buildings as are required for a four year college to serve the Micronesian Community."

SEC. 3. Section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is further amended by deleting all the language beginning with the words "which amounts for each such fiscal year" to the end of Section 2, and substituting a period for the comma after the word "agencies" which comes before the language to be deleted.

CONGRESS OF MICRONESIA,
March 16, 1977.

HON. HENRY JACKSON,
Chairman, Senate Committee, Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As in years past, Co-Chairman Bailey Olter and I are representing the views of the Congress of Micronesia in the hearings now being held on the TTPI budget request.

We are greatly distressed to observe the frustrations of both our authorizing and appropriations committees due to the fact that the Department of Interior has not given you a draft authorization bill for even FY 1978. We are fearful that these frustrations may be the cause of losses of programs or construction projects. We know you understand that any such losses do not hurt the bureaucrats responsible for not getting legislation to you, rather it directly affects only Micronesians. The same thing happened to us when your investigation revealed the serious management deficiencies in our construction program. We believe that problem is solved with the complete package put together by OICC but we are having a hard time getting our views across to the appropriations committees because there is no authorization.

Thus, as it appears to us that the Executive Branch is having obvious difficulties in developing a bill, we respectfully request that you introduce the attached on our behalf.

Our request encompasses the following:

1. Provides for a three-year time span which will allow prudent planning well in advance for FY '79 and FY '80.

2. Provides for appropriations not to exceed—

a. $108,862,000 for FY 1978.
b. 95,000,000 for FY 1979.
c. 90,000,000 for FY 1980.

Those levels anticipate implementation of the largest part of the five-year basic infrastructure program set forth by OICC, and includes the Northern Marianas Government only through FY 1978.

3. Provides for appropriations up to $6,000,000 for a College of Micronesia. Under separate cover, we are forwarding the Congress of Micronesia position on Dr. Douglas Harlan's report. It is our belief that the job can be done for less than the current $8 million authorization and anticipates some Congress of Micronesia funding support.

4. Provides for an appropriation not to exceed $10 million for loss or reduction in Federal grant-in-aid programs. For example, the loss of FAA matching funds previously anticipated will cripple the construction effort unless this provision can be maintained and utilized.

The people of Micronesia will be most grateful should you see fit to intercede on their behalf. If we could participate in an early hearing on this bill we could take advantage of OICC's presence in Washington and give you a detailed, complete presentation on the total five-year construction program.

Thank you very much.

Sincerely yours,

RAYMOND SETIK,
Chairman, Joint Committee on Program Planning and Budget.

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. DOLE, the Senator from Missouri (Mr. DANFORTH) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 8, to amend the Watershed Protection and Flood Prevention Act.

S. 92

At the request of Mr. WILLIAMS, the Senator from Massachusetts (Mr. BROOKE) and the Senator from Ohio (Mr. METZENBAUM) were added as cosponsors of S. 92, to amend the Export Administration Act of 1969.

S. 97

At the request of Mr. BROOKE, the Senator from Rhode Island (Mr. PELL), the Senator from New Jersey (Mr. CASE), the Senator from South Carolina (Mr. THURMOND), and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of S. 97, to amend the Internal Revenue Code.

S. 122

At the request of Mr. BROOKE, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 122, the Electric Utility Rate Reform and Regulatory Improvement Act of 1977.

S. 185

At the request of Mr. CHURCH, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 185, to amend the Social Security Act.

S. 198

At the request of Mr. GRIFFIN, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 198, the Residential Insulation Credit Act of 1977.

S. 240

At the request of Mr. DOLE, the Senator from Missouri (Mr. DANFORTH) was added as a cosponsor of S. 240, to amend the Soil Conservation and Domestic Allotment Act.

S. 265

At the request of Mr. MCINTYRE, the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 265, the Elderly and Handicapped Persons Transportation Act of 1977.

S. 459

At the request of Mr. CHURCH, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 459, to authorize reduced fares on airplanes for certain individuals.

S. 594

At the request of Mr. BENTSEN, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 594, to amend the Trade Act of 1974.

S. 650

At the request of Mr. BELLMON, the Senator from Kansas (Mr. PEARSON) and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of S. 650, to provide temporary emergency assistance to wheat producers.

S. 689

At the request of Mr. KENNEDY, the Senator from South Dakota (Mr. ABOUREZK) was added as a cosponsor of S. 689, a bill to amend the Federal Aviation Act of 1958 to encourage, develop and attain an air transportation system which relies on competitive market forces.

S. 749

At the request of Mr. ANDERSON, the Senator from Missouri (Mr. EAGLETON) and the Senator from South Dakota (Mr. ABOUREZK) were added as cosponsors of S. 749, to amend the Internal Revenue Code of 1954.

S. 801

At the request of Mr. MCINTYRE, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 801, to amend title I of the Housing and Community Development Act of 1974.

S. 808

At the request of Mr. CASE, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 808, a bill to encourage greater emphasis on the production and conservation of energy in developing countries through development and utilization of unconventional energy technologies.

S. 835

At the request of Mr. CHURCH, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 835, to provide a program of income tax counseling for elderly individuals.

S. 845

At the request of Mr. DOLE, the Senator from New Jersey (Mr. CASE) and the Senator from Massachusetts (Mr.

the Committee of the Whole House on the State of the Union.

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. ZABLOCKI (for himself, Mr. BINGHAM, Mr. ROSENTHAL, Mr. FINDLEY, Mr. FASCELL, Mr. DIGGS, Mr. NIX, Mr. FRASER, Mr. WOLFF, Mr. SOLARZ, Mr. WINN, Mr. STUDDS, Mr. LAGOMARSINO, Mr. GILMAN, Mr. WHALEN, Mr. PEASE, Mr. IRELAND, Mr. CAVANAUGH, Mrs. MEYNER, and Mr. BURKE of Florida):

H.R. 5840. A bill to amend the Export Administration Act of 1969 in order to extend the authorities of that act and improve the administration of export controls under that act, and to strengthen the antiboycott provisions of that act; to the Committee on International Relations.

By Mr. DINGELL (for himself, Mr. MOSS, Mr. OTTINGER, Mr. MOFFETT, Mr. MAGUIRE, Mr. FLORIO, and Mr. TRAXLER):

H.R. 5841. A bill to increase the efficiency of the production and use of electric energy, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BIAGGI:

H.R. 5842. A bill to amend the Social Security Act to provide for inclusion of the services of licensed practical nurses under medicare and medicaid; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. BROOMFIELD:

H.R. 5843. A bill to amend the Internal Revenue Code of 1954 to exempt farmers from the highway use tax on heavy trucks used for farm purposes; to the Committee on Ways and Means.

By Mr. BROWN of California:

H.R. 5844. A bill to establish a demonstration farm program; to the Committee on Agriculture.

By Mr. COHEN:

H.R. 5845. A bill to amend the Internal Revenue Code of 1954 to provide tax credits and deductions for the expenses of periodic physical examinations and to amend the Social Security Act to provide for coverage of periodic physical examinations in the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. CORNWELL (for himself, Mr. LE FANTE, Mr. HUGHES, Mr. MOSS, Mr. DELLUMS, Mr. BENNETT, Mr. HANNAFORD, Mr. MAZZOLI, Mr. ANDERSON of Illinois, Mr. MATHIS, Mr. ST GERMAIN, Mr. JOHN L. BURTON, Mr. STARK, Mr. RAILSBACK, Mr. LEACH, and Mrs. SIKES):

H.R. 5846. A bill to provide for the exclusion of industrially funded personnel in computing the total number of civilian personnel authorized by law for the Department of Defense in any fiscal year; to the Committee on Armed Services.

By Mr. DANIELSON:

H.R. 5847. A bill to amend the Internal Revenue Code of 1954 to allow an itemized deduction for certain salaries and other compensation paid for personal services; to the Committee on Ways and Means.

By Mr. DENT (for himself, Mr. MURPHY of Pennsylvania, and Mr. LEDERER):

H.R. 5848. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ECKHARDT (for himself, Mr. BEDELL, Mrs. COLLINS of Illinois, Mr. EDWARDS of California, Mr. HARRIS, Mr. PICKLE, Mr. ROSENTHAL, Mr. SCHULZE, Mr. TUCKER, and Mr. WALKER):

H.R. 5849. A bill to amend the Budget and Accounting Act, 1921, to provide the Comptroller General additional authority to audit certain expenditures; to the Committee on Government Operations.

By Mr. FORD of Tennessee (for himself, Mr. CONTE, Mr. ALLEN, Mr. BOLAND, Mr. CLEVELAND, Mr. FITHIAN, Mr. GORE, Mr. MARKEY, Mr. OBEY, Mr. O'BRIEN, Mr. PATTERSON of California, Mr. RANGEL, Mr. RUDD, Mr. STOCKMAN, and Mr. ZABLOCKI):

H.R. 5850. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. FORSYTHE (for himself, Mr. MURPHY of New York, Mr. LEGGETT, Mr. BREAUX, Mr. PRITCHARD, Mr. AKAKA, Mr. AUCOIN, Mr. BAUMAN, Mr. EMERY, Mr. EVANS of Delaware, Mrs. FENWICK, Mr. FLORIO, Mr. HUGHES, Mr. LENT, Mr. MCCLOSKEY, Mr. MAGUIRE, Mrs. MEYNER, Ms. MIKULSKI, Mr. OBERSTAR, Mr. RODINO, Mr. RINALDO, Mr. RUPPE, Mr. STUDDS, Mr. TRIBLE, and Mr. ZEFERETTI):

H.R. 5851. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 regarding the issuance of interim permits for ocean dumping, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HAMMERSCHMIDT:

H.R. 5852. A bill to amend title 38 of the United States Code to deny veterans' benefits to certain individuals whose discharges from service during the Vietnam era under less than honorable conditions are administratively upgraded under temporarily revised standards to discharge under honorable conditions; to the Committee on Veterans' Affairs.

By Mr. JONES of Oklahoma:

H.R. 5853. A bill to provide for annual authorizations for appropriations to the U.S. Customs Service; to the Committee on Ways and Means.

By Mr. KILDEE (for himself, Mr. MURPHY of New York, Mr. BAUCUS, Mr. HANNAFORD, Mr. TRAXLER, Mr. BRODHEAD, Ms. OAKAR, and Mr. COUGHLIN):

H.R. 5854. A bill to amend title 18, United States Code, to prohibit the sexual exploitation of children and the transportation in interstate or foreign commerce of photographs or films depicting such exploitation; to the Committee on the Judiciary.

By Mr. KINDNESS (for himself, Mr. HORTON, Mr. MCCLORY, Mr. MOORHEAD of California, Mr. ERTEL, Mr. BUTLER, Mr. STEERS, Mr. LAFALCE, Mr. KETCHUM, Mr. KEMP, Mrs. MEYNER, and Mr. ROBINSON):

H.R. 5855. A bill to provide for the resolution of claims and disputes relating to the Government contracts awarded by executive agencies; to the Committee on the Judiciary.

By Mr. MARLENEE:

H.R. 5856. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for optometric and medical vision care; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. MICHEL:

H.R. 5857. A bill to provide emergency drought assistance by authorizing the Secretary of Agriculture to pay certain costs of transporting water; to the Committee on Agriculture.

By Mr. QUIE (for himself, Mr. ANDREWS of North Dakota, Mr. FRASER, Mr. HAGEDORN, Mr. STANGELAND, Mr. VENTO, Mr. OBERSTAR, Mr. MARLENEE, Mr. FRENZEL, and Mr. NOLAN):

H.R. 5858. A bill to amend the Tariff Schedules of the United States to permit the free entry of Canadian petroleum (including reconstituted crude petroleum) and crude shale oil, provided that an equivalent amount of the same kind and quality of domestic or duty-paid foreign crude petroleum (including reconstituted crude petroleum) and crude shale oil has been exported to Canada; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 5859. A bill to extend the age limitation before which certain passenger vessels can qualify for operating-differential subsidies from 25 years to 30 years; to the Committee on Merchant Marine and Fisheries.

By Mr. VANIK:

H.R. 5860. A bill to provide for annual authorizations for appropriations to the U.S. Customs Service; to the Committee on Ways and Means.

By Mr. WAGGONNER (for himself, Mr. MOORE, and Mr. TREEN):

H.R. 5861. A bill to prohibit the Federal Trade Commission from promulgating trade regulation rules which repeal or limit use of holder in due course defenses in connection with the sale or lease of goods or services to consumers; to the Committee on Interstate and Foreign Commerce.

By Mr. WEAVER:

H.R. 5862. A bill to establish a regional energy corporation with power to generate and purchase, integrate and pool, and market all the electric energy in the Pacific Northwest Region with emphasis on conservation of energy and a preferental rate for residential consumers, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, Interstate and Foreign Commerce, and Public Works and Transportation.

By Mr. WEAVER (for himself, Mr. ULLMAN, Mr. DUNCAN of Oregon, Mr. SYMMS, Mr. SKELTON, Mr. HUCKABY, Mr. RICHMOND, Mr. SEBELIUS, Mr. MEEDS, and Mr. JOHNSON of Colorado):

H.R. 5863. A bill to establish an Advisory Committee on Timber Sales Procedure appointed by the Secretary of Agriculture for the purposes of studying, and making recommendations with respect to, procedures by which timber is sold by the Forest Service, and to provide an opportunity for congressional review; to the Committee on Agriculture.

By Mr. MANN (for himself, Mr. HOLTZMAN, Mr. HALL, Mr. GUDGER, Mr. EVANS of Georgia, Mr. WIGGINS, and Mr. HYDE):

H.R. 5864. A bill to approve with modifications certain proposed amendments to the Federal Rules of Criminal Procedures, to disapprove other such proposed amendments, and for other related purposes; to the Committee on the Judiciary.

By Mr. MANN:

H.R. 5865. A bill to amend title 18 of the United States Code to provide a procedure for obtaining search warrants on the basis of oral testimony; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAHON: Committee of conference. Conference report on H.R. 4877 (Rept. No. 95–166). Ordered to be printed.

Mr. MEEDS: Committee on Rules. House Resolution 481. Resolution providing for the consideration of H.R. 5101. A bill to authorize appropriations for activities of the Environmental Protection Agency, and for other purposes (Rept. No. 95–167). Referred to the House Calendar.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 4836. A bill to extend by 7 months the term of the National Commission on New Technological Uses of Copyrighted Works (Rept. No. 95–187). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURPHY of New York: Committee on Merchant Marine and Fisheries. Report on allocation of budget total to subcommittees (Rept. No. 95–188). Referred to the Committee of the Whole House on the State of the Union.

Mr. GIAIMO: Committee on the Budget. House Concurrent Resolution 195. Concurrent resolution setting forth the congressional budget for the U.S. Government for the fiscal year 1978 (Rept. No. 95–189). Referred to the Committee of the Whole House on the State of the Union.

Mr. ZABLOCKI: Committee on International Relation. H.R. 5840. A bill to amend the Export Administration Act of 1969 in order to extend the authorities of that act and improve the administration of export controls under that act, and to strengthen the antiboycott provisions of that act (Rept. No. 95–190). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EILBERG: Committee on the Judiciary. H.R. 1405. A bill for the relief of Jennet Juanita Miller (Rept. No. 95–168). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 1748. A bill for the relief of Carmela Scudieri (Rept. No. 95–169). Referred to the Committee of the Whole House.

Mr. FISH: Committee on the Judiciary. H.R. 1753. A bill for the relief of Marina Houghton; with amendment (Rept. No. 95–170). Referred to the Committee of the Whole House.

Mr. FISH: Committee on the Judiciary. H.R. 1940. A bill for the relief of Dimitrios Panoutsopoulos, Angeliki Panoutsopoulos, and Georgios Panoutsopoulos (Rept. No. 95–171). Referred to the Committee of the Whole House.

Mr. HARRIS: Committee on the Judiciary. H.R. 2259. A bill for the relief of Rogelio M. Encomienda; with amendment (Rept. No. 95–172). Referred to the Committee of the Whole House.

Mr. HARRIS: Committee on the Judiciary. H.R. 2292. A bill for the relief of Boulos Stephan (Rept. No. 95–173). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 2369. A bill for the relief of Natividad Casing and Myrna Casing; with amendment (Rept. No. 95–174). Referred to the Committee of the Whole House.

Mr. FISH: Committee on the Judiciary. H.R. 2658. A bill for the relief of Nora L. Kennedy (Rept. No. 95–175). Referred to the Committee of the Whole House.

Mr. FISH: Committee on the Judiciary. H.R. 2661. A bill for the relief of Patricia R. Tully; with amendment (Rept. No. 95–176). Referred to the Committee of the Whole House.

Mr. FISH: Committee on the Judiciary. H.R. 2662. A bill for the relief of Christopher Robert West (Rept. No. 95–177). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 2756. A bill for the relief of Marlene Holder; with amendment (Rept. No. 95–178). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 2940. A bill for the relief of Daniel Crowley; with amendment (Rept. No. 95–179). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 2945. A bill for the relief of Mrs. Amelia Doria Nicholson (Rept. No. 95–180). Referred to the Committee of the Whole House.

Mr. FISH: Committee on the Judiciary. H.R. 3081. A bill for the relief of Mrs. Chong Sun Yi Rauch (Rept. No. 95–181). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 3085. A bill for the relief of Milos Forman (Rept. No. 95–182). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 3090. A bill for the relief of Fidel Grosso-Padilla (Rept. No. 95–183). Referred to the Committee of the Whole House.

Mr. FISH: Committee on the Judiciary. H.R. 3215. A bill for the relief of Olive M. V. T. Davies and her children; with amendment (Rept. No. 95–184). Referred to the Committee of the Whole House.

Mr. HARRIS: Committee on the Judiciary. H.R. 3461. A bill for the relief of Chin-Ho An (Rept. No. 95–185). Referred to the Committee of the Whole House.

Mr. HARRIS: Committee on the Judiciary. H.R. 3838. A bill for the relief of Tulsedel Zalim; with amendment (Rept. No. 95–186). Referred to the Committee of the Whole House.

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. PHILLIP BURTON:

H.R. 6110. A bill to authorize certain appropriations for the territories of the United States, to amend certain acts relating thereto, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ANDREWS of North Carolina:

H.R. 6111. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on Education and Labor.

By Mr. ASHLEY (for himself, Mr. BROWN of Michigan, Mr. MOORHEAD of Pennsylvania, Mr. ST GERMAIN, Mr. MITCHELL of Maryland, Mr. HANLEY, Mr. FAUNTROY, Mr. PATTERSON of California, Mr. LAFALCE, Mr. AUCOIN, Mrs. SPELLMAN, Mr. BLANCHARD, Mr. HUBBARD, Mr. TSONGAS, Mr. EVANS of Indiana, Mr. LUNDINE, Mr. STANTON, Mr. WYLIE, Mr. MCKINNEY, Mr. EVANS of Delaware, and Mr. REUSS):

H.R. 6112. A bill to amend the community development block grant program authorized by title I of the Housing and Community Development Act of 1974 to provide a more equitable allocation of funds, to authorize a fuller range of community development activities, and to establish an urban development action grant program for severely distressed cities; to amend section 312 of the Housing Act of 1964; to amend section 701 of the Housing Act of 1954; to provide authorizations for and amend laws relating to housing; to extend certain FHA mortgage insurance and related authorities and the national flood insurance program; and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ASHLEY (for himself, Mr. RAHALL, Mr. MURPHY of New York, Mr. HUGHES, Mr. HARRINGTON, Mr. CARNEY, and Mr. ANDERSON of Illinois):

H.R. 6113. A bill to establish a national policy on areawide planning and its coordination, to encourage the use of organizations composed of local elected officials to perform federally assisted or required areawide planning, to require use of planning districts established by States in Federal planning programs, to require certain Federal land use actions to be consistent with State, areawide, and local planning, to authorize the Office of Management and Budget to prescribe rules and regulations relating thereto, and for other purposes; to the Committee on Government Operations.

By Mr. BAUCUS (for himself, Mr. BONIOR, Mr. HARRIS, Mr. MCHUGH, Mr. MITCHELL of New York, Mr. PATTEN, Mr. RONCALIO, Mr. STARK, and Mr. WEISS):

H.R. 6114. A bill to authorize Federal assistance under the Consolidated Farm and Rural Development Act with respect to using solar energy in residential structures on family farms; to the Committee on Agriculture.

H.R. 6115. A bill to provide more Federal assistance under certain housing programs for dwelling units which utilize solar energy; to the Committee on Banking, Finance and Urban Affairs.

H.R. 6116. A bill to amend title 38, United States Code, to provide Federal loans and loan guarantees to veterans for the purchase and installation of heating and cooling systems which utilize solar energy; to the Committee on Veterans' Affairs.

By Mr. BENNETT (for himself, Mr. WINN, Mr. QUIE, Mr. COLLINS of Texas, Mr. DOWNEY, Mr. NIX, Mr. HYDE, Mr. EDGAR, Mr. LEHMAN, Mr. ZEFERETTI, Mr. ROSE, Mr. NEAL, and Mrs. HECKLER):

H.R. 6117. A bill to amend the National Security Act of 1947 to establish procedures and standards for the classification and declassification of sensitive official information and material, to provide criminal penalties for unauthorized disclosure of such information or material, and for other purposes; to the Committee on Armed Services.

By Mr. BROOKS (for himself, Mr. ROSENTHAL, and Mr. HORTON):

H.R. 6118. A bill to establish an Agency for Consumer Protection in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. BROWN of California (for himself, Mr. MCCORMACK, Mr. TEAGUE, Mr. REUSS, Mr. DAVIS, Mr. GIAIMO, Mr. SISK, Mr. FRASER, Mr. FREY, Mr. PERKINS, Mr. VAN DEERLIN, Mr. WEAVER, Mr. ROE, Mr. DELLUMS, Mr. FLOWERS, Mr. KREUGER, Mr. FORD of Michigan, Mrs. BOGGS, and Mr. BEILENSON):

H.R. 6119. A bill to establish a 5-year research and development program leading to advanced automobile propulsion systems,

ous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,771.

(The following Members (at the request of Mr. PURSELL) and to include extraneous matter:)

Mrs. PETTIS.
Mr. WHITEHURST.
Mr. STEIGER in two instances.
Mr. SCHULZE.
Mr. SYMMS.
Mr. GRASSLEY in two instances.
Mr. STOCKMAN.
Mr. LAGOMARSINO.
Mr. TAYLOR.
Mr. RUDD.
Mr. MICHEL.

(The following Members (at the request of Mr. MURPHY of Pennsylvania) and to include extraneous material:)

Mr. MINETA.
Mr. KILDEE.
Mr. CARNEY in two instances.
Mr. LEHMAN in 10 instances.
Mr. SOLARZ.
Mr. MCCORMACK.
Mr. JACOBS.
Mr. YOUNG of Missouri.
Mr. ANDERSON of California in three instances.
Mr. GONZALEZ in three instances.
Mr. ROSENTHAL.
Mr. TEAGUE.
Mr. DRINAN in two instances.
Mr. MURTHA.
Mr. BEARD of Rhode Island.
Mr. MCDONALD.
Mr. GEPHARDT.
Mr. MIKVA.
Mr. OBERSTAR.
Mr. SIMON in three instances.
Mr. MOORHEAD of Pennsylvania.
Mr. RODINO.
Mr. MURPHY of New York.
Mr. HARRIS.
Mr. BEDELL.
Mr. MILLER of California in three instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 36. An act to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes; to the Committee on Science and Technology.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on April 7, 1977, present to the President, for his approval, bills of the House of the following title:

H.R. 3365. An act to extend the authority for the flexible regulation of interest rates on deposits and accounts in depository institutions; and

H.R. 5717. An act to provide for relief and rehabilitation assistance to the victims of the recent earthquakes in Romania.

ADJOURNMENT

Mr. MURPHY of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 20, 1977, at 3 o'clock p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1286. A letter from the Deputy Comptroller General of the United States, transmitting his review of the deferrals of budget authority contained in the message from the President dated March 24, 1977 (H. Doc. No. 95–111), pursuant to section 1014(b) of Public Law 93–344 (H. Doc. No. 95–127); to the Committee on Appropriations and ordered to be printed.

1287. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to extend the authorizations for rural housing programs; to the Committee on Banking, Finance and Urban Affairs.

1288. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend the programs authorized by the Child Abuse Prevention and Treatment Act; to the Committee on Education and Labor.

1289. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting proposed final regulations governing applications for grants for training personnel for the education of the handicapped, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

1290. A letter from the Inspector General, Department of Health, Education, and Welfare, transmitting the first annual report on the activities of his Office, covering the period of its establishment, pursuant to section 204 (a) of Public Law 94–505; to the Committee on Government Operations.

1291. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Air Force to offer to sell certain defense articles and services to Greece (Transmittal No. 77–21), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

1292. A letter from the Secretary of Health, Education, and Welfare, transmitting the first quarterly report on the administration of the swine flu immunization program, covering the period ended September 30, 1976, pursuant to section 317(j)(2) of the Public Health Service Act, as amended (90 Stat. 1114); to the Committee on Interstate and Foreign Commerce.

1293. A letter from the Administrator, Federal Energy Administration, transmitting the annual report on the State energy conservation program, pursuant to section 365(c) of the Energy Policy and Conservation Act; to the Committee on Interstate and Foreign Commerce.

1294. A letter from the Administrator, Federal Energy Administration, transmitting the first annual report on electric utility rate design initiatives, pursuant to section 206 of the Energy Conservation and Production Act of 1976; to the Committee on Interstate and Foreign Commerce.

1295. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend the Bail Reform Act; to the Committee on the Judiciary.

1296. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend section 1963 of title 28, United States Code, to provide for the registration of criminal judgments of fine or penalty; to the Committee on the Judiciary.

1297. A letter from the Acting Chairman, U.S. Civil Service Commission, transmitting the Commission's determination that language contained in title II of the Legislative Branch Appropriation Act, 1977, has the effect of freezing the benefits as well as the pay of certain officials, together with a draft of proposed legislation to clarify the situation; to the Committee on Post Office and Civil Service.

1298. A letter from the Acting Administrator of General Services, transmitting the annual report on the status of public buildings projects authorized for construction, alteration and lease under the Public Buildings Act of 1959 as of December 31, 1976, pursuant to section 11(a) of the act; to the Committee on Public Works and Transportation.

1299. A letter from the Administrator of Veterans' Affairs, withdrawing the previously submitted draft of proposed legislation to restore the 8-year period within which veterans and dependents, pursuing programs of education under the GI bill and the Survivors' and Dependents' Educational Assistance Act, must initiate and complete their programs of education; to the Committee on Veterans' Affairs.

1300. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans; to increase the rates of dependency and indemnity compensation for their surviving spouses and children; and for other purposes; to the Committee on Veterans' Affairs.

1301. A letter from the Secretary of Health, Education, and Welfare, transmitting a description of a project for demonstration and evaluation of a day hospital service in rehabilitation medicine approved under section 1120(a) of the Social Security Act, pursuant to section 1120(b) of the act; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REUSS: Committee on Banking, Finance and Urban Affairs. Report on allocation of budget authority and outlays for fiscal year 1977 (Rept. No. 95–211). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. House Resolution 492. Resolution providing for the consideration of H.R. 5970. A bill to authorize appropriations during the fiscal year 1978, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense and to authorize the military training student loads, and for other purposes. (Rept. No. 95–212). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House

Resolution 493. Resolution providing for the consideration of H.R. 5840. A bill to amend the Export Administration Act of 1969 in order to extend the authorities of that act and improve the administration of export controls under that act, and to strengthen the antiboycott provisions of that act. (Rept. No. 95–213). Referred to the House Calendar.

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. SEBELIUS (for himself and Mr. PHILLIP BURTON):

H.R. 6286. A bill to provide for the preservation of natural diversity, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ARCHER:

H.R. 6287. A bill to provide a tax credit for expenditures made in the exploration and development of new reserves of oil and gas in the United States; to the Committee on Ways and Means.

By Mr. BEARD of Rhode Island:

H.R. 6288. A bill to amend the U.S. Housing Act of 1937, and the National Housing Act, to provide that future social security benefit increases shall be disregarded in determining eligibility for admission to or occupancy of low-rent public housing or the rent which an individual or family must pay for such housing, and that such increases shall also be disregarded in determining rents in other federally assisted housing and eligibility for (and the amount of) other Federal housing subsidies; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BEDELL:

H.R. 6289. A bill to amend title 18, United States Code, to prohibit Members of the Congress from using official congressional stationery in mass mailings for any purpose other than official congressional business; to the Committee on the Judiciary.

By Mr. BOWEN:

H.R. 6290. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act of 1972; to the Committee on Agriculture.

By Mr. BRODHEAD (for himself, Mr. BROYHILL, Mr. EDWARDS of Oklahoma, Mr. CARR, Mr. GEPHARDT, Mr. PRICE, Mr. SOLARZ, Mr. STEERS, and Mr. PATTERSON of California:)

H.R. 6291. A bill to prohibit members of the House of Representatives from soliciting or accepting gifts of money for their personal use; to the Committee on Select Committee on Ethics.

By Mr. BROWN of California (for himself, Mr. MCCORMACK, Mr. TEAGUE, Mr. ROSE, Mr. RINALDO, Mr. OBERSTAR, Mr. AUCOIN, and Mr. ASHLEY):

H.R. 6292. A bill to establish a 5-year research and development program leading to advanced automobile propulsion systems, and for other purposes; to the Committee on Science and Technology.

By Mr. BROWN of California (for himself, Mr. BADILLO, Mr. BEILENSON, Mr. BLANCHARD, Mr. BOWEN, Mr. BRODHEAD, Ms. BURKE of California, Mr. CONYERS, Mr. DANIELSON, Mr. DAVIS, Mr. EDWARDS of California, Mr. EMERY, Mr. FRASER, Mr. GIBBONS, Mr. GRASSLEY, Mr. HANNAFORD, Mr. LEHMAN, Mr. LOTT, Mr. MURPHY of Pennsylvania, Mr. OTTINGER, Mr. RANGEL, Mr. REGULA, Mr. ROSE, Mr. SMITH of Iowa, and Mr. WALKER):

H.R. 6293. A bill to amend the Internal Revenue Code of 1954 to provide that advertising of alcoholic beverages is not a deductible expense; to the Committee on Ways and Means.

By Mr. CLAY (for himself, Mr. ASPIN, Mr. BEARD of Rhode Island, and Mr. FLORIO):

H.R. 6294. A bill to restore to Federal civilian and Postal Service employees their rights to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitation, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. COHEN (for himself, Mr. KOCH, Mr. CARNEY, Mrs. HOLTZMAN, and Mr. SARASIN):

H.R. 6295. A bill to provide that polling and registration places for elections for Federal office be accessible to physically handicapped and elderly individuals, and for other purposes; to the Committee on House Administration.

By Mr. COHEN (for himself and Mrs. HECKLER):

H.R. 6296. A bill to enact the National School-Age Mother and Child Health Act of 1977; to the Committee on Interstate and Foreign Commerce.

By Mr. COHEN (for himself, Mr. RAILSBACK, Mr. BENJAMIN, Ms. HOLTZMAN, and Mr. MOAKLEY):

H.R. 6297. A bill to amend title 38 of the United States Code in order to provide that the fees payable to agents or attorneys who represent veterans in allowed claims under the veterans laws shall be paid by the Administrator rather than deducted from amounts awarded under the claims; to the Committee on Veterans' Affairs.

H.R. 6298. A bill to amend title II of the Social Security Act to provide that attorney's fees allowed in administrative or judicial proceedings under that title (or under title XVIII or such act), in case where the claimants are successful, shall be paid by the Secretary of Health, Education, and Welfare rather than deducted from the amounts awarded claimants; to the Committee on Ways and Means.

By Mr. COHEN (for himself and Mrs. HECKLER):

H.R. 6299. A bill to provide for quality assurance and utilization control in home health care under the medicare, medicaid, and social services programs in accordance with a plan to be developed by a commission specifically established for that purpose; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. SARASIN:

H.R. 6300. A bill to improve the safety of products manufactured and sold in interstate commerce, to reduce the number of deaths and injuries caused by such products, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CORCORAN of Illinois (for himself, Mr. NEDZI, Mr. BAFALIS, Mr. MURPHY of Pennsylvania, Mr. GLICKMAN, Mr. MAZZOLI, Mr. MITCHELL of New York, Mr. DERWINSKI, Mr. ABDNOR, Mr. HARRINGTON, Mr. LAFALCE, Mr. PRITCHARD, Mr. BADILLO, Mr. EVANS of Delaware, Mr. CORRADA, Mr. AUCOIN, Mr. MOORHEAD of Pennsylvania, Mr. ARMSTRONG, Mr. BURGENER, Mr. COLLINS of Texas, Mr. EDWARDS of Oklahoma, Mr. WON PAT, Mr. CLAY, and Mr. STANGELAND):

H.R. 6301. A bill entitled "The College Tuition Tax Relief Act of 1977"; to the Committee on Ways and Means.

By Mr. COTTER:

H.R. 6302. A bill to amend the Gun Control Act of 1968 to provide for separate offense and consecutive sentencing in felonies involving the use of a firearm; to the Committee on the Judiciary.

H.R. 6303. A bill to require a speedy trial for criminal defendants charged with use of a firearm in the commission of a Federal crime; to the Committee on the Judiciary.

H.R. 6304. A bill to provide a tax credit for home insulation costs; to the Committee on Ways and Means.

By Mr. DANIELSON:

H.R. 6305. A bill to direct the Attorney General to provide for the construction of a correctional center in Los Angeles County, California; to the Committee on Public Works and Transportation.

By Mr. DRINAN (for himself, Mr. FRENZEL, Mrs. KEYS, and Mr. OTTINGER):

H.R. 6306. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the regulation of tobacco products under that act in the same manner as food is regulated under that act; to the Committee on Interstate and Foreign Commerce.

By Mr. DRINAN (for himself, Mr. FRENZEL, and Mrs. KEYS):

H.R. 6307. A bill to strengthen the warning label required on cigarette packages, extend such warning to cigarette advertisements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DRINAN (for himself, Mr. BINGHAM, Mr. CONYERS, Mr. EDWARDS of California, Ms. HOLTZMAN, Mr. MIKVA, Mr. SOLARZ, Mr. STARK, and Mr. WEISS):

H.R. 6308. A bill to carry out the principles of the Helsinki Final Act pertaining to freedom of travel and emigration, by providing that aliens who are associated with certain political organizations or who advocate certain political beliefs shall not be ineligible to receive visas and excluded from admission into the United States, or deported from the United States, because of such association or beliefs; to the Committee on the Judiciary.

By Mr. DRINAN (for himself and Mrs. KEYS):

H.R. 6309. A bill to establish a health protection tax on cigarettes, and for other purposes; to the Committee on Ways and Means.

By Mr. DRINAN (for himself, Mr. AU COIN, Mr. BEILENSON, Mr. FRENZEL, and Mrs. KEYS):

H.R. 6310. A bill to regulate smoking in Federal facilities and in facilities serving interstate common carrier passengers, and for other purposes; jointly, to the Committees on Interstate and Foreign Commerce and Public Works and Transportation.

By Mr. FORD of Tennessee (for himself, Mr. ALEXANDER, Mrs. COLLINS of Illinois, Mr. DUNCAN of Oregon, Mr. FISH, Mr. JONES of Oklahoma, Mr. KINDNESS, Mr. MCDONALD, Mr. MCKINNEY, Mr. MITCHELL of Maryland, Mr. MONTGOMERY, Mr. NIX, Mr. PATTISON of New York, Mr. RANGEL, Mr. SCHEUER, Mr. TREEN, and Mr. HAWKINS):

H.R. 6311. A bill to amend the Federal Aviation Act of 1958, as amended, to broaden the power of the Civil Aeronautics Board to grant relief by exemption in certain cases, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. GEPHARDT:

H.R. 6312. A bill to amend and extend the National School Lunch Act; to the Committee on Education and Labor.

By Mr. HAMMERSCHMIDT:

H.R. 6313. A bill to repeal the Occupational Safety and Health Act of 1970; to the Committee on Education and Labor.

H.R. 6314. A bill to amend the Occupational Safety and Health Act of 1970 to provide that such act shall not apply to employers, including farming operations, having 25 or fewer employees; to the Committee on Education and Labor.

H.R. 6315. A bill to permit the review of regulatory rules and regulations by the Congress; to the Committee on Government Operations.

in Senate or House committees. Other parts of his proposal will be carefully considered. They are entitled to careful consideration.

This is not the time for immediate and unthoughtful reaction. This is not the time for regional or parochial sensitivity. The energy problem is too serious, too universal, and too immediate.

The President is to be commended for his emphasis on equity and fairness. Every citizen, every industry, and every part of our economy must be fairly represented in the legislation which we finally develop to respond to our energy challenge. It will be necessary for all of us to listen carefully to the people just as they listen to us, as they listen to the President, and as he listens to them, in the coming national debate on this matter. In the end, it will be the people—the citizens of Beckley, W. Va., and Ontario, Calif., and Duluth, Minn., and Eugene, Oreg.—who will be our guide.

This is the "People's Branch" of the Government. The people will respond. Because of the seriousness of the problem, which the President has now outlined for the Nation so clearly, I believe that the people will respond with seriousness and with courage. We are a nation which has always reacted to danger and to difficulty with ingenuity and with strength. That strength comes from the people.

Our job in the Senate, Mr. President, will not be, in my judgment, to immediately begin punching holes in the President's proposal. I think his proposal is entitled to careful, thorough, exact scrutiny and examination, and if after careful thought, reflection, and study there appear to be parts of the proposal that need refinement, that need modification, and there is plenty of time yet to do that.

I say "plenty of time." I do not mean to wait until next year or the year after. But we do not have to shoot the President's package, or any part of it, down today. I do not think we ought to respond with a knee-jerk reaction to the President's proposal. There is plenty of time down the road to say, "no" to any portion of that package if need be. But let us at least give the President time, let us give his legislative proposal consideration, let us carefully study it first.

We owe this to the people. The legislation will not even be received from the White House until next Monday. There is plenty of time, Mr. President, to shoot it down or to shoot holes in it if the necessity arises.

I think, in the meantime, we ought to carefully evaluate it, carefully study it, and apply our best talents to the job.

Our job in the Senate will be to synthesize the needs and expectations of the people, and to be the forum of their collective will. I am confident that the Members of the Senate will do that job well. It is time to roll up our sleeves and get to work.

I will urge that the chairmen and members of committees which will first consider necessary legislation on these matters move as carefully and quickly as possible to hold hearings, compile information, and make reports. This is a time for national unity, and every opinion and suggestion must be listened to and must be understood. This is a time for cool heads and quiet determination. I hope every Member will join me in the effort to present that picture of the Senate to the people of the United States.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business until 1 p.m., with statements therein limited to 5 minutes.

ORDER TO HOLD H.R. 5840 AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 5840, to extend the Export Administration Act, be held at the desk when it arrives at the Chamber. This request has been cleared with the minority.

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

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees, and withdrawing the nomination of John McGrath Sullivan, of Pennsylvania, to be an Assistant Secretary of Defense.

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

MESSAGE FROM THE HOUSE

At 6:04 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its clerks, announced that:

The House has agreed to the concurrent resolution (H. Con. Res. 198) to correct the enrollment of the bill (H.R. 4877), in which it requests the concurrence of the Senate.

The House has passed the bill (H.R. 5840) to amend the Export Administration Act of 1969 in order to extend the authorities of that act and improve the administration of export controls under that act, and to strengthen the antiboycott provisions of that act, in which it requests the concurrence of the Senate.

The Speaker has appointed as a member of the U.S. group of the North Atlantic Assembly Mr. DEL CLAWSON, to rank after Mr. FINDLEY, vice Mr. EDWARDS of Alabama, resigned.

The House 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. 4877) making supplemental appropriations for the fiscal year ending September 30, 1977, and for other purposes; the House recedes from its disagreement to the amendments of the Senate numbered 3, 4, 8, 9, 10, 11, 12, 13, 14, 17, 19, 20, 21, 32, 34, 37, 44, 53, 63, 72, 93, 101, 102–134, inclusive, 138, 140, 141, 142, 143, 144, 151, 154, 155, 176, 184, 186, 187, 190, 196–202, inclusive, and 216 and concurs therein; the House recedes from its disagreement to the amendments of the Senate numbered 7, 43, 45, 50, 52, 59, 60, 61, 83, 90, 91, 173, and 211 and concurs therein, each with an amendment in which it requests the concurrence of the Senate; and that the House insists on its disagreement to the amendment of the Senate numbered 35.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDING OFFICER laid before the Senate the following communications which were referred as indicated:

EC–1182. A letter from the Assistant Secretary of Defense transmitting, pursuant to law, the transition quarter report of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, material, and the production of lumber and timber products (with an accompanying report); to the Committee on Appropriations.

EC–1183. A letter from the Director of the Administrative Office of the U.S. Courts transmitting a draft of proposed legislation to provide for the transfer of the probation personnel from the Canal Zone Government to the Federal probation system (with accompanying papers); to the Committee on Armed Services.

EC–1184. A letter from the Vice President for Government Affairs for the National Railroad Passenger Corporation transmitting, pursuant to law, a report on the average number of passengers and the on-time performance of each train for the month of February 1977 (with an accompanying report); to the Committee on Commerce, Science, and Transportation.

EC–1185. A letter from the Secretary of the Interior transmitting, pursuant to law, a report on the receipts and expenditures of the Department in connection with the administration of the Outer Continental Shelf Lands Act of 1953 for the transition period, to the Committee on Energy and Natural Resources.

EC–1186. A letter, dated April 18, 1977 from the Assistant Legal Adviser for Treaty Affairs of the Department of State transmitting, pursuant to law, international agreements other than treaties entered into by the United States within the past 60 days

Commission's letter to the Director of Office of Management and Budget regarding H.R. 2482, a bill to regulate commerce by establishing national goals for the effective, fair, inexpensive, and expeditious resolution of controversies involving consumers, and for other purposes (with accompanying papers); to the Committee on Commerce, Science, and Transportation.

EC-1217. A letter from the Chairman of the Board of Trustees of the Public Defender Service for the District of Columbia transmitting, pursuant to law, the annual report of the Public Defender Service Board of Trustees for fiscal year 1976 (with an accompanying report); to the Committee on Governmental Affairs.

EC-1218. A letter from the Administrator of the Federal Energy Administration transmitting, pursuant to law, the monthly report on gasoline service station market shares for the month of December 1976 (with an accompanying report); to the Committee on Energy and Natural Resources.

EC-1219. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report on the confusion and uncertainty as to the need for and use of Air Launched and Tomahawk Cruise Missile Programs (PSAD-77-36) (with an accompaning report); to the Committee on Governmental Affairs.

EC-1220. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "New Approach Needed To Control Production of Major Crops if Surpluses Again Occur" (CED-77-57) (with an accompanying report); to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Human Resources:

With an amendment:

H.R. 4975. An act to amend the Public Health Service Act to authorize appropriations for fiscal year 1978 for biomedical research and related programs (title amendment) (Rept. No. 95-102).

Mr. KENNEDY. Mr. President, I submit the committee report on H.R. 4975, the extension of our major health care programs for a period of 1 year. This is an extremely important measure.

We have had a number of different recommendations and suggestions from various groups. All have pretty well agreed that they would withhold their recommendations until later in the year when we will begin a very extensive examination of the whole series of extensions of the Public Health Service Act. This involves our planning legislation; it involves the NIH legislation, the cancer control, heart disease, and lung legislation, the basic extensions of the Public Health Service Act. We wanted to give the new administration the opportunity to examine these pieces of legislation and coordinate to the extent necessary with their approaches on health care generally.

It seems to me to be a wise way to proceed. It has the active support of the administration and the other interested groups. I am hopeful we can consider that extension legislation at an early time in the Senate calendar.

The PRESIDING OFFICER. The report will be received and printed.

By Mr. SPARKMAN, from the Committee on Foreign Relations:

With amendments:

S. Res. 94. A resolution entitled "International Cooperation To Curb Nuclear Proliferation (Rept. No. 95-103).

By Mr. STEVENSON, from the Committee on Banking, Housing and Urban Affairs:

With an amendment:

S. 69. A bill to amend and extend the Export Administration Act (title amendment) (Rept. No. 95-104).

SUPPLEMENTAL HOUSING AUTHORIZATION ACT OF 1977—H.R. 3843—CONFERENCE REPORT

Mr. PROXMIRE. Mr. President, I am submitting at this time a conference report on H.R. 3843, the Supplemental Housing Authorization Act of 1977.

Title I of this act would authorize additional funds for housing assistance for lower income Americans in fiscal year 1977; would extend section 8 assisted housing contract terms from the present 20 years to 30 years with respect to privately developed, newly constructed housing units; would extend Federal riot reinsurance and crime insurance programs to September 30, 1978; and would increase, to $1.341 billion, authorizations to cover losses incurred by the FHA insurance fund. In addition, title I also amends miscellaneous provisions relating to mortgage insurance programs and increases authorizations for HUD's very successful urban homesteading demonstration program.

Title II of the act would authorize the creation of a National Commission on Neighborhoods, comprised of 20 members representing local government officials, elected officers of recognized neighborhood groups, other outstanding individuals from fields such as finance, business, education, civic affairs, and the Congress. The establishment of a nongovernmental commission will provide the Nation with a unique opportunity to examine, in depth, the ways in which public and private policies affect our Nation's neighborhoods. The commission would be charged with the responsibility for developing policy recommendations that would result in a comprehensive and coordinated strategy for revitalizing our urban neighborhoods that are threatened by urban decay.

The conference report does not contain two provisions which were in the Senate bill. The first provision would have amended the Emergency Homeowners' Relief Act to add a congressional finding that—

Severe localized economic distress caused by the legal claims of the Mashpee Tribe in Mashpee, Massachusetts, may require the furnishing of assistance under this Act to avoid mortgage foreclosures and distress sales resulting from the temporary loss of employment and income.

The second provision would have provided that assistance under the act could be made available if a mortgagor's involuntary unemployment or underemployment is the result of adverse local, as well as national, economic conditions.

The conferees agreed that alternative legislative means would be found to address the problems arising out of the legal claims of the Mashpee Indians during consideration by the House and Senate of fiscal year 1978 housing and community development act authorizations.

Mr. President, the Senate conferees believe that this bill will greatly improve the administration of various HUD programs, increase the supply and availability of federally assisted housing for needy families, and, in the creation of the National Commission on Neighborhoods, lead to more rational and realistic policies for revitalizing neighborhoods.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs:

John Lovell Moore, Jr., of Georgia, to be President of the Export-Import Bank of the United States.

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

By Mr. MAGNUSON, from the Committee on Commerce, Science, and Transportation:

Frank Alan Weil, of New York, to be an Assistant Secretary of Commerce.

Charles Linn Haslam, of North Carolina, to be General Counsel of the Department of Commerce.

Elsa Allgood Porter, of Virginia, to be an Assistant Secretary of Commerce.

Jordan J. Baruch, of New Hampshire, to be an Assistant Secretary of Commerce.

Langhorne McCook Bond, of Illinois, to be Administrator of the Federal Aviation Administration.

Quentin Saint Clair Taylor, of Maine, to be Deputy Administrator of the Federal Aviation Administration.

Frank Press, of Massachusetts, to be Director of the Office of Science and Technology Policy.

The following officers of the U.S. Coast Guard for promotion to the grade of rear admiral:

Thomas T. Wetmore III

Benedict L. Stabile

Raymond H. Wood

The following-named captain of the Coast Guard Reserve to be a permanent commissioned officer in the Coast Guard Reserve in the grade of rear admiral:

Olin A. Lively

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. EASTLAND, from the Committee on the Judiciary:

Andrew J. Chishom, of South Carolina, to be U.S. marshal for the district of South Carolina.

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

By Mr. WILLIAMS, from the Committee on Human Resources:

Wayne L. Horvitz, of the District of Co-

designed to protect from lesser floods, produced significant additional flood damage.

The Williamson and Pineville levees and floodwalls were overtopped, resulting in about $20 million flood damage. These structures were designed and built to protect from the maximum flood events which the local sponsors could afford; unfortunately, the recent flood exceeded that design.

The economy of much of the area is heavily oriented toward coal mining. The sediments produced by inadequate controls on strip mining and from other sources over several decades have probably aggravated flooding by reducing the channel capacity at some locations. Such sediments did not reduce the effective flood control storage at Corps reservoirs by even one gallon, however, since an allowance for sediment is included in each reservoir.

The Corps is currently planning a number of improvements to further reduce the damage from future floods. This planning recognizes the fact that due to the restrictive topography of this central Appalachian area, nearly all developable land is in the flood plains. Improvements included in preliminary plans call for increased local protection at Williamson and a channel cutoff near Matewan, West Virginia, the combination of which would not only have prevented the recent damage at Williamson and Matewan but would, in the cutoff oxbow area, have "created" an area of over 200 flood-free acres of land for residential and industrial development.

It is fortunate that the frequency of the most severe floods is rare; similar flood heights will recur on the average of only once (or less) in 100 years for the Cumberland River at Harlan, Pineville, and Barbourville, Kentucky; and for the Big Sandy River at Pikeville and Prestonburg, Kentucky.

(This concludes additional statements submitted today.)

CONCLUSION OF MORNING BUSINESS

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

EXPORT ADMINISTRATION AMENDMENTS OF 1977

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will proceed to the consideration of S. 69, which will be stated by title.

The legislative clerk read as follows:

A bill (S. 69) to amend and extend the Export Administration Act.

The Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing, and Urban Affairs with an amendment to strike all after the enacting clause and insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Export Administration Amendments of 1977".

TITLE I—EXPORT ADMINISTRATION IMPROVEMENTS AND EXTENSION

EXTENSION OF EXPORT ADMINISTRATION ACT

SEC. 101. Section 14 of the Export Administration Act of 1969 is amended by striking out "September 30, 1976" and inserting in lieu thereof "September 30, 1979".

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. The Export Administration Act of 1969 is amended by inserting after section 12 the following new section 13 and redesignating sections 13 and 14 as sections 14 and 15, respectively:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 13. Notwithstanding any other provision of law, no appropriation shall be made under any law to the Department of Commerce for expenses to carry out the purposes of this Act for any fiscal year commencing on or after October 1, 1977, unless previously and specifically authorized by legislation enacted after the enactment of this section.".

CONTROL OF EXPORTS FOR NATIONAL SECURITY PURPOSES; FOREIGN AVAILABILITY

SEC. 103. (a) Section 4(b) of the Export Administration Act of 1969 is amended—

(1) by striking out the third sentence of paragraph (1);

(2) by striking out paragraphs (2) through (4); and

(3) by inserting the following new paragraph (2):

"(2)(A) In administering export controls for national security purposes as prescribed in section 3(2)(C) of this Act, United States policy toward individual countries shall not be determined exclusively on the basis of a country's Communist or non-Communist status but shall take into account such factors as the country's present and potential relationship to the United States, its present and potential relationship to countries friendly or hostile to the United States, its ability and willingness to control retransfers of United States exports in accordance with United States policy, and such other factors as the President may deem appropriate. The President shall periodically review United States policy toward individual countries to determine whether such policy is appropriate in light of the factors specified in the preceding sentence. The results of such review, together with the justification for United States policy in light of such factors, shall be included in the second semiannual report of the Secretary of Commerce required by section 10 of this Act following the date of enactment of the Export Administration Amendments of 1977 and in every second such report thereafter.

"(B) Rules and regulations under this subsection may provide for denial of any request or application for authority to export articles, materials, or supplies, including technical data, or any other information, from the United States, its territories and possessions, to any nation or combination of nations threatening the national security of the United States if the President determines that their export would prove detrimental to the national security of the United States. The President shall not impose export controls for national security purposes on the export from the United States of articles, materials, or supplies, including technical data or other information, which he determines are available without restriction from sources outside the United States in significant quantities and comparable in quality to those produced in the United States, unless the President determines that adequate evidence has been presented to him demonstrating that the absence of such controls would prove detrimental to the national security of the United States. The nature of such evidence shall be included in the semi-annual report required by section 10 of this Act. Where, in accordance with this paragraph, export controls are imposed for national security purposes notwithstanding foreign availability, the President shall take steps to initiate negotiations with the governments of the appropriate foreign countries for the purpose of eliminating such availability.".

(b)(1) Section 4(h) of the Export Administration Act of 1969 is amended by striking out "controlled country" in the first sentence of paragraph (1) and in the second sentence of paragraph (2) and inserting in lieu thereof "country to which exports are restricted for national security purposes".

(2) Section 4(h)(2)(A) of such Act is amended by striking out "controlled" and inserting in lieu thereof "such".

(3) Section 4(h)(4) of such Act is amended—

(A) by inserting "and" at the end of subparagraph (A); and

(B) by striking out the semicolon at the end of subparagraph (B) thereof and all that follows the semicolon and inserting in lieu thereof a period.

(4) The amendments made by this subsection shall become effective upon the expiration of 90 days after the receipt by the Congress of the second semiannual report of the Secretary of Commerce required by section 10 of such Act following enactment of the Export Administration Amendments of 1977.

(c) Section 4(h) of such Act is amended—

(1) in paragraph (1)—

(A) in the first sentence by striking out "significantly increase the military capability of such country" and inserting in lieu thereof "make a significant contribution to the military potential of such country"; and

(B) in the second sentence by striking out "significantly increase the military capability of such country" and inserting in lieu thereof "make a significant contribution, which would prove detrimental to the national security of the United States, to the military potential of such country"; and

(2) in paragraph (2)(A), by striking out "significantly increase the military capability of such country" and inserting in lieu thereof "make a significant contribution, which would prove detrimental to the national security of the United States, to the military potential of such country or any other country".

(d) Section 6(b) of such Act is amended by striking out "Communist-dominated nation" and inserting in lieu thereof "country to which exports are restricted for national security or foreign policy purposes".

EXEMPTION FOR CERTAIN AGRICULTURAL COMMODITIES FROM CERTAIN EXPORT LIMITATIONS

SEC. 104. Section 4(f) of the Export Administration Act of 1969 is amended—

(1) by redesignating such section as section 4(f)(1); and

(2) by adding at the end thereof the following new paragraph:

"(2) Upon approval of the Secretary of Commerce, in consultation with the Secretary of Agriculture, agricultural commodities purchased by or for use in a foreign country may remain in the United States for export at a later date free from any quantitative limitations on export which may be imposed pursuant to section 3(2)(A) of this Act subsequent to such approval. The Secretary of Commerce may not grant approval hereunder unless he receives adequate assurance and, in conjunction with the Secretary of Agriculture, finds that such commodities will eventually be exported, that neither the sale nor export thereof will result in an excessive drain of scarce materials and have a serious domestic inflationary impact, that storage of such commodities in the United States will not unduly limit

the space available for storage of domestically owned commodities, and that the purpose of such storage is to establish a reserve of such commodities for later use, not including resale to or use by another country. The Secretary of Commerce is authorized to issue such rules and regulations as may be necessary to implement this paragraph.".

CONGRESSIONAL REVIEW OF EXPORT CONTROLS ON AGRICULTURAL COMMODITIES

SEC. 105. Section 4(f) of the Export Administration Act of 1969, as amended by section 104 of this Act, is further amended by adding at the end thereof the following new paragraph:

"(3) If the authority conferred by this section is exercised to prohibit or curtail the exportation of any agricultural commodity in order to effectuate the policies set forth in clause (B) of paragraph (2) of section 3 of this Act, the President shall immediately report such prohibition or curtailment to the Congress, setting forth the reasons therefor in detail. If the Congress, within 30 days after the date of its receipt of such report, adopts a concurrent resolution disapproving such prohibition or curtailment, then such prohibition or curtailment shall cease to be effective with the adoption of such resolution. In the computation of such 30-day period, there shall be excluded the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment of the Congress sine die.".

PERIOD FOR ACTION ON EXPORT LICENSE APPLICATION

SEC. 106. Section 4(g) of the Export Administration Act of 1969 is amended to read as follows:

"(g)(1) It is the intent of Congress that any export license application required under this Act shall be approved or disapproved within 90 days of its receipt. Upon the expiration of the 90-day period beginning on the date of its receipt, any export license application required under this Act which has not been approved or disapproved shall be deemed to be approved and the license shall be issued unless the Secretary of Commerce or other official exercising authority under this Act finds that additional time is required and notifies the applicant in writing of the specific circumstances requiring such additional time and the estimated date when the decision will be made.

"(2)(A) With respect to any export license application not finally approved or disapproved within 90 days of its receipt as provided in paragraph (1) of this subsection, the applicant shall, to the maximum extent consistent with the national security of the United States, be specifically informed in writing of questions raised and negative considerations or recommendations made by any agency or department of the Government with respect to such license application, and shall be accorded an opportunity to respond to such questions, considerations, or recommendations in writing prior to final approval or disapproval by the Secretary of Commerce or other official exercising authority under this Act. In making such final approval or disapproval, the Secretary of Commerce or other official exercising authority under this Act shall take fully into account the applicant's response.

"(B) Whenever the Secretary determines that it is necessary to refer an export license application to any interagency review process for approval, he shall first, if the applicant so requests, provide the applicant with an opportunity to review any documentation to be submitted to such process for the purpose of describing the export in question, in order to determine whether such documentation accurately describes the proposed export.

"(3) In any denial of an export license application, the applicant shall be informed in writing of the specific statutory basis for such denial.".

EXPORT OF HORSES

SEC. 107. Section 4 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new subsection:

"(j)(1) Notwithstanding any other provision of this Act, no horse may be exported by sea from the United States, its territories and possessions, unless such horse is part of a consignment of horses with respect to which a waiver has been granted under paragraph (2) of this subsection.

"(2) The Secretary of Commerce, in consultation with the Secretary of Agriculture, may issue rules and regulations providing for the granting of waivers permitting the export by sea of a specified consignment of horses, if the Secretary of Commerce, in consultation with the Secretary of Agriculture, determines that no horse in that consignment is being exported for purposes of slaughter.".

TECHNICAL ADVISORY COMMITTEES

SEC. 108. (a) Section 5(c)(1) of the Export Administration Act of 1969 is amended by striking out "two" in the last sentence thereof and inserting thereof "four".

(b) The second sentence of section 5(c)(2) of such Act is amended to read as follows: "Such committees, where they have expertise in such matters, shall be consulted with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to any articles, materials, and supplies, including technical data or other information, and (D) exports subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. Such committees shall be informed of the reasons for the failure to accept any advice or recommendation which such committees have rendered or made to any officer or agency of the United States Government.".

(c) Section 5(c)(2) of such Act is further amended by striking out the third sentence and inserting in lieu thereof the following: "The Secretary shall include in each semi-annual report required by section 10 of this Act an accounting of the consultations undertaken pursuant to this paragraph, the use made of the advice rendered by the technical advisory committees pursuant to this paragraph, and the contributions of the technical advisory committees to carrying out the policies of this Act.".

PENALTIES FOR VIOLATIONS

SEC. 109. (a) Section 6(a) of the Export Administration Act of 1969 is amended—

(1) in the first sentence, by striking out "$10,000" and inserting in lieu thereof "$25,000"; and

(2) in the second sentence, by striking out "$20,000" and inserting in lieu thereof "$50,000."

(b) Section 6(b) of such Act is amended by striking out "$20,000" and inserting in lieu thereof "$50,000".

(c) Section 6(c) of such Act is amended by striking out "$1,000" and inserting in lieu thereof "$10,000".

(d) Section 6(d) of such Act is amended by adding at the end thereof the following new sentence: "In addition, the payment of any penalty imposed under subsection (c) may be deferred or suspended in whole or in part for a period of time no longer than any probation period (which may exceed one year) that may be imposed upon such person. Such a deferral or suspension shall not operate as a bar to the collection of the penalty in the event that the conditions of the suspension, deferral, or probation are not fulfilled.".

AVAILABILITY OF INFORMATION TO CONGRESS

SEC. 110. (a) Section 7(c) of the Export Administration Act of 1969 is amended by adding at the end thereof the following new sentence: "Nothing in this Act shall be construed as authorizing the withholding of information from any committee of the Congress having appropriate jurisdiction upon the request of the Chairman of such committee. Such information shall be accorded confidential treatment by the committee and may be disclosed only upon a determination by the committee that the withholding thereof is contrary to the national interest.".

(b) Section 4(c)(1) of such Act is amended by inserting immediately before the period at the end of the last sentence thereof "and in the last sentence of section 7(c) of this Act".

SIMPLIFICATION OF EXPORT REGULATIONS AND LISTS

SEC. 111. Section 7 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new subsection:

"(e) The Secretary of Commerce, in consultation with appropriate United States Government departments and agencies and with appropriate technical advisory committees established under section 5(c), shall review the results and regulations issued under this Act and the lists of articles, materials, and supplies which are subject to export controls in order to determine how compliance with the provisions of this Act can be facilitated by simplifying such rules and regulations, by simplifying or clarifying such lists, or by any other means. Not later than 1 year after the enactment of this subsection, the Secretary of Commerce shall report to Congress on the actions taken on the basis of such review to simplify such rules and regulations. Such report may be included in the semiannual report required by section 10 of this Act.".

TERRORISM

SEC. 112. Section 3 of the Export Administration Act of 1969 is amended by adding at the end thereof the following:

"(8) It is the policy of the United States to use export controls to encourage other countries to take immediate steps to prevent the use of their territory or resources to aid, encourage, or give sanctuary to those persons involved in directing, supporting, or participating in acts of international terrorism. To achieve this objective, the President shall make every reasonable effort to secure the removal or reduction of such assistance to international terrorists through international cooperation and agreement before resorting to the imposition of export controls.".

SEMIANNUAL REPORTS

SEC. 113. (a) Section 10 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new subsection (c):

"(c) Each semiannual report shall include an accounting of—

"(1) any organizational and procedural changes instituted, any reviews undertaken, and any means used to keep the business sector of the Nation informed, pursuant to section 4(a) of this Act;

"(2) any changes in the exercise of the authorities of section 4(b) of this Act;

"(3) any delegations of authority under section 4(e) of this Act;

"(4) the disposition of export license applications pursuant to section 4 (g) and (h) of this Act;

"(5) consultations undertaken with technical advisory committees pursuant to section 5(c) of this Act;

"(6) violations of the provisions of this Act and penalties imposed pursuant to section 6 of this Act; and

"(7) a description of actions taken by the President and the Secretary of Commerce to effect the policies set forth in section 3(5) of this Act.".

(b)(1) The section heading of such section 10 is amended by striking out "QUARTERLY".

(2) Subsection (b) of such section is amended—

(A) by striking out "quarterly" each time it appears; and

(B) by striking out "second" in the first sentence of paragraph (1).

SPECIAL REPORT ON MULTILATERAL EXPORT CONTROLS

SEC. 114. Not later than 12 months after the enactment of this section, the President shall submit to the Congress a special report on multilateral export controls in which the United States participates pursuant to the Export Administration Act of 1969 and pursuant to the Mutual Defense Assistance Control Act of 1951. The purpose of such special report shall be to assess the effectiveness of such multilateral export controls and to formulate specific proposals for increasing the effectiveness of such controls. That special report shall include—

(1) the current list of commodities controlled for export by agreement of the group known as the Coordinating Committee of the Consultative Group (hereafter in this section referred to as the "Committee") and an analysis of the process of reviewing such list and of the changes which result from such review;

(2) data on and analysis of requests for exceptions to such list;

(3) a description and an analysis of the process by which decisions are made by the Committee on whether or not to grant such requests;

(4) an analysis of the uniformity of interpretation and enforcement by the participating countries of the export controls agreed to by the Committee (including controls over the reexport of such commodities from countries not participating in the Committee), and information on each case where such participating countries have acted contrary to the United States interpretation of the policy of the Committee, including United States representations to such countries and the response of such countries;

(5) an analysis of the problem of exports of advanced technology by countries not participating in the Committee, including such exports by subsidiaries or affiliates of United States businesses in such countries;

(6) an analysis of the effectiveness of any procedures employed in cases in which an exception for a listed commodity is granted by the Committee, to determine whether there has been compliance with any conditions on the use of the excepted commodity which were a basis for the exception; and

(7) detailed recommendations for improving, through formalization or other means, the effectiveness of multilateral export controls, including specific recommendations for the development of more precise criteria and procedures for collective export decisions and for the development of more detailed and formal enforcement mechanisms to assure more uniform interpretation of and compliance with such criteria, procedures, and decisions by all countries participating in such multilateral export controls.

REVIEW OF UNILATERAL AND MULTILATERAL EXPORT CONTROLS

SEC. 115. The Secretary of Commerce, in cooperation with appropriate United States Government departments and agencies and the appropriate technical advisory committees established pursuant to the Export Administration Act of 1969, shall undertake an investigation to determine whether United States unilateral controls or multilateral controls in which the United States participates should be removed, modified, or added with respect to particular articles, materials, and supplies, including technical data and other information, in order to protect the national security of the United States. Such investigation shall take into account such factors as the availability of such articles, materials, and supplies from other nations and the degree to which the availability of the same from the United States or from any country with which the United States participates in multilateral controls would make a significant contribution to the military potential of any country threatening or potentially threatening the national security of the United States. The results of such investigation shall be reported to the Congress not later than 12 months after the completion of the first revision, after the date of enactment of this Act, of the list of items controlled or export by agreement of the Coordinating Committee of the Consultative Group.

REPORT ON TECHNICAL DATA TRANSFERS

SEC. 116. The Secretary of Commerce shall conduct a study of the transfer of technical data and other information to any country to which exports are restricted for national security purposes and the problem of the export, by publications or any other means of public dissemination, of technical data or other information from the United States, the export of which might prove detrimental to the national security or foreign policy of the United States. Not later than 6 months after the enactment of this section, the Secretary shall report to the Congress his assessment of the impact of the export of such technical data or other information by such means on the national security and foreign policy of the United States and his recommendations for monitoring such exports without impairing freedom of speech, freedom of press, or the freedom of scientific exchange. Such report may be included in the semiannual report required by section 10 of the Export Administration Act of 1969.

SUNSHINE IN GOVERNMENT

SEC. 117. (a) Each officer or employee of the Department of Commerce who—

(1) performs any function or duty under this Act or the Export Administration Act of 1969; and

(2) has any known financial interest in any person subject to such Acts, or in any person who obtains any license, enters into any agreement, or otherwise receives any benefit under such Acts;

shall, beginning on February 1, 1978, annually file with the Secretary of Commerce a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Such statement shall be available to the public.

(b) The Secretary of Commerce shall—

(1) within 90 days after the date of enactment of this Act—

(A) define the term "known financial interest" for purposes of subsection (a) of this section; and

(B) establish the methods by which the requirement to file written statements specified in subsection (a) of this section will be monitored and enforced, including appropriate provisions for the filing by such officers and employees of such statements and the review by the Secretary of such statements; and

(2) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

(c) In the rules prescribed under subsection (b) of this section, the Secretary may identify specific positions within the Department of Commerce which are of a nonregulatory or nonpolicymaking nature and provide that officers or employees occupying such positions shall be exempt from the requirements of this section.

(d) Any officer or employee who is subject to, and knowingly violates, this section or any regulation issued hereunder, shall be fined not more than $2,500 or imprisoned not more than 1 year, or both.

MONITORING OF COMMODITIES IN POTENTIAL SHORT SUPPLY

SEC. 118. Section 4(c)(1) of the Export Administration Act of 1961 is amended by inserting after the first sentence thereof the following: "Such monitoring shall commence at a time adequate to insure that data will be available which is sufficient to permit achievement of the policies of this Act.".

TITLE II—FOREIGN BOYCOTTS

PROHIBITION ON COMPLIANCE WITH FOREIGN BOYCOTTS

SEC. 201. (a) The Export Administration Act of 1969 is amended by redesignating section 4A as section 4B and by inserting after section 4 the following new section:

"FOREIGN BOYCOTTS

"SEC. 4A. (a)(1) For the purpose of implementing the policies set forth in section 3(5) (A) and (B), the President shall issue rules and regulations prohibiting any United States person, with respect to his activities in the interstate or foreign commerce of the United States, from taking or knowingly agreeing to take any of the folowing actions with intent to comply with, further, or support any boycott fostered or imposed by a foreign country against a country which is friendly to the United States and which is not itself the object of any form of boycott pursuant to United States law or regulation:

"(A) Refusing, or requiring any other person to refuse, to do business with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, pursuant to an agreement with, a requirement of, or a request from or on behalf of the boycotting country. The mere absence of a business relationship with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, does not indicate the existence of the intent required to establish a violation of rules and regulations issued to carry out this subparagraph.

"(B) Refusing, or requiring any other person to refuse, to employ or otherwise discriminating against any United States person on the basis of race, religion, sex, or national origin of that person or of any owner, officer, director, or employee of such person.

"(C) Furnishing information with respect to the race, religion, sex, or national origin of any other United States person or of any owner, officer, director, or employee of such person.

"(D) Furnishing information about whether any person has, has had, or proposes to have any business relationship (including a relationship by way of sale, purchase, legal or commercial representation, shipping or other transport, insurance, investment, or supply) with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person which is known or believed to be restricted from having any business relationship with or in the boycotted country. Nothing in this paragraph shall prohibit the furnishing of normal business information in a commercial context as defined by the Secretary of Commerce.

"(E) Furnishing information about whether any person is a member of, has made

contributions to, or is otherwise associated with or involved in the activities of any charitable or fraternal organization which supports the boycotted country.

"(F) Paying, honoring, confirming, or otherwise implementing a letter of credit which contains any condition or requirement compliance with which is prohibited by rules and regulations issued pursuant to this paragraph, and no United States person shall, as a result of the application of this paragraph, be obligated to pay or otherwise honor or implement such letter of credit.

"(2) Rules and regulations issued pursuant to paragraph (1) shall provide for—

"(A) complying or agreeing to comply with requirements (i) prohibiting the import of goods or services from the boycotted country or goods produced or services provided by any business concern organized under the laws of the boycotted country or by nationals or residents of the boycotted country, or (ii) prohibiting the shipment of goods to the boycotted country, on a carrier of the boycotted country, or by a route other than that prescribed by the boycotting country or the recipient of the shipment;

"(B) complying or agreeing to comply with import and shipping document requirements with respect to the country of origin, the name of the carrier and route of shipment, the name of the supplier of the shipment or the name of the provider of other services, except that no information knowingly furnished or conveyed in response to such requirements may be stated in negative, blacklisting, or similar exclusionary terms after the expiration of one year following the date of enactment of the Export Administration Amendments of 1977;

"(C) complying or agreeing to comply with the unilateral selection by a boycotting country, or national or resident thereof (other than a United States person) of carriers, insurers, suppliers of services within the boycotting country or specific goods which, in the normal course of business, are identifiable by source when imported into the boycotting country;

"(D) complying or agreeing to comply with export requirements of the boycotting country relating to shipments or transshipments of exports to the boycotted country, to any business concern of or organized under the laws of the boycotted country, or to any national or resident of the boycotted country;

"(E) compliance by an individual or agreement by an individual to comply with the immigration or passport requirements of any country; and

"(F) compliance by a United States person resident in a foreign country or agreement by such person to comply with the laws of that country with respect to his acitivities exclusively therein, and such rules and regulations may contain exceptions for compliance with import laws of that country.

"(3) Rules and regulations issued pursuant to paragraphs (2)(C) and (2)(F) shall not provide exceptions from paragraphs (1)(B) and (1)(C).

"(4) Nothing in this subsection may be construed to supersede or limit the operation of the antitrust or civil rights laws of the United States.

"(5) Rules and regulations pursuant to this subsection shall be issued not later than 90 days after the date of enactment of this section and shall be issued in final form and become effetcive not later than 120 days after they are first issued, except that (A) rules and regulations prohibiting negative certification may take effect not later than one year after the date of enactment of this section, and (B) a grace period shall be provided for the application of the rules and regulations issued pursuant to this subsection to actions taken pursuant to contracts or other agreements in effect on or before March 1, 1977. Such grace period shall be two years after the date of enactment of this section and may be extended for three additional one-year periods in cases in which good faith efforts are being made to amend such contracts or agreements.

"(6) This Act shall apply to any transaction or activity undertaken with intent to evade the provisions of this Act regardless of such transaction or activity involves the interstate or foreign commerce of the United States.".

"(b)(1) In addition to the rules and regulations issued pursuant to subsection (a) of this section, rules and regulations issued under section 4(b) of this Act shall implement the policies set forth in section 3(5).

"(2) Such rules and regulations shall require that any United States person receiving a request for the furnishing of information, the entering into or implementing of agreements, or the taking of any other action referred to in secetion 3(5) shall report that fact to the Secretary of Commerce, together with such other information concerning such request as the Secretary may require for such action as he may deem appropriate for carrying out the policies of that section. Such person shall also report to the Secretary of Commerce whether he intends to comply and whether he has complied with such request. Any report filed pursuant to this paragraph after the date of enactment of this section shall be made available promptly for public inspection and copying, except that information regarding the quantity, description, and value of any articles, materials, and supplies, including technical data and other information, to which such report relates may be kept confidential if the Secretary determines that disclosure thereof would place the United States person involved at a competitive disadvantage. The Secretary of Commerce shall periodically transmit summaries of the information contained in such reports to the Secretary of State for such action as the Secretary of State, in consultation with the Secretary of Commerce, may deem appropriate for carrying out the policies set forth in section 3(5) of this Act.".

(b) Section 4(b)(1) of such Act is amended by striking out the next to the last sentence.

(c) Section 7(c) of such Act is amended by striking out "No" and inserting in lieu thereof "Except as otherwise provided by the third sentence of section 4A(b)(2) and by section 6(c)(2)(C) of this Act, no".

STATEMENT OF POLICY

SEC. 202. (a) Section 3(5)(A) of the Export Administration Act of 1969 is amended by inserting immediately after "United States" the following: "or against any United States person".

(b) Section 3(5)(B) of such Act is amended to read as follows: "(B) to encourage and, in specified cases, to require United States persons engaged in the export of articles, materials, supplies, or information to refuse to take actions, including furnishing information or entering into or implementing agreements, which have the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against a country friendly to the United States or against any United States person,".

ENFORCEMENT

SEC. 203. (a) Section 6(c) of the Export Administration Act of 1969 is amended—

(A) by redesignating such section as section 6(c)(1); and

(B) by adding at the end thereof the following new paragraph:

"(2)(A) The authority of this Act to suspend or revoke the authority of any United States person to export articles, materials, supplies, or technical data or other information, from the United States, its territories or possessions, may be used with respect to any violation of the rules and regulations issued pursuant to section 4A(a) of this Act.

"(B) Any administrative sanction (including any civil penalty or any suspension or revocation of authority to export) imposed under this Act for a violation of the rules and regulations issued pursuant to section 4A(a) of this Act may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

"(C) Any charging letter or other document initiating administrative proceedings for the imposition of sanctions for violations of the rules and regulations issued pursuant to section 4A(a) of this Act shall be made available for public inspection and copying.".

(b) Section 8 of such Act is amended by striking out "The" and inserting in lieu thereof "Except as provided in section 6(c)(2), the".

DEFINITIONS

SEC. 204. Section 11 of the Export Administration Act of 1969 is amended to read as follows:

"DEFINITIONS

"SEC. 11. As used in this Act—

"(1) the term 'person' includes the singular and the plural and any individual, partnership, corporation, or other form of association, including any government or agency thereof; and

"(2) the term 'United States person' means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern) and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President.".

PREEMPTION

SEC. 205. The amendments made by this title and the rules and regulations issued pursuant thereto shall preempt any law, rule, or regulation of any of the several States or the District of Columbia, and any of the territories or possessions of the United States, or of any governmental subdivision thereof, which law, rule, or regulation pertains to participation in, compliance with, implementation of, or the furnishing of information regarding restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries.

The PRESIDING OFFICER. Time for debate on this bill is limited to 2 hours, to be equally divided between and controlled by the Senator from Illinois (Mr. STEVENSON) and the Senator from Tennessee (Mr. BAKER) or his designee, with 1 hour on any amendment, except a series of amendments by the Senator from Pennsylvania (Mr. HEINZ), on which there shall be a total of 4 hours, and 20 minutes on any debatable motion, appeal, or point of order.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged against both sides on the bill.

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

The PRESIDING OFFICER. The pending business is S. 69.

Mr. HEINZ. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. STEVENSON. I yield for that purpose.

Mr. HEINZ. Mr. President, I ask unanimous consent that Mr. Gil Bray and Mr. Bill Reinsch, of my staff, have the privilege of the floor during the consideration of S. 69.

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

Mr. STEVENSON. Mr. President, I ask unanimous consent that the following staff members be accorded the privileges of the floor during the consideration of S. 69, and all amendments thereto: Howard Menell, Lindy Marinaccio, and Stanley Marcuss.

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

Mr. STEVENSON. Mr. President, I ask unanimous consent that the committee amendment be agreed to, and that the amendment be considered as original text for the purpose of further amendment.

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

Mr. STEVENSON. Mr. President, S. 69 represents almost 2 years of efforts to reform the Nation's export controls and enact a strong and realistic law against participation in foreign boycotts. Last year the Senate and the House passed similar legislation by overwhelming margins. Enactment was blocked at the last minute only by a parliamentary maneuver which prevented the formal appointment of conferees.

Title I of the bill extends for a 2-year period the Export Administration Act, which expired last September, and makes major improvements in the implementation of national security and agricultural export controls.

Title II of the bill establishes for the first time a comprehensive and forceful law to deal with foreign boycotts. It is similar to the measure agreed upon in last year's informal conference between the House and the Senate. Title II is also the measure which the President and representatives of business and prominent Jewish service organizations have endorsed with certain modifications to be the subject of later amendment.

Mr. President, title I of the bill is needed to extend the Export Administration Act and insure that U.S. export control policy reflects the changing complexion of U.S. relations with other nations as well as the rapid rate of technological advance. Title I of the bill is also needed in order to increase America's reliability as an exporter of agricultural commodities.

Specifically, title I would do the following:

First. It would extend the Export Administration Act to September 30, 1979.

Second. It would provide for a continuing analysis of national security export controls so that a country's Communist or non-Communist status is no longer the sole determinant of U.S. policy.

Third. It would provide for a review of national security export controls to determine whether modifications are necessary in light of evolving technology, the availability of restricted items from sources outside the United States, and other relevant matters.

Fourth. It would require a study of technology transfers to countries to which exports are restricted for national security or foreign policy purposes.

Fifth. It would improve the role of industry representatives in formulating and implementing national security export controls.

Sixth. It would speed the process of export licensing review and decision.

Seventh. It would permit agricultural commodities purchased for export to be stored in the United States free from future short-supply export limitations under specified conditions.

Eighth. It would increase the penalties applicable to violations of the Export Administration Act; and otherwise improve the administration of U.S. export controls.

Title II of the bill would do the following:

First. It would prevent most forms of compliance with foreign boycotts.

Second. It would prohibit U.S. persons from refusing to do business with blacklisted firms and boycotted friendly countries pursuant to foreign boycott demands.

Third. It would prohibit U.S. persons from discriminating against other U.S. persons on grounds of race, religion, sex, or national origin in order to comply with a foreign boycott.

Fourth. It would prohibit U.S. persons from furnishing information about another person's race, religion, sex, or national origin where such information is sought for boycott enforcement purposes.

Fifth. It would provide for public disclosure of requests to comply with foreign boycotts.

Sixth. It would require U.S. persons who receive requests to comply with foreign boycotts to disclose publicly whether they are complying with such requests.

Seventh. It would insure that the antiboycott provisions of the Export Administration Act apply to all domestic concerns and persons, including intermediaries in the export process and otherwise strengthen U.S. law against foreign boycotts and reduce their domestic impact.

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

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

(See exhibit 1.)

Mr. STEVENSON. Mr. President, this bill deals with a number of sensitive areas of U.S. international economic policy.

The reform of national security export controls will diminish the tendency for rigid cold war perceptions of national security to dominate export policy. It will encourage a continuing reexamination of policy to insure that it reflects changing world conditions and the changing dimensions of national security. The bill will help to expand U.S. trade in many parts of the world while at the same time bringing about a more realistic assessment of national security interests.

Second, the bill will help remove a factor which unnecessarily restricts agricultural exports from the United States. Foreign buyers cannot now be certain that they will be able to import agricultural commodities which they buy in the United States, as the infamous soybean embargo amply demonstrated.

To reduce this uncertainty, the bill would authorize the Secretary of Commerce, in cooperation with the Secretary of Agriculture, to permit agricultural commodities purchased for export to a foreign country to be stored in the United States free from future short-supply export controls if the Secretary of Commerce receives the following assurances: First, that the commodities will eventually be exported; second, that neither their sale nor export will result in an excessive drain of scarce materials and have a serious domestic inflationary impact; third, that storage of such commodities in the United States will not unduly limit the space available for storage of domestically owned commodities; and fourth, that the purpose of such storage is to establish a reserve of such commodities for later use in the purchaser's country and not for resale to, or use by, third countries.

The bill would, therefore, make a significant contribution toward improving the access of U.S. farmers to foreign markets, without impinging on the President's authority to control exports in extreme situations.

Finally, Mr. President, the bill directly attacks the most repugnant dimensions of the Arab boycott against Israel. It recognizes that the Arab States regard their boycott efforts as part of a continuing struggle against Israel. It would be unrealistic not to recognize that the use of economic weapons will continue until there is an overall political settlement, no matter what the Congress does. Boycotts are a common, although regrettable, form of international conflict. And there are severe limitations on the ability of outside parties to bring such boycotts to an end.

Nonetheless, measures can be taken to strengthen the resistance of American concerns to demands that they aid efforts to destroy Israel or discriminate against others for political, racial, or religious purposes.

By prohibiting Americans from refusing to do business with boycotted countries and others pursuant to foreign boycott demands, the bill would prevent foreign governments from enlisting Americans in their economic warfare against others.

By prohibiting discrimination on the basis of race, religion, sex, or national origin, the bill would help insure the equality of opportunity which is fundamental to the American system.

By prohibiting Americans from supplying information which is sought for purposes of enforcing foreign boycotts, the bill would prevent Americans from

wittingly or unwittingly giving assistance to those who seek to boycott countries friendly to the United States.

And, finally, by carving out a number of limited exceptions to its general prohibitions, the bill recognizes that the United States is not alone in insisting on noninterference with its sovereignty. Sovereignty is as precious to others as it is to the United States. This bill will protect American sovereignty without infringing upon the sovereignty of others.

Mr. President, this bill is an attempt to deal responsibly with difficult and sensitive issues. It is not a hostile or unfriendly gesture toward any power. It is a measured response to an affront against our sovereignty. It preserves American influence and commercial opportunities in the Middle East and does nothing to undermine prospects for an overall settlement. It goes as far as it is possible to go to prevent American firms from being dragged involuntarily into the conflicts of foreign powers. And it prohibits without qualification compliance with the most offensive aspects of foreign boycotts.

I urge the Senate to act favorably on this measure.

EXHIBIT 1

DETAILED SUMMARY OF S. 69

TITLE I—EXPORT ADMINISTRATION

The Export Administration Act of 1969, as amended, is the basic statutory authority for regulation U.S. exports for national security, foreign policy, and short supply purposes. The present law expired on September 30, 1976. Since then exports have been regulated pursuant to Presidential Executive order issued under the presumed authority of the Trading With the Enemy Act.

Title I of S. 69, as reported by the committee, would extend the act until September 30, 1979, and in connection therewith, make changes and improvements in its policy and implementation. Among them are the following:

(1) The bill would provide that in administering export controls for national security purposes, U.S. policy toward individual countries shall not be determined exclusively on the basis of a country's Communist or non-Communist status but shall take into account such factors as the country's present and potential relationship to the United States, its present and potential relationship to countries friendly or hostile to the United States, its ability and willingness to control retransfers of U.S. exports in accordance with U.S. policy, and such other factors as the President may deem appropriate.

It would also require periodic Presidential review of U.S. policy toward individual countries to determine whether such policy is appropriate in light of these factors. The results of such periodic reviews would be reported to Congress annually.

(2) The bill would change the present responsibility of the Secretary of Defense to review exports to "controlled countries" (defined as the Communist countries designated in the Foreign Assistance Act of 1961) so that he is required instead to review exports to countries designated by the President pursuant to the periodic review of U.S. policy called for by the bill.

(3) It would require the Secretary of Commerce, in cooperation with the appropriate technical advisory committees established pursuant to statute, to review U.S. unilateral and multilateral export controls for purposes of determining whether such controls should be removed, modified, or added in order to protect the national security of the United States. Among the factors to be taken into account is the availability of restricted materials from sources outside the United States.

As part of such review, the Secretary of Commerce would be required to explore ways of simplifying and clarifying export control lists.

The results of such review would be reported to Congress within 12 months of the next COCOM[1] review.

(4) The bill would strengthen provisions of existing law to confirm and emphasize the intent of Congress that any export license application be approved or denied within 90 days of filing.

(5) It would require an export license applicant to be informed in writing of the specific statutory basis for any denial of his application.

(6) It would increase to 4 years from 2 the terms of persons representing private industry on the technical advisory committees.

(7) It would add multilateral export controls to the matters on which technical advisory committees are to be consulted. In addition, it would require that the Government inform such committees of the reasons for not accepting any advice or recommendations which they may make or render regarding export controls within their areas of responsibility.

(8) It would require the Secretary of Commerce to conduct a study of (a) the transfer of technical data and other information to countries to which exports are restricted for national security purposes, and (b) the problem of technical data exports through publication or other means of public dissemination where such exports might prove detrimental to the national security and foreign policy of the United States. The results are to be reported within 6 months of enactment. In addition the bill would require the submission of a special report on the effectiveness of multilateral export controls within 12 months of enactment.

(9) The bill would require that before an export license application is referred for interagency review within the U.S. Government, the applicant, if he so requests, is to be given an opportunity to review the documentation to be submitted to such process for purposes of describing the proposed export in order to insure that it accurately describes the proposed export.

(10) It would permit agricultural commodities purchased by or for use in a foreign country to be stored in the United States free from short supply export limits which may be imposed after purchase if the Secretary of Commerce, in consultation with the Secretary of Agriculture, receives assurances: (i) that such commodities will eventually be exported; (ii) that neither the sale nor export thereof will result in an excessive drain of scarce materials and have a serious domestic inflationary impact; (iii) that storage of such commodities in the United States will not unduly limit the space available for storage of domestically owned commodities; and (iv) that the purpose of such storage is to establish a reserve of such commodities for later use by the buyer, other than resale or delivery to another country.

(11) The bill would give the Congress an opportunity to revoke export controls placed on agricultural commodities for foreign policy purposes by passage of a concurrent resolution no later than 30 days after the controls are imposed.

(12) It would ban the export of horses by sea for slaughter.

(13) It would establish a new policy authorizing the use of export controls to encourage other countries to prevent the use of their territory or resources to aid persons who engage in acts of international terrorism.

(14) It would make it clear that monitoring of commodities in potential short supply as prescribed by existing laws is to begin at a time which is sufficient to permit achievement of the policies of the act.

(15) It would provide that the confidentiality provisions of the Export Administration Act do not authorize the withholding of information from Congress. Instead such information would have to be transmitted to any appropriate committee of Congress upon request of the chairman of that committee.

(16) It would require annual disclosure statements by each Commerce Department employee who has policymaking responsibilities relating to export administration and who has any known financial interest in any person subject to, licensed under, or otherwise receiving benefits under the Export Administration Act.

(17) It would increase the maximum penalties for violations of the Export Administration Act as follows:

(a) Judicially imposed penalties for a knowing violation of the act or any rule or regulation thereunder: the first time $25,000 (now $10,000); the second and subsequent times, $50,000 (now $20,000);

(b) Judicially imposed penalties for exporting anything contrary to the act or any rule or regulation thereunder knowing that the export will be used for the benefit of any country designated by the President pursuant to the review of national security export control policy called for by the bill: $50,000 (now $20,000 where the violator knows that such export will be used "for the benefit of any Communist-dominated nation.");

(c) Administratively imposed penalties for violating the act or any rule or regulation thereunder: $10,000 (now $1,000).

The Government would be authorized to defray or suspend the payment of any penalty during any "probation" period.

(18) It would require a specific authorization for expenses to carry out the Export Administration Act starting with fiscal 1978.

TITLE II—FOREIGN BOYCOTTS

Section 3(5) of the Export Administration Act sets forth U.S. policy against foreign boycotts as follows:

It is the policy of the United States (A) to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against countries friendly to the United States [and] (B) to encourage and request domestic concerns engaged in . . . export . . . to refuse to take any action, including the furnishing of information or the signing of agreements, which has the effect of furthering or supporting . . . [such] . . . restrictive trade practices or boycotts . . .[2].

The act provides for implementation of this policy by requiring all domestic concerns receiving requests for the furnishing of information or the signing of agreements which have the effect of furthering or supporting a foreign boycott to report such receipt to the Secretary of Commerce for such action as he may deem appropriate.[3] This is the only measure specifically required under the present act for carrying out U.S. antiboycott policy. Implementation of that policy is otherwise left to the broad discretion of the President and the Secretary of Commerce.

[1] International export control coordinating committee, consisting of Belgium, Canada, Denmark, France, the Federal Republic of Germany, Greece, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Turkey, the United Kingdom, and the United States.

[2] 50 U.S.C.A. App. § 2402(5) (Supp. 1977).

[3] 50 U.S.C.A. App. § 2403(b)(1) (Supp. 1977).

Title II of S. 69, as reported by the committee, would expand and strengthen the implementation of U.S. antiboycott policy in a number of ways:

(1) It would prohibit any U.S. person from taking or agreeing to take any of the following actions with intent to comply with, further, or support a foreign boycott:

(a) Refusing or requiring any other person to refuse to do business with anyone pursuant to an agreement with, requirement of, or request from or on behalf of a boycotting country;

(b) Refusing or requiring any other person to refuse to employ (or otherwise discriminating against) any U.S. person on the basis of race, religion, sex, or national origin;

(c) Furnishing information with respect to the race, religion, sex, or national origin of any other U.S. person;

(d) Furnishing information about past, present, or prospective business relationships with boycotted countries or blacklisted persons;

(e) Furnishing information about whether any person is a member of, has made contributions to, or is otherwise associated with or involved in the activities of any charitable or fraternal organization which supports a boycotted country; and

(f) Paying, honoring, confirming, or otherwise implementing a letter of credit which contains any illegal boycott condition or requirement.

(2) The prohibitions of the bill are subject to exceptions for the following:

(a) Compliance with prohibitions on the import of goods or services from the boycotted country or goods or services produced or provided by any business concern organized under the laws of the boycotted country or by nationals or residents of the boycotted country;

(b) Compliance with prohibitions on the shipment of goods from the boycotting country to the boycotted country, on a carrier of the boycotted country, or by a route other than that prescribed by the boycotting country or the recipient of the shipment;

(c) Compliance with import and shipping document requirements with respect to country of origin, the name of the carrier and route of shipment, and the name of the supplier of the shipment or the name of the supplier of services. Effective 1 year after enactment, no information knowingly furnished or conveyed in response to such requirements may be stated in negative, blacklisting, or similar exclusionary terms;

(d) Compliance with the export requirements of the boycotting country relating to the shipment or transshipment of exports to the boycotted country, to any business concern of or organized under the laws of the boycotted country, or to any national or resident of the boycotted country;

(e) Compliance by an individual with the immigration or passport requirements of a foreign country so as to permit a U.S. firm to proceed with a project in a boycotting country even if certain of its employees are denied entry for boycott reasons;

(f) Compliance with the unilateral selection by a boycotting country, its nationals, or residents (other than a U.S. person) of (i) carriers, (ii) insurers, (iii) suppliers of services within the boycotting country, or (iv) specific goods which, in the normal course of business, are identifiable by source upon importation into the boycotting country. However, in no case may the U.S. seller comply if the designation is based on grounds of race, religion, sex, or national origin; and

(g) Compliance by a U.S. person resident in the boycotting country with the laws of that country with respect to his activities exclusively within that country. The bill further provides that rules and regulations may contain exceptions for compliance with the import laws of the boycotting country. In no event could this exception be used to permit discrimination on the basis of race, religion, sex, or national origin.

(3) The bill would preempt all State foreign boycott laws.

(4) It would provide a maximum of 210 days for rules and regulations to become finally effective.

(5) It would provide a 2-year grace period for agreements in effect on or before March 1, 1977, with three additional 1-year extensions available in cases where good faith efforts are being made to amend such agreements.

(6) It would require public disclosure of all boycott reports filed with the Department of Commerce and further require that the person making the report indicate whether he intends to comply with the boycott request he has received. However, commercial information regarding the value, kind, and quantity of goods involved in any reported transaction could be kept confidential if the Secretary of Commerce determines that disclosure of such information would put the domestic concern or person involved at a competitive disadvantage.

(7) The bill would apply to all activities of U.S. persons (including the activities of controlled foreign subsidiaries and affiliates of U.S. concerns) in the interstate or foreign commerce of the United States, and it would apply to any transaction or activity undertaken with intent to evade the provisions of the Export Administration Act regardless of whether such transaction or activity involves U.S. commerce.

(8) The bill would increase the administrative penalties applicable under the Act for a violation of its antiboycott provisions from $1,000 to $10,000 and make it clear that existing law authorizes the suspension of export privileges for violations of the antiboycott provisions of the act as well as any other provision of the act.

(9) It would require public disclosure of Commerce Department charging letters or other documents initiating administrative proceedings for the imposition of sanctions for failure to comply with the antiboycott provisions of the act.

(10) It would require the Commerce Department to provide the State Department with periodic reports on the information contained in the boycott reports filed with the Commerce Department.

(11) And the bill would require that the Commerce Department's semiannual reports to Congress under the act include an accounting of all action taken by the President and Secretary of Commerce to effect the antiboycott policy of the act.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENSON. Mr. President, who controls the time on the bill?

The PRESIDING OFFICER. The Senator from Illinois and the Senator from Tennessee or his designee.

Mr. STEVENSON. I yield the floor.

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

The PRESIDING OFFICER. On whose time? Equally divided?

Mr. HEINZ. Equally divided?

Mr. STEVENSON. Equally divided.

Mr. HEINZ. I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HEINZ. 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. HEINZ. Mr. President, today we are considering S. 69, amendments to the Export Administration Act. This act is the basic statutory authority for regulating U.S. exports for national security, foreign policy, and short supply purposes. The Export Administration Act of 1969 expired on September 30, 1976. Since that time exports have been regulated pursuant to Presidential Executive order issued under the authority of section 5b of the Trading with the Enemy Act.

S. 69 is divided into two titles: Title I amends and extends the act, changing U.S. export policy in certain instances and improving its administration and effectiveness. Title II expands and strengthens U.S. policy toward foreign boycotts aimed at U.S. persons or at countries friendly to the United States.

I shall briefly discuss the major aspects of title I and title II.

Title I extends the Export Administration Act for 3 years to September 30, 1979. It also amends the act to improve its policy and implementation. With respect to the changing policy toward individual countries, S. 69 provides for a more realistic continuing analysis of national security export controls so that a country's Communist or non-Communist status is not the sole determinant of U.S. policy.

With respect to the commodity control lists, technology transfers and export licensing procedures, several improvements are made. A review of national security export controls is called for to determine whether modifications to control policy are necessary in light of evolving technology and the availability of restricted items from sources outside the United States. A study is also required of technology transfers to countries to which exports are restricted for foreign policy or national security purposes. The intent of the committee is to examine the possibility of leakages of U.S. know-how which could compromise the security of the United States.

To improve the effectiveness of the export licensing system several improvements are proposed. The role of industry representatives in formulating and implementing national security export controls is vital. Their background and accumulated knowledge is essential to the efficient operation of the export licensing system. S. 69 lengthens their terms from 2 to 4 years and requires that they receive feedback on their recommendations. To facilitate the flow of export license applications, procedures are required to expedite the review and decision process.

Title I also contains an extremely important provision relating to the storage of agricultural commodities in the United States. This provision would permit the Secretary of Commerce in consultation with the Secretary of Agriculture to authorize the storage of agricultural commodities, purchased for exports, to be stored free from future

short-supply export limitations provided certain conditions are met.

Title II of S. 69 expands and strengthens U.S. policy toward foreign boycotts. I believe that these modifications are long overdue. The intent of the committee is to prevent most forms of compliance by U.S. persons with foreign boycotts. Exceptions to the prohibitions are provided in recognition of the sovereign rights of nations. Prohibited activities include: refusing to do business with blacklisted firms and boycotted friendly countries pursuant to foreign boycott demands; discriminating against other U.S. persons on grounds of race, religion, sex or national origin in order to comply with a foreign boycott; furnishing information regarding a U.S. person's race, religion, sex or national origin where such information is sought for boycott enforcement purposes; furnishing information about business dealings with boycotted firms or countries where the information is sought for enforcement purposes; and paying, honoring, confirming or otherwise implementing a letter of credit containing conditions prohibited by the act.

U.S. persons receiving requests to comply with foreign boycotts must report this fact to the Department of Commerce as well as whether they intend to comply with the request.

The scope of the antiboycott provisions of the Export Administration Act apply to all domestic concerns and persons including intermediaries in the export process.

I will, as the Senator from Illinois knows, be offering a perfecting amendment to title II of the bill. It is my hope that as we consider my amendment and the bill as a whole and be thoughtful in our consideration and move in a most expeditious manner.

I take this opportunity to compliment the Senator from Illinois, the chairman of the subcommittee, for his very great diligence in working with this legislation both this year and in previous years, and for his fortitude in trying to get legislation that is meaningful, enforceable, and enactable. I think he deserves a great deal of credit from all of our colleagues for his very fine contribution.

Mr. President, I yield such time as he may consume to the Senator from Massachusetts, the distinguished ranking minority member of the Banking, Housing, and Urban Affairs Committee, Senator BROOKE.

Mr. BROOKE. I thank my distinguished colleague.

Mr. President, I ask unanimous consent that for the consideration of the present legislation and all votes pertaining thereto Jeremiah Buckley of the committee staff and Anthony Cluff of the Banking, Housing, and Urban Affairs Committee staff be given floor privileges.

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

Mr. BROOKE. Mr. President, today we begin consideration of legislation designed to improve the export licensing process and to strengthen U.S. policy in dealing with foreign boycotts aimed at countries friendly to the United States or at our own citizens or business firms.

S. 69, entitled Amendments to the Export Administration Act, has a long and complicated legislative history. Language to strengthen U.S. foreign boycott policy was first introduced in 1975 as S. 953. Hearings were held and the legislation was favorably reported by the Banking Committee in early 1976. Subsequently, on March 4, 1976, another piece of legislation, S. 3084, was introduced to amend and extend the Export Administration Act, the act which contains U.S. antiboycott policy. Hearings were held on S. 3084, but were limited to the policy and regulation of the export licensing process. When S. 3084 was favorably reported by the Banking Committee on May 25, 1976, the previous bill, S. 953, dealing with foreign boycotts, was added as title II.

The Senate approved S. 3084 on August 27, 1976, by a vote of 65 to 13. The House subsequently modified the Senate language and by a wide margin, 318 to 63, sent the bill, S. 3084, back to the Senate.

Parliamentary maneuvers stopped the Senate from considering the House-passed bill during the last days of the 94th Congress, but a conference committee was informally convened and worked out a sound, constructive compromise.

The compromise agreed to by the informal conference committee was introduced in the 95th Congress by Senator STEVENSON as S. 69 and in a somewhat modified form by Senator PROXMIRE as S. 92; I cosponsored S. 92. Comprehensive hearings were once again held on the foreign boycott provisions contained in title II of both bills. All interested parties were given more than adequate opportunity to express their views on this legislation.

I am pleased that the committee has acted on this issue in such a thorough, yet expeditious fashion. But while I am pleased that a bill has been reported, I am sorry to have to inform my colleagues that the bill before us is weaker than the bill worked out in our informal conference committee last year.

Current U.S. policy relating to foreign boycotts is set forth in the Export Administration Act as follows:

> It is the policy of the United States (A) to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States [and] (B) to encourage and request domestic concerns engaged in . . . export . . . to refuse to take any action including the furnishing of information or the signing of agreements, which has the effect of furthering or supporting . . . [such] . . . restrictive trade practices or boycotts . . .

This language, though commendable when written in the mid 1960's, does not address the realities of the world today. S. 69 would modify U.S. policy to not only encourage but also to require U.S. persons in specific cases to refuse to take actions or provide information which furthers or supports a foreign boycott fostered against a country friendly to the United States or against any U.S. person. It is intended to prevent boycotting countries from disrupting the trading relationships among U.S. firms or between U.S. firms and firms in the boycotted country. The legislation is essentially divided into prohibited activities and exceptions to the prohibited activities.

Specifically U.S. persons would be prohibited from refusing to do business with or in the boycotted country or with any U.S. or other person pursuant to a boycott request. Discrimination in employment or on the basis of race, religion, national origin, and sex as a result of a boycott request is also prohibited.

Often information has been requested from U.S. exporters which has the effect of furthering both the secondary and tertiary aspects of a boycott. To insure that neither our allies nor our own citizens bear the burden of such restrictive trade practices, the furnishing of information regarding a U.S. person's race, religion, or national origin is prohibited. S. 69 also prohibits the furnishing of information about any person's dealing, whether past, present or future, with the boycotted country or with other boycotted or blacklisted persons. In addition, the bill prohibits the providing of information about a person's affiliation with, or support of, any charitable organization which supports the boycotted country.

Financial institutions have not been immune from requests to further or support a foreign boycott. In letter of credit transactions where the letter of credit emanates from a boycotting country, boycott conditions are sometimes stipulated as a requirement for payment. Banks which facilitate the transaction between the foreign obligor and the beneficiary are therefore made party to furthering or enforcing the boycott. S. 69 prohibits financial institutions from paying, honoring, confirming, or otherwise implementing a letter of credit containing conditions prohibited by this act.

In order to insure that this legislation does not unduly disrupt normal trading relationships between the United States and the Middle East, exceptions to the prohibitions are provided. These exceptions attempt to delineate between those actions taken by U.S. persons which foster or support foreign boycotts and are within the jurisdiction of U.S. law and those which are not. Compliance by U.S. companies with the import and export regulations which are designed to enforce the primary boycott are exempt from the prohibitions. Activities of U.S. companies operating exclusively within the boycotting country are likewise exempt.

The committee adopted an amendment to permit unilateral selection by non-U.S. persons of importable goods or services which are identifiable at port in the normal course of business. This is a compromise from the principles upon which this legislation is based, but it does remove the decision to boycott from U.S. individuals or companies.

I opposed an amendment added in committee, by a narrow margin, to the "compliance with local law exception" contained in S. 69. This amendment would permit U.S. persons resident in the boycotting country to comply with

the import laws of that country provided that the goods or services are being used solely by the company and are not being imported for resale. I believe that this exception is excessive and would permit U.S. firms resident in the boycotting country to implement a foreign boycott fostered against U.S. citizens or businesses.

As I stated in my additional views in the committee report, I believe that S. 69 as reported defers too much to the interests of the boycotting countries to the detriment of the rights of American citizens freely to do business among themselves and with other nations.

Since S. 69 was reported, there have been extensive discussions among interested parties and the administration in an effort to arrive at a national consensus on antiboycott policy. And as a result of these discussions, I understand that a number of amendments will be offered on the Senate floor today.

I have not as yet had the benefit of hearing an explanation of each of these amendments, and I must withhold my support until they have been explained. I recognize that the amendments are offered in a spirit of compromise in an effort to arrive at a national consensus on antiboycott policy, and I think that is a worthy objective. But I hope that it can also be said that the amendments will make S. 69 a stronger antiboycott bill.

Since September 30, 1976, the date the Export Administration Act expired, authority to conduct the function of export administration or carry out foreign boycott policy has continued on the thread of an Executive order issued under the Trading With the Enemy Act. We cannot allow this vital piece of legislation to longer remain dormant.

We must also urgently address in a rational way the problems imposed on the U.S. economy by foreign boycotts. The Arab boycott has existed since the inception of Israel but its influence on U.S. commerce has only recently been felt. It is time to make a policy commitment to our citizens, as well as our allies, and stop the malignant growth of economic discrimination within our economy which emanates from the pretext by certain foreign countries of legitimate economic warfare among nations.

Mr. President, I commend the distinguished chairman of the subcommittee (Mr. STEVENSON) and the distinguished ranking minority member of the subcommittee, our colleague from Pennsylvania (Mr. HEINZ), for the excellent work that they have done in preparation and hearings on this important piece of legislation. I trust that when we have concluded our debates, our discussions, and our deliberations on this vital legislation, we will end up with a strong antiboycott bill of which this Nation can rightfully be proud.

I thank the Senator for yielding.

Mr. HEINZ. Mr. President, I take this opportunity to commend the Senator from Massachusetts, the ranking Republican member of the committee, for the excellent work he has done on this legislation over the years. I know just how much he cares about having a strong, enforceable, effective piece of legislation.

It is my hope that this legislation, which I hope, we will adopt it today, will meet all of his goals and objectives. I know of no one who has been a stronger fighter for good, fair, equitable legislation to prevent secondary and tertiary discrimination against Americans such as has been a feature of our foreign trade from time to time as the Senator from Massachusetts.

Mr. BROOKE. I thank the Senator.

Mr. PROXMIRE. Mr. President, the Senate is well aware of the Arab primary boycott of Israel. What the Senate is not so well aware of are the secondary and tertiary aspects of the Arab boycott of Israel which operate in a manner to restrict the freedom of American firms to do business with Israel and to restrict the freedom of American firms.

Throughout the Banking Committee's deliberations on this legislation the right of an Arab nation to exclude the importation of goods or services manufactured in Israel or tendered by Israelis was recognized. But the Arab boycott of Israel does not stop there. The Arab nations use their boycott of Israel to dictate to American firms how and with whom they shall do business. For example, the Arabs employ the secondary boycott to require American firms not to do business with Israel or with Israeli companies as a condition of doing business with the Arab states. The secondary boycott is policed and enforced by the Arabs through their information gathering machinery which monitors the trade relationships of American firms.

Mr. President the secondary boycott is bad enough, but the Arabs employ an even more pernicious form of boycott against U.S. industry. This the tertiary boycott where in practice an American firm is required to refuse to deal with a blacklisted American firm which offers components or other supplies in connection with the products it manufactures or assembles. The tertiary boycott places American firms directly into the position of policing and enforcing the Arab boycott. And the American banking industry is forced to play a strong enforcement role through the inclusion of boycott clauses in the letters of credit which are used to finance international trade.

The secondary and tertiary forms of the Arab boycott employed against American firms place a dagger at the heart of our free enterprise system. We live in a pluralistic society and we have a free market economy which reflects our basic beliefs concerning democracy and equal opportunity. Under our economic system the price, the quality, and the service offered by sellers dictate in a free and open way how trade relationships among our firms will be established. The Arab boycott is destructive of these fundamental tenets. They would have our firms structure their economic relationships in a manner which would serve their own foreign policy objectives. This is an intrusion into our domestic sovereignty that we cannot afford to accept.

With the more than fivefold increase in the price of oil since 1973 the Arab nations now possess such enormous clout that the continued implementation of their boycott in our country presents now and in the future an increasing threat to our economic system. If more and more American business decisions are made for the political reasons of foreign countries, the efficiency of our free enterprise system may be irreparably damaged. This long term reduction in productive efficiency can substantially outweigh any short term loss in trade. Furthermore, the risks of any loss of trade by passing a tough boycott bill are speculative.

We should all doubt that the Arabs will choose not to do business with American firms if they are deprived of their ability to play off one American firm one against the other. In any event, the Arab boycott is approaching dimensions which we can no longer tolerate. The dollar value of goods involved in boycott-affected transactions increased from $9.9 million in 1974 to $5.5 billion during the first 9 months of 1976. This is an increase of more than 500 times over 1974. As trade with the Arabs grow so will the distortions in our economy. There are over 1500 American firms on the blacklist and they represent some of the largest companies in America. We should not continue to tolerate their being frozen out of Arab trade.

I support antiboycott legislation which would outlaw the secondary and tertiary forms of the Arab boycott restricting the freedom of American firms to trade with whom they desire on the basis of good business judgment. Indeed the legislation passed by the Senate last year would have done the job. The prohibitions in S. 69 would do the job. However, I have reservations about two of the exemptive provisions in S. 69.

My reservations will not cause me to vote against this legislation which has some positive features. Nevertheless, I think the Senate needs to be fully informed and to go into this with its eyes wide open. The provisions on which I have reservations are the so-called unilateral selection and compliance with local law provisions.

The unilateral selection provision will allow an Arab nation to specify to an American firm for boycott reasons the names of suppliers of components to be included on purchased goods. This exclusion from the bill's prohibitions will even apply in the case where an American firm knows that the unilateral selection is being made for the purpose of excluding a blacklisted American company. The compliance with local law exemption will allow an American company resident in an Arab boycotting country to choose its American suppliers in compliance with the terms of the Arab boycott.

Mr. President, I frankly do not like these provisions. I understand that the committee has endeavored to frame these exemptions just as tightly as it could and that they will have to be construed very narrowly. But the principle of the Arab boycott intruding into our economic sovereignty is one that I can never accept. The reporting features of the bill will require such boycott-based selections to be reported to the Commerce Department. I intend to do all that I can as

chairman of the Banking Committee to insure that the committee keep the Senate informed as to the operation and effects in the marketplace of these provisions.

I hope other Senators will join with me in expressing their concern over the inclusion in this bill of provisions which, if not carefully monitored in their implementation, can do great harm to our economic system and the need for strict construction to obtain in framing the implementing regulations.

UP AMENDMENT NO. 194

Mr. HEINZ. Mr. President, I send to the desk an unprinted amendment and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. ROBERT C. BYRD). The amendment will be stated.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ), for himself and Mr. STEVENSON, proposes an unprinted amendment No. 194.

The legislative clerk proceeded to read the amendment.

Mr. HEINZ. 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:

Beginning on page 59, line 18, strike all that follows through page 61, line 25, and insert in lieu thereof the following:

"'(B) complying or agreeing to comply with import and shipping document requirements with respect to the country of origin, the name of the carrier and route of shipment, the name of the supplier of the shipment or the name of the provider of other services, except that no information knowingly furnished or conveyed in response to such requirements may be stated in negative, blacklisting, or similar exclusionary terms after the expiration of one year following the date of enactment of the Export Administration Amendments of 1977 other than with respect to carriers or route of shipment as may be permitted by such rules and regulations in order to comply with precautionary requirements protecting against war risks and confiscation;

"'(C) complying or agreeing to comply in the normal course of business with the unilateral and specific selection by a boycotting country, or national or resident thereof, of carriers, insurers, suppliers of services to be performed within the boycotting country or specific goods which, in the normal course of business, are identifiable by source when imported into the boycotting country;

"'(D) complying or agreeing to comply with export requirements of the boycotting country relating to shipments or transshipments of exports to the boycotted country to any business concern of or organized under the laws of the boycotted country, or to any national or resident of the boycotted country;

"'(E) compliance by an individual or agreement by an individual to comply with the immigration or passport requirements of any country with respect to such individual or any member of such individual's family; and

"'(F) compliance by a United States person resident in a foreign country or agreement by such person to comply with the laws of that country with respect to his activities exclusively therein, and such rules and regulations may contain exceptions for such resident complying with the laws or regulations of that foreign country governing imports into such country of trademarked, trade-named, or similarly specifically identifiable products or components of products for his own use, including the performance of contractual services within that country, as may be defined by such rules and regulations.

"'(3) Rules and regulations issued pursuant to paragraphs (2)(C) and (2)(F) shall not provide exceptions from paragraphs (1)(B) and (1)(C).

"'(4) Nothing in this subsection may be construed to supersede or limit the operation of the antitrust or civil rights laws of the United States.

"'(5) Rules and regulations pursuant to this subsection shall be issued not later than 90 days after the date of enactment of this section and shall be issued in final form and become effective not later than 120 days after they are first issued, except that (A) rules and regulations prohibiting negative certification may take effect not later than one year after the date of enactment of this section, and (B) a grace period shall be provided for the application of the rules and regulations issued pursuant to this subsection to actions taken pursuant to contracts or other agreements in effect on or before March 1, 1977. Such grace period shall be two years after the date of enactment of this section and may be extended for three additional one-year periods in cases in which good faith efforts are being made to amend such contracts or agreements.

"'(6) This Act shall apply to any transaction or activity undertaken, by or through a United States or other person, with intent to evade the provisions of this Act as implemented by the rules and regulations issued pursuant to this subsection, and such rules and regulations shall expressly provide that the exceptions set forth in paragraph (2) shall not permit activities or agreements (expressed or implied by a course of conduct, including a pattern of responses) otherwise prohibited, which are not within the intent of such exceptions.'".

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HEINZ. I yield.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that Christopher Lehman and Michael Hammond, of my staff, be granted the privilege of the floor during the consideration of the pending legislation.

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

Mr. HEINZ. Mr. President, I offer this amendment for myself and Mr. Stevenson. I wish to point out to my colleagues that this amendment, though unprinted, is identical in substance to printed amendment No. 254, which was not only printed and is available today but which also appeared in the RECORD of May 4.

This unprinted amendment is different only insofar as it is a motion to strike and insert beginning on page 59, line 18, therefore making this amendment not subject to a demand for division, to my understanding. The reason I have offered the amendment in this form is because I very strongly believe, Mr. President, that this amendment, which I will describe in a few minutes, deserves to be considered as a whole.

Of course, in offering the amendment in this form, I do not believe the right of any Member to amend the amendment is precluded, but a demand by an individual Senator to divide the amendment would not be in order as it would have been with my original amendment, printed amendment No. 254.

The PRESIDING OFFICER. The Senator is correct.

Mr. HEINZ. Thank you, Mr. President.

Mr. President, this amendment to title II of the bill is offered in the spirit of compromise, a compromise which is the result of prolonged negotiations between the two major forces that have concerned themselves with this bill—the Jewish community, exemplified by the American Jewish Committee the American Jewish Congress, and the Anti-Defamation League, and the business community, represented by the Business Roundtable.

In neither case are these groups inclusive of all interested parties. However, they do include most of those who have taken an active part in helping to formulate this legislation, and I think it is fair to say their representatives are as knowledgeable about the issues as anyone.

Those who have followed the progress of this bill know that compromise was not easily or quickly reached. An earlier more general agreement, reached prior to markup, ended up being subjected to varying interpretations as the Banking Committee attempted to put into legislation language the principle enunciated by the agreement.

This latest clarification of the earlier joint statement is superior because it embodies actual amendments to the text of S. 69 which have been agreed to by both parties. It is those amendments I am offering at this time, in the form of one comprehensive amendment.

It is somewhat unusual for us to consider intact actual language developed outside the Congress, but in this case I believe the circumstances clearly warrant it. Let there be no mistake about it: This has been a controversial bill with serious economic implications for a large segment of the business community, and serious foreign policy implications for the entire country. Beyond those more practical considerations there is the paramount moral issue: We should not comply with discriminatory requests by other nations to enforce their secondary or tertiary boycotts, and we should not allow our businesses to be put in a position of having to comply with such requests or undertake discriminatory actions. This is fundamental to our world view, our laws, and our ways of dealing with others. In fairness, few if any of the people I have talked with about this bill oppose these principles or specifically wanted to be able to undertake discriminatory actions.

At the same time, however, given the Arabs' intransigence with respect to their boycott, it is clear that the passage of meaningful antiboycott legislation will necessitate some disruption of existing business relationships and produce some loss of business. In reporting this bill the committee has clearly taken the position that maintaining our principles and the integrity of our conduct is worth the cost that will ensue. Some members of the business community have felt that cost to be higher than the committee's

view of it, and some have differing views of the level of cost that is acceptable.

Further, in our effort to deal solely with boycott issues, the bill as it presently reads does not concern itself with nonboycott related actions. They are permitted in any case. The language used to draw lines between what is permissible and what is not inevitably leave some cases on the wrong side of the line, which necessitated further clarifications and complications. These also produced controversy.

Third, the realities of international commerce and the fact that boycotting countries do, in fact, control what goes on within their borders—or what crosses through their borders—necessitated some concessions to pragmatism. For example, if a product cannot enter a country—for any reason—it does little good to insist that a firm go through the motions of shipping it anyway knowing full well it will be confiscated at the border. That exercise is fruitless and of benefit to no one. Determining the limit of these concessions to reality, however, also engendered controversy.

There were also foreign policy considerations that affected the committee's deliberations. Since one of the objectives of legislation of this kind is to encourage the Arab States to modify or abandon their boycott policies, the committee wanted the bill to reflect that objective and not serve to encourage Arab intransigence. Further, the committee wanted to insure that the bill was not written in such a way as to have the effect of discouraging companies from doing business with Israel in order to avoid facing prohibited requests or questions later from the Arabs. I believe the bill we are considering, along with the amendment I am proposing, meets these objectives, but the process of getting to this point has been a difficult one.

For all these reasons, then, the process of translating a high moral principle into substantive, enforceable language has been a complex one, and that is why the agreement reflected in this amendment is so important. It is not simply a behind-closed-doors agreement of various lobbyists. It is a fundamental understanding of how far we will go in enforcing the principle of nondiscrimination and it is an understanding developed by the two most clearly affected parties.

The agreement also has the clear support of the administration, as evidenced by the President's statement of May 3, which I ask unanimous consent to have printed in the RECORD at this point:

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

I am pleased to announce that an agreement has been reached by the Anti-Defamation League, the American Jewish Committee and the American Jewish Congress with the Business Roundtable on legislative language for the anti-foreign boycott bill presently being considered by the Senate, and that I can strongly recommend Congressional approval of that language.

I would like to commend these organizations and their leaders for the skill and cooperation shown in the negotiations leading to today's agreement, which embodies concepts previously outlined in a Joint Statement of Principles agreed to by the Anti-Defamation League and the Business Roundtable.

I would also like to commend the many members of Congress who have devoted so much time and effort toward achieving strong anti-boycott legislation—Senators Proxmire and Stevenson and Congressmen Zablocki, Rosenthal, Hamilton, Bingham, Solarz and Whalen. Without their efforts, I doubt that the Congress would have ever come close to passage of anti-foreign boycott legislation.

In my view, one of the most gratifying aspects of the agreement is its reasonable balance between the need for stringent controls over the undesirable impact on Americans of foreign boycotts and the need to allow continuation of American business relations with countries engaging in such boycotts.

The agreement supports legislative language which would impose the following restrictions:

Prohibit all forms of religious or ethnic discrimination arising out of a foreign boycott;

Prohibit U.S. firms from refusing to do business with a boycotted country as a condition of doing business in another country;

Prohibit U.S. firms from acting as enforcers of a foreign boycott;

Prohibit U.S. firms from responding to requests for boycott-related information;

Prohibit the use of so-called negative certificates of origin within a year of enactment.

At the same time, the agreement supports limited exceptions which recognize that other countries, like the United States, may seek to impose their own laws within their own countries.

I urge the Senate, and the Congress, to adopt these agreed upon amendments to the anti-foreign boycott legislation. With adoption of the amendments, I believe passage of this legislation can occur very soon, and I look forward to signing the legislation.

Mr. HEINZ. I must say that this is the first time the administration has spoken publicly with one firm voice on this issue, and I welcome today, in particular, the clarification.

Before describing the amendment, which covers the most controversial elements of S. 69, I want to make clear the scope of the agreement. The parties to it have agreed on the wording of the amendment I am about to offer, and have further agreed to support its language throughout all stages of the legislative process if it is adopted on the floor, and to oppose all other strengthening and weakening amendments thereto. This is a commitment as I read it, on this language, that will save this body considerable debate and, possibly, a difficult and prolonged conference. I ask unanimous consent that the text of the agreement accompanying the amendment be printed at this point in the RECORD:

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

MEMORANDUM DATED APRIL 26, 1977

This memorandum is to record the understanding of the undersigned negotiators with respect to amendments and interpretations of S. 69 regarded to be acceptable in the interest of achieving effective, workable and realistic federal anti-boycott legislation.

The undersigned have closely followed the development of anti-boycott legislation in the Senate and House and have also participated in or closely followed the negotiation and drafting of the Joint Statement of Principles re Foreign Boycott Legislation, dated as of March 2, 1977, developed by a task force of representatives of the Anti-Defamation League and the Business Roundtable.

We recognize that legislation in this complex area necessarily reflects accommodations of differing points of view. Many of these differing points of view are reflected in the compromises which resulted in the Joint Statement. With respect to the pending anti-boycott legislative proposals, there are, of course, areas where the Business Roundtable representatives believe the proposals do not adequately meet the needs of business and, conversely, the representatives of the three undersigned agencies believe there are areas where the principles underlying the legislation have been unnecessarily compromised. Nonetheless, the undersigned believe that S. 69 modified in accordance with the proposals attached would be a legislative formulation representative of the principles enunciated in the Joint Statement which were supported by the organizations represented by the undersigned negotiators.

Moreover, we believe that there is reason for concern that the over-all benefits achieved through the negotiations represented by the compromises inherent in S. 69 as amended, and the Joint Statement itself, may well be lost if the bill is subject to wholesale floor amendments. We do not believe that the beneficial aspects of this vital legislation or the national interest are well served by extended confrontation and divisive floor debate. This subject is a highly controversial and emotional one. Developing a national consensus behind the legislation is highly desirable.

Should the Administration indicate its willingness to support actively the enactment of S. 69 incorporating the proposals hereto attached, each of the undersigned is prepared to recommend to the organization he represents that such organization should take no action at any stage of the legislative process inconsistent with such bill becoming law.

From the American Jewish Committee: Alfred H. Moses.

From the American Jewish Congress: Paul S. Berger.

From the Anti-Defamation League: Max M. Kampelman.

From the Business Roundtable: Hans H. Angermueller, Vincent A. Johnson, Gerald E. Kandler.

At this point, Mr. LEAHY assumed the chair.

Mr. HEINZ. Let me also say in all honesty, that I have a few questions, even reservations about this amendment, and I offer it in the spirit of compromise rather than a spirit of overwhelming enthusiasm. I hasten to add, however, that having lived with this bill for many weeks now, I have no language of my own that is any better, and I have seen none better from anyone else. Like all true compromises, no one is ecstatic about this one, and that very fact is probably a reflection of its virtue as a legitimate compromise. The important thing about it is that it is a compromise, and it has been agreed to by the diverse interested parties. Also, I believe it is accurate to say it is not widely divergent from S. 69 as reported in either language or intent.

The entire amendment encompasses five parts: unilateral selection, compliance with local law, nonevasion, a war risk clause, and immigration requirements.

The concept of unilateral selection represents one of the exceptions to the prohibitions written into the bill. Broadly speaking it permits someone in a foreign country to specify a particular component of a good or supplier of a service. For example, to use the classic case the committee is so familiar with, an Arab purchaser of tractors might insist that the accompanying tires by brand X. This selection is unilateral; it is made by the buyer. It is specific; the acceptable product is indicated. It is positive; the buyer may not have honored a request for any tires except brand Y, for example.

The language of the amendment, which substitutes for this entire paragraph in the bill, is as follows:

Page 60, line 4*:

"(C) complying or agreeing to comply in the normal course of business with the unilateral and specific selection by a boycotting county, or national or resident thereof, of carriers, insurers, suppliers of services to be performed within the boycotting country or specific goods which, in the normal course of business, are identifiable by source when imported into the boycotting country;"

This differs from S. 69 as reported in that it permits unilateral selection by a U.S. person resident in the foreign country, and in that it adds the phrase "in the normal course of business" as part of the phrase beginning "complying or agreeing to comply." Both S. 69 and this amendment permit unilateral selection for the same range of products and services, and both restrict it with respect to products to those which are in the normal course of business identifiable when imported. For example, tires on a tractor would be identifiable, the steel that went into the body would not be, and the seller could not comply with a buyer's request for a particular company's steel.

The larger purpose of this amendment is to deal with the obvious problem of customs control. If a nation will not admit a certain brand of tire, it is useless to insist that those tires by shipped. This amendment permits a seller to comply with a buyer's selection but insists that such selection be positive, unilateral, and specific, thereby putting the burden of choice on the buyer, in many cases a foreign government or resident. Selections which are not boycott related, of course, are outside the scope of the bill anyway.

The explanatory comment in the agreement accompanying this part of the amendment is as follows:

This exception is directed toward permitting compliance by a U.S. person with a unilateral and specific selection by a boycotting country, or national or resident (including a U.S. person) thereof of a specific person to be involved in a particular aspect of a transaction including the specific person who is to act in the stated capacities.

COMPLIANCE WITH LOCAL LAW

The purpose of this exception to the prohibitions is to deal with the fact that a U.S. person resident in a foreign country finds himself subject to the laws of that country.

The text of the amendment, which again replaces all the comparable exception in the bill, is as follows:

Page 60, Line 20:

"(F) compliance by a United States person resident in a foreign country or agreement by such person to comply with the laws of that country with respect to his activities exclusively therein, and such rules and regulations may contain exceptions for such resident complying with the laws or regulations of that foreign country governing imports into such country of trademarked, trade-named, or similarly specifically identifiable products or components of products for his own use, including the performance of contractual services within that country, as may be defined by such rules and regulations."

The first part of the amendment, down to the words, "therein", is unchanged from S. 69 and is self-explanatory. The second part states that regulations may also permit compliance with local import laws for the importation of certain, again, specifically identifiable products for the U.S. person's own use, or for the performance of contractual services within the country.

With respect to specifically identifiable products, this would permit compliance with import laws—for example a ban on certain manufacturers if it were written into host country law—if the product were for one's own use. If it were for resale, compliance would be prohibited. The explanatory comment in the agreement adds the following:

EXPLANATORY COMMENT

This amendment provides the possibility for a limited exception (subject to the non-evasion provision) by regulation. Such an exception may allow a U.S. person, only under circumstances carefully defined by regulation, to comply with local laws and regulations in its importation of specific and identifiable goods for its own use, including the performance of contractual services. The exception is not to be available so as to allow such resident to serve in the manner of a procurement agent of goods for another. When the exception should or should not be available is not easily determinable and it is recognized is subject to varying interpretations which are left to be resolved by regulations.

Obviously, this imposes a burden on the regulations, but the specific cases are so many and their complexity so great that such a burden is inevitable, anyways. This amendment represents a narrowing in some respects from S. 69, which did not restrict compliance with import laws to products specifically for one's own use, but it is similar to an earlier version considered by the committee which prohibited compliance if the goods were for "simple resale."

NON-EVASION

The third amendment adds a new section as follows:

Page 61, Line 22:

"(6) This Act shall apply to any transaction or activity undertaken, by or through a United States or other person, with intent to evade the provisions of this Act as implemented by the rules and regulations issued pursuant to this subsection, and such rules and regulations shall expressly provide that the exceptions set forth in paragraph (2) shall not permit activities or agreements (expressed or implied by a course of conduct, including a pattern of responses) otherwise prohibited, which are not within the intent of such exceptions."

The purpose of this section is to clarify further the scope of the bill and the use of the term "intent." It serves as a reminder of something I said earlier—that the bill only covers boycott-related actions. Actions taken without intent to comply with a boycott are not prohibited.

Second, this amendment makes clear that the exceptions to the prohibitions are narrowly construed and that the rules and regulations shall specify that activities or agreements beyond the intent of those exceptions are prohibited.

Third, the amendment makes clear that prohibited activities or agreements with respect to the exceptions are not necessarily overt and explicit, but can be expressed or implied by a course of conduct, including a pattern of responses.

The effect of this amendment is to clarify that the exceptions should be construed narrowly.

The explanatory comment in the agreement says the following:

The Bill provides an opportunity for certain exceptions in recognition of certain rights of sovereign states and to allow normal commercial transactions generally unrelated to a boycott. The suggested language is to make it clear that the exceptions are subject to the non-evasion provisions of Paragraph (6) and are not to permit a course of conduct or pattern of responses which constitute activities or agreements outside the intent of the exceptions in Paragraph (2).

WAR RISK CLAUSE

This amendment amends the second exception relating to import and shipping document requirements and certificates of origin. S. 69 permitted compliance with certain such requirements providing compliance was in positive rather than negative terms. For example, one could specify that a product was made in the United States, but not that it was not made in Israel.

This amendment maintains this language but adds to it an exception to positive certification as follows:

Page 60, Line 3:

"(B) . . . *1977*, other than with respect to carriers or route of shipment as may be permitted by such rules and regulations in order to comply with precautionary requirements protecting against war risks and confiscation."

Mr. President, this would permit a negative certification with respect to carriers or route of shipment, subject to regulations, in order to comply with requirements protecting against war risks and confiscation.

IMMIGRATION REQUIREMENTS

This amendment clarifies the intent of the exception in the bill that permits compliance with immigration or visa requirements by limiting an individual's compliance with such requirements to that individual or members of his own family. The text is as follows:

Page 60, Line 19:

Add to exception (E), after "country" the words: "with respect to such individual or any member of such individual's family."

In my view this clarifies the committee's intent that individuals supply immigration or passport information—even if it is boycott-related—about themselves or their families, but not about others. The effect of this language is to make the exception consistent with prohibition (C)—page 57, line 24—in the bill.

These then are the changes in the bill pursuant to the recent agreement between business representatives and representatives of the Jewish community. In my view they are primarily refinements and clarifications of S. 69 as reported. They make clear that certain exceptions to the prohibitions are permitted, but that they are narrowly and specifically drawn.

The effect of these changes is to make the bill more enforceable. That last word is the key term we should be using in discussing the legislation. The real test of the bill will occur long after its enactment and after the regulations are promulgated. It will occur when the Government is faced with the decision of whether to file a complaint under this act. At that point the Government will need to be sure it has a strong case. Such a case will depend on the specificity of the law and the regulations. To the degree that we can give business precise guidance as to what actions are acceptable and what are not, we will have written a strong bill. A vague bill, despite the presence of impressive rhetoric, will not pass the only important test—the test of a complaint and a court case. I support this amendment because it adds to specificity, and in doing so adds to the bill's strength and simultaneously provide greater guidance and protection for business.

I also support this amendment because it represents a considered—and legitimate—compromise among those groups most concerned about this issue. The Jewish community supports this amendment, the business community supports this amendment, the administration supports the amendment. The consensus is clear and a welcome one. The rationale for it is clear, and one which I hope I have explained adequately.

Mr. President, I urge the adoption of the amendment by my colleagues.

The PRESIDING OFFICER (Mr. ZORINSKY). The question is on agreeing to the amendment.

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

Mr. STEVENSON. Mr. President, the Senator from Pennsylvania wisely said that it was difficult to be enthusiastic about this amendment. It is difficult to be enthusiastic about any part of this legislation. I say that because there is no perfect legislative answer to the problem that we face and are attempting to act upon.

This has been one of the most trying and one of the most difficult subjects with which I have had to contend in the Senate. The issue has been made difficult by well-intended and strenuous pressures and feelings on all sides, by the high stakes, not only for American commercial interests in the Middle East, but, more important, for the sake of peace and a political settlement in the Middle East.

It has been difficult because there is no perfect legislative answer for what it is we are attempting to do; namely, defend American sovereignty and prevent American companies from being drawn involuntarily into a conflict between friendly powers.

Nothing short of a settlement in the Middle East will end the boycott.

That is the plain fact of the matter. No legislation, no act by this body, is going to end the boycott.

It has been difficult at times in the past, because some of the well-intentioned proposals could have had the effect of diminishing not only commercial opportunities for the United States in the Middle East, but also U.S. political influence in the Middle East. Ironically, some of these proposals, if enacted, could have had the effect of prolonging the conflict and, therefore, in the name of antiboycott legislation, could have had the effect of prolonging the boycott.

The Senator from Pennsylvania, throughout this trying exercise, has exerted a most statesmanlike influence, and I thank him. I also commend him for seeing clearly, at all times, the interests of the United States, at all times putting those interests above all others, and at all times in this debate supporting a moderate, sensible, and statesmanlike position.

That approach, the positions he has taken throughout, have now been vindicated by the agreement which has been reached by representatives of the business community and the Jewish community and which now is supported by the President. Their position is basically one of support for S. 69, as reported by the Banking Committee, but with the modifications which are embodied in this amendment.

Those modifications are important not only because they strengthen this legislation, but also because they can serve to bring our national constituency together again behind what should be an American effort to defend American sovereignty.

The effect of this amendment is not only to strengthen the legislation. Its effect will also be, I believe, to unite all parts of our community behind a sensible effort to defend our commercial interests and, above all, our political influence in the Middle East, as well as the sovereignty of the country and the ability of American business to resist efforts to drag them into conflicts between Arab countries and the State of Israel.

So I commend the Senator for his labors throughout. I commend him for offering this amendment and I support the amendment.

This amendment reflects the efforts of representatives of the business community, a number of Jewish service organizations, and the President. They are united now in support of this amendment and, with it, S. 69.

The amendment modifies two of the exceptions contained in the bill reported by the committee. One is the exception for so-called "unilateral selections"; the other is the exception for compliance with the host country's law.

Under the unilateral selection exception in the bill, a U.S. person may comply or agree to comply with a boycotting country's choice of carriers, insurers, suppliers of services within the boycotting country, or goods which, in the normal course of business, are identifiable by source upon importation into the boycotting country. Compliance is permissible when the choice is made by the boycotting country, its nationals, or its residents, but it is not permissible if the person making the choice is a U.S. person, even if he is a resident of the boycotting country. Choices made by U.S. persons are expressly excluded.

What this amendment does is to permit compliance with unilateral selections made by U.S. persons abroad residing in the boycotting country. In other words, it eliminates the distinction between United States and foreign citizens with respect to compliance with unilateral selections. That was a distinction without much substance, except that it could have punished American businesses in the Middle East.

Under the amendment, if a U.S. company located in Saudi Arabia places an order with a U.S. company located in New York and designates the carrier on which the goods may be shipped, the U.S. company could comply. Under the committee bill, it could not. The business of the U.S. company abroad can go ahead, with this amendment to the advantage of businesses in the United States and to the advantage of the United States itself.

Without the amendment, the business of U.S. companies in boycotting countries could be diverted to foreign countries. If their choices could not be complied with by other U.S. companies, U.S. companies located in a boycotting country might well decide to place their orders with foreign companies. That would serve no useful purpose; and to the extent that foreign countries have no compunction about complying with the boycott—which appears to be the case in most, if not all, such countries, it would merely serve to reinforce rather than weaken the secondary and tertiary boycott.

The amendment's modification of the host country law exception is also reasonable.

Under the bill reported by the committee, there is authority for U.S. rules and regulations to permit compliance with the import laws of a foreign country. The amendment narrows that exception somewhat to make it available only with

respect to imports of trade-marked, trade-named, or similarly identifiable products for one's own use, including the performance of services within the country. Such services presumably would include the services of carriers making deliveries to the boycotting country.

As modified, this exception would more closely parallel the exception for compliance with unilateral selections. One deals with what is permissible for the U.S. person making the order; the other deals with what is permissible for the U.S. person receiving the order. This amendment helps to make them more consistent with each other.

The amendment offered by the Senator from Pennsylvania also modifies the non-evasion provision of the bill reported by the committee. The committee bill provides that the act shall apply to any transaction or activity undertaken with intent to evade the provisions of the act. The amendment expressly provides that activities or agreements, express or implied through a course of conduct, which are not within the intent of the exceptions are not to be permitted.

This is a useful clarification. It does not in any way affect the purpose of the exceptions—namely, to permit limited compliance with foreign boycotts. But it does make clear that the rules and regulations shall expressly provide that activities outside the intent of the exceptions are not to be permitted.

The other modifications already mentioned pertain to war risk clauses and visas and are technical in nature.

Mr. President, I urge the Senate to adopt this amendment.

I suggest the absence of a quorum, and ask unanimous consent that the time be divided equally.

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

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. HEINZ. Mr. President, I yield 5 minutes to the distinguished Senator from Texas (Mr. TOWER).

Mr. TOWER. Mr. President, the measure we are considering today, the amendments to the Export Administration Act, is the product of a long comprehensive exercise of the legislative process. The bill extends the Export Administration Act which expired on September 30, 1976 for 3 years; it improves the efficiency of the export licensing process; and, it strengthens U.S. policy toward foreign boycotts aimed at U.S. firms or citizens or countries friendly to the United States.

First introduced in 1975 in a substantially different form, this legislation has undergone extensive hearings, lengthy markups, and an informal conference committee meeting during the late hours of the 94th Congress. The structure of S. 69 resembles the compromise agreed to by the informal conference committee but its content as amended by the Banking Committee embodies several substantive modifications which improve its manageability and effectiveness.

Title I amends and extends the Export Administration Act by modifying U.S. Export Administration policy toward individual countries, and improving and reviewing commodity control lists, technology transfer mechanisms and export licensing procedures. In addition authority is provided to the Secretary of Commerce in consultation with the Secretary of Agriculture to permit agricultural commodities purchased by or for use in a foreign country to be stored in the United States free from short supply export controls provided that certain assurances are received. I believe these changes are necessary and desirable and I endorse their passage.

With respect to title II, the provisions relating to foreign boycotts, I am less sanguine. Through this legislation we are attempting to establish a responsible U.S. policy toward foreign boycotts which neither alienates our allies, distorts the free flow of commerce nor complicates international diplomatic negotiations.

I believe that the provisions of S. 69 relating to foreign boycotts move in the right direction but more work is necessary. I commend the responsible and constructive actions taken by representatives of the business community acting through the business roundtable and by representatives of the American Jewish community acting through the Anti-Defamation League in achieving agreement on extremely complicated and divisive issues. We in Congress should be sensitive to their recommendations.

I hope my colleagues will carefully consider the amendment offered by Mr. HEINZ, the ranking minority member of the International Finance Subcommittee. I believe that they effectively deal with the real world conditions which we face and do not compromise the principles on which our free enterprise economy is based.

I hope to support this legislation. I believe U.S. policy needs a strong effective foundation on which our Government can operate when confronted with foreign boycotts damaging to our national interest.

This is a very delicate piece of legislation, Mr. President. We have to take into consideration not only the immorality but the unfairness of boycotts to American firms or individuals.

We also have to take into consideration the economic posture of the United States abroad and our ability to do business abroad.

I think that this compromise that has been worked out by the Anti-Defamation League and the business roundtable is good. I think we should go forward with it, and I hope the amendment will be adopted.

Mr. JAVITS. Mr. President, the key factor in amendments presented by the agreement between the Jewish organizations and the business roundtable is that the unilateral selection exception to the prohibitions in the bill will now be opened up to American firms resident in Arab boycotting countries. Under S. 69 as reported by the Banking Committee a unilateral selection could not be made by an American firm. S. 69 as reported thus shifted the entire burden of making unilateral selections to boycotting countries or their firms.

The unilateral selection exemption in S. 69 is bad enough because it allows U.S. firms to knowingly comply with the boycott of another American firm even though the provision is intended to apply in a strictly limited range of transactions. While this amendment will retain the strict limitations it will also allow a U.S. firm to make a unilateral selection. Thus, this amendment will sanction direct American firm participation in the implementation and enforcement of the Arab boycott.

The Jewish organizations have attempted to placate the business roundtable by coming to an agreement on this issue. But the defect in the agreement is that it will not finally—once and for all—end the Arab boycott of American firms. The Jewish organizations were undoubtedly motivated by a desire to involve the business roundtable in the process of acknowledging the seriousness of the Arab boycott and to make a beginning toward ending it on a cooperative basis with the business community. Compromise is the art of American politics and this agreement is about as far as either side can realistically go. As with all compromises of this nature on substantial issues a lot is left unsaid. But the Senate cannot close its eyes to the issues.

None of the Jewish organizations or the representatives of the roundtable were elected to the U.S. Senate. Senators have an obligation to stand up and speak out on the issues.

We have been threatened with the blame of loss of business and jobs if this legislation passes. The Arabian American Oil Co. has threatened its suppliers with loss of business should this legislation pass in its present form. The rhetoric is grossly exaggerated.

We have the largest economy in the world. We have no need to go down on our knees for Arab business. Our people can be productively employed at home. There is much work in our inner cities that has to be done. I support an expansionary economy, primarily in the private sector to get our people back to work. It is a cruel hoax to raise the issue of jobs in connection with the Arab boycott. Those few jobs that depend on the giving up of our basic free market economy are just not worth the price we will all have to pay.

The State Department needs to use its muscle with the Arabs. The United States is a stabilizing factor for peace in the Middle East. The Arab nations need to understand that free trade principles are in their best interests as well as ours. Far too much attention has been paid on the inflammatory rhetoric of some businessmen who threaten their sup-

pliers with loss of business unless S. 69 is softened.

I do not intend to vote against this bill but these are to be construed as narrow exemptions to the basic free trade principles of the bill. We should all be clear that this situation is one that needs watching lest we sanction distortions in our free market economy to further the foreign policy objectives of others. And the debate on these provisions needs to make clear that they are not intended to destroy the prohibitions set forth in the bill.

Mr. DOLE. Mr. President, as we consider this legislation, I am reminded of a statement made by Mr. Carter while he was still a Presidential candidate. On October 6, President Carter stated:

I believe that the boycott of American businesses by the Arab countries because those businesses trade with Israel or because they have American Jews who are owners or directors in the company is an absolute disgrace. This is the first time that I remember in the history of our country that we've let a foreign country circumvent or change our Bill of Rights. I'll do everything I can as President to stop the boycott of American businesses by the Arab countries.

Today, we are considering legislation, supported strongly by the Carter administration, which is far short of Mr. Carter's October commitment.

The change in the Carter position became clear early in April when the Senate Banking Committee first considered antiboycott legislation and attempted to produce a bill which would have some teeth in it. Rather than support such legislation, which would have been in keeping with Mr. Carter's campaign promise, representatives of the administration in the State and Commerce Departments urged the Senators to introduce amendments which would weaken the bill substantially. At the time, my distinguished colleague from Massachusetts, Senator BROOKE, remarked that:

The administration wants some law but they don't want a law with any teeth at all.

When Senator SARBANES quoted Mr. Carter's October statement in an effort to rally support for more restrictive legislation, there were chuckles in the audience.

It represents one more in a growing list of examples of Carter reversals on important issues. There seems to be a vast difference between Carter the candidate and Carter the President. Candidate Carter was fond of labeling the Ford administration "weak" on the Arab boycott issue. In fact, however, the Ford administration was the first to bring antitrust action against a U.S. corporation for its compliance with the Arab boycott of Israel, and it led the way in disclosing names of firms that had cooperated in the boycott.

I do not disagree with the substance of the Heinz amendment. It embodies a compromise acceptable to both U.S. business and the American Jewish Congress, the American Jewish Committee, and the Antidefamation League. It should protect against religious or ethnic discrimination, while not inhibiting continued American transactions with Arab countries. But my point is that candidate Carter cavalierly criticized President Ford for "weakness" and suggested that he himself would somehow "strengthen" protections against Arab pressures on American business, when, in fact, President Carter has finally come around to a more sensible position basically in accord with that of the Ford administration.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENSON. Mr. President, if no other Member wishes to be heard on this amendment, and I have checked around and I do not know of any other Members who wish to be heard on it, I am prepared to yield back the remainder of my time.

Mr. HEINZ. Mr. President, similarly, I know of no Member of the minority who is either in the Chamber seeking time or has indicated his desire to me or any of the other conduits of that information that he would desire time. So I am prepared to yield back the remainder of my time.

Mr. STEVENSON. Mr. President, I yield back the remainder of my time.

Mr. HEINZ. Mr. President, I also yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HEINZ. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENSON. Mr. President, 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, will the distinguished Senator from Illinois yield 3 minutes to me?

Mr. STEVENSON. I yield to the distinguished majority leader.

ECONOMIC STIMULUS APPROPRIATION BILL—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. MCCLELLAN and with the approval of Mr. YOUNG, I submit a conference report on the disagreeing votes of the two houses on the bill, H.R. 4876, the economic stimulus appropriation bill.

I understand it has been cleared.

Mr. YOUNG. Yes. I have no objection. I think it should be approved. It was a good conference. In fact, there really was not much in the conference.

Mr. ROBERT C. BYRD. Yes.

Mr. President, I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4876), making economic stimulus appropriations for the fiscal year ending September 30, 1977, and for other purposes, having met, after full and free conferences, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the RECORD of May 3, 1977, beginning at page 13297.)

Mr. ROBERT C. BYRD. Mr. President, the Senate passed H.R. 4876 Monday, May 2. The conference committee convened the next day, Tuesday, May 3, and the conference was completed and the conference report filed on that day.

Mr. President, the conference report and statement of the managers appeared in the CONGRESSIONAL RECORD of May 3. The report and statement fully explain the action of the conferees in working out the differences between the House and Senate and I, therefore, will not go into all the details of the conference.

The conference report provides new budget authority totaling $20,101,484,000. As reported, the conference report is $3,692,365,000 below the budget estimates, $3,205,435,000 below the House bill, and $294,500,000 below the amount passed by the Senate.

On the day following the filing of the conference report, the President transmitted to the Congress a budget amendment rescinding his request of $3,193,535,000 for the tax rebate program for fiscal year 1977. Thus, the conference report would now be $498,830,000 below the budget.

The major differences in the conference report from the bill as passed by the Senate are the amounts for the antirecession financial assistance, a form of revenue sharing, for which the Senate amount was $925 million. The House amount of $632 million was agreed to by the conferees. The House conferees insisted on this amount in view of the lack of any authorizing action by the House on this item.

The Senate amendment providing funds in the amount of $225 million for drought assistance through the Economic Development Administration was reduced to $175 million by the conferees. Again, the House conferees insisted that this amount be made available rather than the higher Senate amount due to the lack of authorizing legislation. These two items were the major items in disagreement between the House and Senate, and I believe the compromises that have been worked out are the best that could be had under the circumstances.

Mr. President, I ask unanimous consent that a table showing the budget estimates, the House amounts, the Senate amounts, and the conference agreement, with comparisons thereto, be printed in the RECORD.

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

prevent further layoffs. In the absence of your guidance, both the House and Senate Appropriations Committees have issued clear directives that these jobs be continued under Title X.

It should be made clear that $10,500,000 was earmarked to continue these 4,800 Title X jobs over and above the July, 1977 scheduled expansion of the Community Service Employment program under Title IX of the Older Americans Act. We do not want to prevent individuals transferring from expiring Title X projects, but we are concerned that you maintain 4,800 jobs over and above the 37,400 jobs being funded under Title IX of the Older Americans Act.

Your personal urgent attention to this matter will be appreciated.

Sincerely,

Edward W. Brooke, Ranking Minority Member, Warren G. Magnuson, Chairman, Labor-HEW Appropriations Subcommittee; Thomas F. Eagleton, Lawton Chiles, Birch Bayh, Clifford P. Case, Ernest F. Hollings.

Mr. EAGLETON. Mr. President, the main emphasis of this letter was that the subcommittee did not want to necessarily prevent individuals from transferring from expiring title X projects, but that we were concerned that the Department of Labor maintained the 4,811 job slots over and above the 37,400 jobs being funded under the title IX program of the Older Americans Act. On April 18 of this year, Secretary Marshall notified this subcommittee that the title X program was being continued through June 30 of 1977. In addition, the Secretary informed us that the Department's long-term plan including transferring between 2,000 and 3,000 individuals on July 1 from the title X program to title IX of the Older Americans Act. The net effect of this transfer is a loss of jobs for the elderly and this is clearly the outcome that Congress was trying to avoid by directing the Secretary to use $10.5 million of his discretionary funds to continue the title X jobs. I think it would be very helpful if the Senator from Washington would once again state the intention of our subcommittee regarding the continuation of the title X jobs.

Mr. MAGNUSON. I would be happy to do so. As the distinguished Senator from Missouri has clearly articulated, the Appropriations Subcommittee on Labor-HEW is strongly committed to providing older workers with an opportunity for employment. Later this year the title IX program of the Older Americans Act will have 37,400 job slots available Obviously, many more jobs could be filled and the Department of Labor has assured our subcommittee that they will have no trouble whatsoever in filling these 37,400 jobs. Therefore, the net effect of our action should ideally be more jobs for the older workers rather than less jobs. What is more disturbing is that the Department of Labor is clearly ignoring the intention of Congress by not continuing the 4,811 job slots for the coming year. As our letter to Secretary Marshall on March 30 clearly stated, our subcommittee is not necessarily opposed to the transferring of job slots to title IX just as long as the net effect of this transfer is not less jobs. I trust that this brief discussion will help clear up any possible misunderstanding by the Department of Labor on what the intention of Congress is.

Mr. ROBERT C. BYRD. Mr. President, I move that the conference report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The assistant legislativle clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 4 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

$59,400,000, of which $44,500,000 is to carry out section 906(a)(1) of the Older Americans Act

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 5 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

DROUGHT ASSISTANCE PROGRAM

For expenses necessary to carry out a community emergency dought assistance program, $175,000,000; *Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 9 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

For necessary expenses of railroad-highway crossings demonstration projects, as authorized by section 163 of the Federal-Aid Highway Act of 1973, as amended, and title III of the National Mass Transportation Assistance Act of 1974, to remain available until expended, $16,000,000 of which $10,666,667 shall be derived from the Highway Trust Fund.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 4, 5, and 9, en bloc.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

EXPORT ADMINISTRATION AMENDMENTS OF 1977

The Senate continued with the consideration of the bill (S. 69) to amend and extend the Export Administration Act.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally against both sides on the bill.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEINZ. 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. HEINZ. Mr. President, how much time does the Senator from New York wish?

Mr. JAVITS. I wish 1 minute, but I am not ready yet.

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

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

Mr. JAVITS. Will the Senator yield me 5 minutes?

Mr. HEINZ. Mr. President, I yield 5 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, a result has been obtained here in respect of antiboycott legislation and the problems arising out of antiboycott legislation in respect of the business community, as well as the community which is interested in the morality of boycotts. Traditionally, in our country, we condemn and feel boycotts are immoral and do not belong in commercial transactions or in commercial relations between States or between individuals. Especially, Mr. President, has there been the very deepest feeling about those aspects of this matter which got very personal—like what faith the directors of a company have, or its employees, whether that company was directly or indirectly related to the transactions in question; and the charges—many sustained—that our banks in the United States lent themselves to boycott regulations and arrangements which deeply offended the great part of the American community and the American business community.

Mr. President, the tissue of problems in this matter is so great that it could have resulted in a highly difficult and tense confrontation between those who, like myself, are deeply opposed to any aspect of U.S. business cooperation with such immoral practices as the boycott by the Arab States of Israel—or anything connected with it, or anyone connected with it, or anyone who even contributed to the future of its people—and the business community of the United States, or at least, some part of it, which felt that it should have absolute freedom to do anything that is desired by the buyers in order to continue commercial transactions with them in the Arab States which were concerned. Very fortunately, Mr. President, there were cooler heads and statesman-

like points of view on both sides. All of us have been furnished with an agreement arrived at between the Business Round Table of the American Jewish Committee, the American Jewish Congress, and the Anti-Defamation League, with the principal parties who actually did the negotiating being Burton Joseph of the Anti-Defamation League and Irving Shapiro, representing the Business Round Table, who, as we all know, is the President of DuPont.

These men, working indefatigably, reconciling innumerable interests which one would, in advance, have thought almost impossible to reconcile, came out finally with a give and take agreement, now incorporated in this bill, which Senator HEINZ and Senator STEVENSON have contrived. I cannot tell both these gentlemen how grateful I am to them for having worked this out.

I do not like the whole thing. I do not like the agreement, I do not like the bill, and so on. But I think that what has been done has been a triumph of the art of negotiation and of the effort to take the tension out of a particularly tense situation. By rights, as they say in the street, the United States should have flatly turned its face against the whole Arab boycott business and passed laws forbidding any American from going anywhere near it, in any way. I wish we lived in that kind of world, but we do not, not even here in the United States.

So, within this frame of reference, Mr. President, I think both these Senators have done us a very great service, have done the country a very great service, and that the negotiators to whom I have referred are entitled to the deep gratitude of us all.

The matter is now, as it were, settled, in balance, and I believe that there will be good faith in carrying it through. There is a real understanding as to precisely what it means, what it does and does not permit. So, without approving in any way the substance or the substantive aspects of it, which I cannot do, I feel it my duty nonetheless in the higher interests of an era of good feeling in the American community, to support the action which has been taken.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. JAVITS. I ask for an additional minute.

Mr. HEINZ. I yield an additional minute.

Mr. JAVITS. Mr. President before I came over. I participated in a meeting of the Committee on Governmental Affairs, over which Senator RIBICOFF presides as chairman. He is unable to get to the floor, but he asked me to advise the Senate that his position on this matter is the same as mine, which I have already given.

I thank my colleagues.

The PRESIDING OFFICER. The bill is open for further amendment,

Mr. STEVENSON. Mr. President, I thank the distinguished Senator from New York for his comments. I also express my agreement with him. It is difficult to be enthusiastic about any part of this bill. I am not completely with it, for reasons that have been eloquently expressed by the Senator from New York.

The main reason is that it is not possible, no matter what this body does, to end this boycott, or all the aspects which are offensive to Americans. But I do believe that the bill, with the amendment that has been adopted, goes as far as is possible, as the Senator indicated, without dividing Americans against Americans. That leads to the main point the Senator was making: This bill, as it stands now, with the amendment, with all of its imperfections, is a reasonable defense of American sovereignty, a defense which all Americans can support.

I thank the Senator from New York for his kind comments and also for his support of the bill as modified by the amendment offered by the distinguished Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I want briefly to commend the Senator from New York for his excellent and thoughtful statement. When I heard him speak, it sounded as if he had eavesdropped on my conversation earlier, when I said that I found it difficult to be enthusiastic about the agreement for the very same reasons as the Senator from New York.

What we have here is a compromise. It does bring people together, and that is, indeed, a great virtue of this legislation, though the virtues extend very much beyond that.

I thank the Senator from New York for his contribution and for his support of what we have done.

Mr. STEVENSON. Mr. President, I suggest the absence of a quorum, with the time to be charged equally to both sides.

Mr. HANSEN. Will the Senator withhold that for a moment?

Mr. STEVENSON. I withhold it.

Mr. HANSEN. Mr. President, I ask unanimous consent that Nolan McKean, of my staff, may have the privilege of the floor during all further discussions on this measure.

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

Mr. HEINZ. Mr. President, I ask unanimous consent that Mr. Douglas Logan, of Senator STEVENS' staff, have the privilege of the floor during the debate on S. 69.

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

Mr. STEVENSON. Mr. President, I renew my suggestion.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JACKSON. 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. JACKSON. Mr. President, I ask unanimous consent that Betsy Moler and Mike Harvey of my staff be granted privilege of the floor in connection with the pending legislation.

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

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

The PRESIDING OFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

UP AMENDMENT NO. 195

Mr. DURKIN. Mr. President, I have an unprinted amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Hampshire (Mr. DURKIN) on behalf of himself and Mr. MCINTYRE proposed an unprinted amendment numbered 195.

Mr. DURKIN. 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:

DOMESTICALLY PRODUCED CRUDE OIL

SEC. 119. Notwithstanding any other provision of this Act and notwithstanding subsection (u) of section 28 of the Mineral Leasing Act of 1920, no domestically produced crude oil transported by pipeline over rights-of-way granted pursuant to such section 28 (except any such crude oil which (1) is exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, or (2) is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and reenters the United States) may be exported from the United States, its territories and possessions.

Mr. HANSEN. Will the Senator yield for a unanimous-consent request?

Mr. DURKIN. Yes.

Mr. HANSEN. Mr. President, I ask unanimous consent that Theodore Orf of the Senate Committee on Energy and Natural Resources staff be granted privilege of the floor during the debate.

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

Mr. DURKIN. Mr. President, the amendment that I called up is a very simple amendment. I am concerned, as are my constituents, that the pressure from the oil companies will mount and increase and that our Alaska oil will be exported to Japan and possibly other overseas Pacific countries.

I think this is contrary to the clearly expressed congressional intent which was set forth in the Trans-Alaska Pipeline Act. And it is not just a figment of my imagination.

Last year, the Interior Department and the Commerce Committee held joint hearings on the west coast and the oil companies then indicated that they would like to transship the Alaskan crude oil, which was expected to produce a surplus of anywhere from 400,000 to 700,000 barrels of oil excess on the west coast, and sell that to Japan and possibly other Pacific countries.

Again, I think what we see is the oil companies blinded by their astigmatism which is produced by dollar signs and the public be damned attitude which has characterized their operations for the last 25, 30, 40, 50 years, depending on how far back we want to go.

It would seem to me that the Presi-

dent has declared the country is faced with a situation which is the moral equivalent of warfare. The President proposes to conserve energy, to reduce imports, proposes to set up a strategic reserve of oil of about 1 billion barrels, to lessen our dependence on foreign oil, and to make us less vulnerable to interruption of our oil supply, either in an economic action or even in a military action.

The President proposes to shift to coal, but I think we all realize that is going to take time. In the Northeast, in the eastern part of the country, they are going to have to put some money into the railroad beds if that coal is ever going to get there, because there are transportation problems, notwithstanding mining and other problems with respect to coal. That does not even get into the problem of the cost and the amount of effort that is going to have to be expended on cleaning up the coal before it is burned.

So we are faced with the moral equivalent of war, and we have the oil companies proposing to ship our oil, our Alaskan oil, to Japan.

The East, virtually every State east of the Rockies, is dependent on OPEC oil to some degree or another. The Northeast States, the eastern seaboard States, are now importing approximately 50 percent of their oil from OPEC, and the oil companies are suggesting that instead of being less dependent on foreign oil, instead of being less vulnerable to interruption of supply, instead of being less vulnerable economically, instead of being less vulnerable militarily, what will be offered in return is the opportunity to buy more OPEC oil.

The OPEC oil that was freed from supplying the Japanese needs will be available to the Northeast and the eastern seaboard at an uncontrolled price, at a price that if recent history is an indicator is subject to a gigantic fluctuation upward.

I think we have all seen the economic dislocation, not only in New England and the Northeast, but all across the country, because of the quadrupling of the price of OPEC oil.

So instead of reducing imports, instead of being less vulnerable, the good old oil companies once again are motivated by greed—and it is nothing other than greed—and are going to allow the eastern seaboard to buy more high-priced, uncontrolled-priced OPEC oil, and the Alaska oil, our oil, is going to be sold to Japan and possibly other overseas Pacific nations.

Aside from the impact that the OPEC oil will have on New England and the Northeast and the eastern seaboard, despite the impact it is going to have on the fuel adjustment surcharge that is hitting hard every citizen on the eastern seaboard, despite the impact it is going to have on the price of gasoline this summer, despite the impact it can have on the price of home heating oil next winter, and all with the very real prospect of another severe energy shortage in this country next winter, we have a situation where our oil, instead of staying in the United States and reducing our dependency and vulnerability, is going to be sold at higher profit to the oil companies, is going to be sold to the Pacific nations that are competing with this country.

Next winter, if an energy crisis does come to pass—I pray that it does not, but my prayers are not always answered—I wonder how Members of this body are going to feel when their constituents are home from work, the factories are closed, the natural gas is shut off, schools are closed, and the energy supply is inadequate. They are home and they are talking with their cousin who is out of work because some of that Alaskan oil went to make shoes perhaps in Taiwan, and the shoes have come to this country and have caused him to be out of work; or if they are talking to another cousin who is unemployed or working a reduced shift because the oil from Alaska has been used to help produce the TV sets that are flooding the market and causing a severe disruption in the TV and electronics industry in this country.

I realize that we are a global economy. I realize that we have global responsibilities. But I realize that we also have some fairly severe responsibilities to the people in the Northeast.

It is ironic that we saw last night—those of us who took time to watch—the tales from San Clemente. But when Arab oil, when OPEC oil, was $1.50 a barrel, the very man who was on TV last night would not let us buy it in the Northeast. ED MUSKIE, before I was in this body, was trying to get a refinery in Machiasport. Then we could not buy OPEC oil. It was $1.50 a barrel. But now, if the oil companies have their way, they will sell the oil at high profit to the oil companies—the Alaskan crude. They will have to keep their shirts buttoned, or their hearts are going to fall right out on the boardroom floor. We are going to buy OPEC oil that otherwise would have gone to Japan. That is not a very good deal for my neck of the woods and for my area of the country.

There is another aspect here. What we are doing is increasing the OPEC leverage on this country politically, economically, and militarily. We may well be hindering a settlement in the Middle East. If we increase the OPEC influence, if we increase the Middle East influence, if we increase the Arab influence and the Arab ability to impact directly on our economy and our military capability, we will interfere with a solution that we all want in the Middle East.

So I think the greatest pressure we can apply to the oil companies is to make them live up to the commitments they made on this floor, before I was here, when the Alaska Pipeline Act was being considered in Congress, that that oil was not going to be transshipped; that oil was not going to be sold at high profits to the oil companies, sold to Japan and other Pacific nations.

The greatest pressure we can maintain on the friendly oil companies—the Seven Sisters—is to keep that oil here. There are pricing problems that I am aware of, but we have a stronger case when we can control the price of Alaskan oil. But there is absolutely no control over the OPEC oil that supposedly will be made available to the Northeast and the eastern seaboard by Japanese freeing their oil commitments that they have with OPEC.

So we go from a situation where we have a controlled price and we get a chance to buy more high-priced, unregulated oil—the price of the OPEC oil is unregulated—and we have a chance to buy more. To me that is not much of a bargain for any State east of the Mississippi. In the long run, I do not think it is much of a bargain for any State west of the Mississippi.

Mr. STEVENSON. Mr. President, this amendment is offered for a worthy purpose and with the best of intentions by the Senator from New Hampshire, but its effect would be precisely the reverse of what the Senator intends. The effect of this amendment would be either to curtail production in Alaska, for the benefit of no one, or to increase energy costs, particularly for those who reside in the Northeast and the central parts of the country.

This is a subject into which I have delved at some length. In fact, as chairman of the Commerce Committee's Subcommittee on Oil and Gas Production, I held hearings on this subject in the last Congress. It became evident in those hearings that, first of all, there would be a surplus of oil on the west coast resulting from Alaskan production and that if that oil could not be exported to Japan, it could be transported only through the Panama Canal, assuming tankers were available, or around South America to gulf ports, and from those ports to the interior.

The transportation costs of bringing Alaskan oil by such routes to the central and the eastern parts of the country are very high. The transportation costs of shipping it from Alaska to Japan are low. Both producers and consumers would benefit, if they were permitted to do so, from the lowest possible transportation costs. That can be done by transporting Alaskan oil to Japan and by continuing on a swap basis, to import oil from the Middle East. It is cheaper to bring oil to New Hampshire from OPEC countries than from Alaska.

I agree with the Senator's sentiments about the pipeline. The decision was wrong. That pipeline, in my humble judgment, should have been built across Canada, so that oil could be transported by pipeline directly to the areas of greatest need. However, that was not the decision, and now we have to live with the consequences.

The fact is that to bring the oil from Alaska to the eastern and central parts of the United States is very expensive, so expensive that we might simply end up with a curtailment of production. The Alaskan oil might not be produced; but if it were produced, the cost of transporting it to the central and eastern parts of the country would be high. It would be less expensive to bring oil from the Middle East and transport the Alaskan oil to Japan. Then action could be taken to make sure that the savings in transportation costs were apportioned equitably between producers and consumers.

In other words, this does not mean

windfall profits or higher prices for the oil companies. Action could be taken through price controls to make sure that consumers, including the consumers of oil in New Hampshire, would get the benefit of the transportation savings that result from swaps—namely, exports of Alaskan oil to Japan and imports from the Middle East countries.

In addition to the economic benefits to be derived from swaps, there are also environmental concerns to be considered. There are risks that are all too obvious, painfully obvious, in transporting large quantities of oil by tanker, not only to west coast ports but also all the way around South America and, in the case of small tankers, through the Panama Canal, to gulf ports. Those risks are obviated by simply continuing to bring in the oil from the Middle East and transporting the surplus to Japan.

Mr. President, this is a short-term proposition. It may be that, with an expenditure of large sums, Alaskan oil can be brought efficiently to the interior. However, that will require the construction of pipelines. It may take the reversal of natural gas pipelines. In any event, it is going to take time; and until that work is done and the investment is made, it may be necessary to engage in swaps, exporting Alaskan oil to Japan and continuing to import, for the Eastern and Central States, oil from Saudi Arabia.

Under existing law, exports are generally prohibited. However, the President can permit such exports subject to potential congressional override. I do not believe that the President should be deprived of the opportunity to permit export of Alaskan oil to Japan or elsewhere, including possibly Canada, on a swap basis, if the economics of those swaps is to the advantage of the American people.

Finally, Mr. President, I point out that there is no strategic concern here, at least for the short term. Should there be a serious supply interruption in the Middle East, tankers could be taken off the Middle-East run and simply put on an Alaskan run, and at that point they could be used to transport oil from Alaska to the interior through the Panama Canal or around South America.

So I urge the Senate to oppose this amendment. It has effects that are not intended by the Senator from New Hampshire, and those effects include a significantly increased price for energy in the Eastern and Central States.

Mr. DURKIN. Mr. President, will the Senator yield for a question?

Mr. STEVENSON. On the Senator's time I happily yield.

Mr. DURKIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DURKIN. Mr. Prseident, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 16 minutes remaining.

Mr. DURKIN. I yield myself 2 minutes.

I wish to read a quote that the distinguished Senator from Illinois rendered during the debate in 1973 on the Alaskan pipeline wherein the Senator summarized the concern which is really the concern before us today, and I believe I am quoting accurately:

> Notwithstanding this expected crude surplus on the west coast, the owner companies indicated no clear plans for shipping Alaskan oil for other U.S. markets without a delivery system to the interior. With the west coast able to use the full production, we run the risk of future determination that the national interests would be served by transporting the oil to Japan instead of to the Midwest.

I think the Senator from Illinois is a prophet, because that is exactly the problem we have before us today.

There are allegations that the oil companies, the seven sisters, the big oil companies, control the OPEC price, and maybe that is true. But I do not see how we can state that this swap benefits anyone on the east coast or in the Midwest when the price of Alaskan oil can be controlled but the price of OPEC oil cannot. There is no way to control the price of that oil we are going to receive from OPEC. So we are trading away an oil that is readily available, and it is at a controlled price, to buy on a swap basis from OPEC oil that we have no control over that price. I mean any poker player who bets on an x card is soon going to be either borrowing money from someone in the game or he is out of the game. And I submit the people in the Northeast, the people of New England, of New Hampshire, and of the Midwest have paid through the nose for misguided oil company oil policy decisions long enough.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. DURKIN. I yield myself 2 additional minutes.

The greatest pressure, I submit, on the oil companies and this Government to find a reasonably priced acceptable method for getting that oil to the Midwest is to not let them export it but to keep it on the west coast or keep it in Valdez, for that matter, for a while and then let the oil company, with the same ingenuity they use time and time again to find a way to maximize their profits at our expense, and the Government find a way to get that oil to the Midwest and East where we need it a lot faster than if it comes around the Horn.

I did a short stint in the Navy, and I was not a navigator, and I am not related to Marco Polo, but it is a long way around to get oil to New Hampshire via Japan. And it has to cost more, and the only way we are going to pressure to get oil to the Midwest and the Northeast at a reasonable price in a reasonable time frame is to keep the heat on the oil companies by keeping that oil here.

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. DURKIN. I yield myself 1 additional minute .

Did I gather from the distinguished Senator from Illinois that the administration was opposed to this amendment and, if the administration is opposed, can we expect that the administration does plan to allow Alaskan oil to go to Japan and other Pacific countries? The Senator knows the law as well as I do. He was here when it was written. If that is true, then the President can allow that oil to be transshipped to Alaska, and it takes a concurrent resolution of both Houses in disapproval to halt the shipments that can be gained with the President's finding.

I hope the Senator from Illinois is not telling us that the administration is opposed to this amendment and that the administration plans to ship Alaskan oil or authorize the shipping of Alaskan oil to Japan because if the administration is, I have a feeling they are going to have a tough job selling this and other parts of the program up in the Northeast.

The PRESIDING OFFICER. The 1 minute has expired.

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

Mr. STEVENSON. Mr. President, how much time remains to me?

The PRESIDING OFFICER. The Senator has 23 minutes remaining.

Mr. STEVENSON. Mr. President, I thank the Senator from New Hampshire for his compliment. I did prophesy this situation and for that, among other reasons, strenuously opposed the decision to locate the pipeline on Alaskan soil. But now the situation is here.

I am not, as the Senator indicated, nor is the administration for that matter, proposing that we give up anything. In fact, what we are proposing is that we preserve all our options. And one of those options is to swap oil, in effect, to export Alaskan oil to Canada and to Japan while continuing to import oil from OPEC, because on the fact of it there are substantial transportation savings which can be derived and those savings can be passed on for the benefit of consumers, including consumers in the Northeast and in the Central States.

I have a letter, Mr. President, from John F. O'Leary, the Administrator of the Federal Energy Administration, in which he makes, among others, very much the same point. He writes:

> After some experience with the impact of North Slope crude oil supplies on the West Coast crude market, there might also develop a consensus that it would be in the national interest to relieve some of the pressure by authorizing limited foreign exchanges. In either case, without the option for limited exchanges, the only alternatives might be to shut in North Slope production or to impose unwarranted transportation cost burdens on the North Slope producers or U.S. consumers, neither of which would be in the national interest.

That, Mr. President, is the point. The Senator's amendment would foreclose what might be a necessary option, an option that will reduce costs to consumers and perhaps enhance the economic welfare of producers as well as the State of Alaska.

Mr. President, I ask unanimous consent that a copy of this letter addressed to me be printed in the RECORD.

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

HON. ADLAI STEVENSON,
Chairman of the Subcommittee on International Finance Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing on behalf of the Administration to express opposition to the inclusion of any provision in S.

69, the Export Administration Act Amendments of 1977, or to any other bill that would have the effect of creating an outright prohibition on the export of Alaska North Slope crude oil to a noncontiguous country.

As I am sure you are aware, present law, as specified in Section 28 of the Mineral Lands Leasing Act, forbids exports of North Slope crude oil with non-contiguous countries, unless the President finds, among other things, that such exports will not diminish the total quantity or quality of crude oil available to the U.S. and are in the national interest. This finding may be overridden by Congress within 60 days by a concurrent resolution of disapproval.

It should be emphasized that under present law the President does not have unfettered authority to approve an exchange of North Slope crude oil with a foreign country. Indeed, that authority is already severely limited and subject to close monitoring by Congress. Since Congress, by concurrent resolution, may readily reverse any action by the President to approve exports, it is clear that no Presidential decision on the issue can run counter to the views of a majority of the Congress.

At this point, the decision on whether to permit such exchanges with a foreign country such as Japan has not been made, although the issue is currently being evaluated at the highest levels of the Administration. For this reason, I am unable as yet to indicate what the Administration's position ultimately will be on the exchange issue.

Regardless of the President's decision on this issue, however, we believe it is imperative that the exchange option be kept available to cope with all possible supply exigencies. For example, it is not inconceivable that a calamity causing a disruption of the vital Panama Canal waterway could occur. After some experience with the impact of North Slope crude oil supplies on the West Coast crude market, there might also develop a consensus that it would be in the national interest to relieve some of the pressure by authorizing limited foreign exchanges. In either case, without the option for limited exchanges, the only alternatives might be to shut in North Slope production or to impose unwarranted transportation cost burdens on the North Slope producers or U.S. consumers, neither of which would be in the national interest.

In short, nothing will be achieved by adopting a ban on exports of North Slope crude, other than to limit seriously and unnecessarily the President's and the Nation's ability to cope with short-term supply imbalances created by the influx of Alaska oil.

Sincerely,

JOHN F. O'LEARY,
Administrator.

Mr. STEVENSON. Mr. President, once again I urge the Senate to oppose this amendment.

Mr. STEVENS. Mr. President, will the Senator yield me some time on the amendment?

Mr. STEVENSON. Mr. President, I am happy to yield to the distinguished Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from Illinois. He was an opponent of the decision which was made with regard to the location of our trans-Alaska pipeline, and in his usual way following the decision of Congress he has been a partner in trying to make certain that the development of North Slope oil proceeds in accordance with the national interest, and we are particularly grateful to him not only for the hearings in Los Angeles, but for his insistence in the last Congress that the Trans-Alaska Gas Pipeline Transmission Act be a balanced piece of legislation that would permit the consideration of all options for the delivery of Alaska's gas to the South 48.

I shall take a minute or 2 to assist my good friend from New Hampshire with a bit of history, because I think that there are too many of us who are like Harry Truman who like to rewrite history as they record it.

But the history of this matter is this: The Alaska oil pipeline was before the Senate prior to the embargo. At that time the initial through-put of the trans-Alaska oil pipeline was planned to be 600,000 barrels. At that time we argued, successfully, that the demand in Petroleum District 5, the west coast, would more than absorb that amount of oil. As a matter of fact, projections showed that when the pipeline some 2 or 3 years later would hit the second stage of through-put of 1.2 million barrels a day, there still would be sufficient demand on the west coast for that oil.

Senator PASTORE insisted on an amendment, which I cosponsored and supported, which said that the oil and gas resources of Alaska's great North Slope area should be shared equitably throughout the United States to the extent possible, and I still think that should be our goal.

The initial capacity being at 600,000 barrels a day prior to the embargo, I would like to point out to my friend what has happened since that time.

The Indonesian imports to the United States, primarily to the west coast, have more than doubled. We have increased the production of the Lower Cook Inlet of Alaska. Congress authorized production of Naval Petroleum Reserve No. 1 in California. We have seen increased conservation efforts in California, which have reduced the projected increase in demand in Petroleum District No. 5, and as a consequence, while the demand in that area has been satisfied by additional sources, it has actually been reduced from our earlier projections.

The initial capacity of the oil pipeline through my State has been increased from 600,000 barrels a day to 1.2 million barrels a day, at the request of the national Government. That means that we will be hitting that level sometime next year. The pipeline will commence delivery sometime in July of this year.

The surplus that is predicted on the west coast is a national asset. It is not a problem that occurred, because of the routing decision, but it is a situation that has occurred, because we have increased supplies on the west coast, and because of less demand than was projected back in 1973.

The Senator's amendment would have the effect of denying the President of the United States the power to approve an exchange with Japan. We have never advocated a sale or export of Alaska oil to Japan.

Alaska oil is comparable to Saudi Arabian oil in terms of quality. Saudi Arabian oil today is being shipped to Japan. The efforts of this administration and the last have been to see if it is possible to work out agreements through which the oil purchased by Japan from Saudi Arabia could be shipped to the gulf coast and the east coast of the United States, and the oil that was produced in Alaska and purchased by refiners on the east coast and the gulf coast of the United States, subject to the price control laws, would be shipped to Japan.

That is not a sale. It is not an avoidance of the price control laws. It would be an exchange in the national interest. As a matter of fact, the FEA calculated in 1978 that, should an exchange with Japan of 400,000 barrels per day be worked out on a temporary basis, pending the completion of a pipeline to take the oil from the west coast into the Midwest, not only Alaska's oil but additional imports from Indonesia and hopefully Australia, the savings would be $124 million annually, if U.S.-flag vessels were used. If foreign-flag vessels were used, which I have opposed, the savings would be $241 million per year.

Mr. President, I ask unanimous consent that the calculations of the FEA be printed in the RECORD at this point.

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

POTENTIAL OCEAN TANKER COST SAVINGS OF AN EXCHANGE WITH JAPAN—1978

(Based on FEA calculations of potential savings through Japan exchange, from April 15, 1977 *report*)

Valdez to Japan:
$1.25 in U.S. flag vessels.
$0.45 in foreign vessels.

Persian Gulf to Japan: $0.75 in foreign flag vessels.

Valdez to U.S. gulf coast: $2.70 in U.S. flag vessels.

Persian Gulf to U.S. coast: $1.35 in foreign flag vessels.

Combined tanker costs of delivering a barrel of crude to the U.S. gulf coast and a barrel of crude to Japan:

1. Direct Shipment:	
Valdez to U.S. gulf	$2.70
Persian Gulf to Japan	.75
Total	3.45
2. Exchanges with Japan:	
A. Using U.S.-flag vessels from Valdez to Japan:	
Valdez to Japan	1.25
Persian Gulf to U.S. gulf	1.35
Total	3.45
B. Using foreign-flag vessels from Valdez to Japan:	
Valdez to Japan	.45
Persian Gulf to U.S. gulf	1.35
Total	1.80

Tanker cost savings from the exchange:

1. Using U.S.-flag vessels from Valdez to Japan:	
Direct shipment	$3.45
Less exchange	−2.60
($0.85/bbl save $124 mm/yr at 400 mBPD)	
2. Using foreign-flag vessels from Valdez to Japan:	
Direct shipment	3.45
Less exchange	−1.80
($1.65/bbl save $241 mm/yr at 400 mBPD)	

Mr. STEVENS. My point is that the savings we are talking about are U.S. savings, and they are the difference be-

tween the cost of any other transportation to take Alaska's oil to gulf ports or east coast ports directly, as compared to the cost of exchange. Obviously there are transportation costs savings.

We believe that that option should be left open to the President of the United States, and it was one of our intentions at the time of the Alaska Oil Pipeline Act amendments to assure that that option was there.

I argued at the time the act was passed that we should examine further the concept of the crude oil stream, and those who are concerned about pollution of the oceans should insist that this country participate in the crude oil stream, and insist that oil be transported the shortest distance wherever possible. This would be consistent with that.

Our difficulty is that the Sohio project to take the oil using the existing pipeline between California and Midland, Tex., is being delayed, because of the problems in California.

The Kitimat proposal to take a portion of our oil from the Prince Rupert area into the northern tier States is being delayed, because of negotiations with Canada. The northern tier pipeline proposal to take our oil through Puget Sound and then across the northern tier States to refiners in the Midwest is being delayed, again because of the necessary time involved in planning and getting that pipeline under construction.

I say parenthetically to the Senator from New Hampshire that, without regard to the surplus, we need such a transmountain pipeline, because this is just the first increment of oil from my State. By 1985, we project we will be exporting a minimum of 3.1 million barrels per day.

Mr. DURKIN. To Japan or to the United States?

Mr. STEVENS. We will be sending that oil to the United States. We are a part of the United States, I would remind my friend, and we are obviously not interested in decreasing the supply of this natural resource to our Nation.

But the impact of the Senator's amendment would be to deny the President of the United States the flexibility to work out short-term arrangements whereby the transportation by tanker could be shortened and the interests of both nations could be met adequately until permanent arrangements for transmountain diversion are approved.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STEVENS. Let me, in order to protect Senator JACKSON, yield 10 minutes on the bill on this side, if I may, if I have any time to yield.

I want to make sure that the record is clear as to the position of the State of Alaska on this matter, because I have examined the colloquy in the House of Representatives and I have gone back and reread the debate with regard to the original amendment that authorized our pipeline.

Mr. President, our policy is that the oil that is produced in Alaska should be transported the shortest distance possible to a market in the United States, on a permanent basis. This oil is being produced from State lands. It is owned by the people of Alaska, and we are entitled to a one-eighth royalty from the oil. The longer the transportation distance, the lower the wellhead price. It will not affect the price to the consumers, because that is controlled, and that decision has been made by the President and by the FEA, as to the prices. But it will affect the interest of my State if tankers must take our oil down to the Panama Canal, transfer it to smaller tankers to go through the Panama Canal and then have it put back into larger tankers to be taken either to the gulf coast, the Virgin Islands, Bermuda, or the east coast to be refined for use on the east coast. That will cost a tremendous amount of money. It will cost at least a dollar and a quarter a barrel more to go beyond Los Angeles to the gulf ports of Texas alone, through the Panama Canal.

If they have to go around Cape Horn and then up into the Senator's area of New England, the cost could well come near $2 or $2.25 additional, beyond the cost of going to Long Beach.

That reduces our wellhead price, because the total price is subject to price control, and we do not believe that that option should be foreclosed which would permit the savings involved in this option on a short-term basis.

I think, Mr. President, that the Senator from New Hampshire would do well to read the national energy plan that was issued by President Carter on April 29. On page 55, there is a discussion of Alaskan oil. It points out the projection for the surplus based upon initial capacity, now at 1.2 million barrels a day.

This section of the President's plan discusses the options that are available, including the option of an exchange with Japan.

Mr. DURKIN. That would be hit by my amendment.

Mr. STEVENS. Now, that option is not an option that would decrease the amount of oil available in the United States, particularly to the Senator's area of New Hampshire, nor is it an option which would increase the price to the consumers in any part of the United States. It would effect a savings in transportation costs, a portion of which would, under the control programs, be passed on to consumers.

So what the Senator is proposing is to limit the flexibility of the President of the United States to ship the surplus in a manner which would decrease the cost to the consumer in his own area and would increase the return to my State as the owner of the land on which the oil is being produced.

The Senator from New Hampshire seems to blame this on the oil industry. The oil industry is proceeding rapidly with plans to develop the Sohio project or the Kitimat project or the northern tier pipeline project. One witness even testified before the Senator from Illinois and myself in Los Angeles that they had proceeded to try to line up tankers to go through the Panama Canal.

To my knowledge, no portion of the oil industry has ever advocated and pressed for authority to work out the exchange. That would have to be a government-to-government arrangement among ourselves, Japan, and Saudi Arabia. To put this at the feet of the oil industry, in my opinion, is wrong.

Mr. President, I, too, had a copy of the letter that the Senator from Illinois has placed in the RECORD. I state to the Senator from New Hampshire that we have received in my office, within this hour, a call in behalf of Secretary Kreps of the Department of Commerce.

In that call, I was asked to state this:

The administration oppposes the Durkin amendment because it feels the President should not be stripped of his existing authority in the event of a national emergency such as the closing of the Panama Canal. Further, Congress already has the authority to disapprove any swap agreement arrived at by the President.

I find myself in the admirable position of being able to agree wholeheartedly with the new President of the United States and his executive officers, including the Secretary of Commerce.

I urge the Senate to disapprove this amendment. I think it would be an act of folly to force upon the consumers of the United States the cost of transporting oil such a fantastic distance in addition to that required. It would leave those of us who fear oil spills and are doing our best to work out a system to prevent increased oil spills in a position of having brought about a transportation distance which would be in excess of four times that required to take our oil either to west coast ports or to Japanese ports in the event of an exchange.

Mr. President, I ask unanimous consent that a section, beginning on page 55, of the President's national energy plan be printed at the closing of my remarks. It is a very short section.

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

(See exhibit 1.)

Mr. STEVENS. I thank the Senator from Illinois for his courtesy in permitting me to state our views.

EXHIBIT 1

ALASKAN OIL

By the end of 1977, the Alaska pipeline terminal in Valdez, Alaska, should be receiving approximately 1.2 million barrels of oil per day. The current capacity for absorbing additional crude oil on the West Coast is no more than 600,000 to 800,000 barrels per day, leaving another 400,000 to 600,000 barrels of Alaskan oil as surplus.

Active Federal and State involvement will be necessary to assure expedited construction of the best project or combination of projects for receiving Alaskan oil on the West Coast and moving it in an environmentally sound way to inland markets where it is needed. A Federal project coordinator has been designated to coordinate Federal involvement and to work with States in ensuring timely and thorough review of all proposals in order to expedite projects. The Administration will consult with the Canadian Government to encourage timely Canadian consideration of projects that could be constructed in that country.

As the United States reviews its options

for transporting Alaskan oil, it is important that the needs of midcontinent and northern tier refiners be taken into account along with those of refiners on the West Coast. The establishment of a long-term transportation system for supplementing supplies in these regions is a matter of high priority. An assessment will also be made of all options that would enable the U.S. to benefit from Alaskan oil in the short term until permanent transportation systems are in place. The options include transhipment of surplus crude to Gulf Coast markets as well as exchanges wtih other nations.

The 500,000 barrels per day of imports now expected to arrive on the West Coast could also be phased out by a refinery retrofit program that, over the course of the next several years, would enable more high-sulfur Alaskan oil to be refined in California.

In order to reduce the West Coast oil surplus, legislation will also be sought to provide authority to limit production from the Elk Hills Naval Petroleum Reserve to a ready reserve level. This action could reduce the West Coast surplus until the west-to-east transportation systems for moving the West Coast crude surplus are in place or California refiners have completed a major retrofit program. In the meantime, studies will be undertaken to determine the feasibility of producing and selling natural gas from Elk Hills to supply California markets.

Without a comprehensive oil pricing approach, inclusion of Alaskan North Slope oil production in the domestic composite price would introduce a degree of unnecessary uncertainty into domestic crude oil pricing. Because the large volume of new Alaskan oil would initially be moving into the composite average at a wellhead price considerably below the current average, its inclusion could allow price increases in other tiers in the short term. Under the Plan's proposed regulations, this problem would be eliminated. The $5.25, $11.28, and new oil pricing tiers would be guaranteed increases consistent with inflation. Alaskan oil from already developed fields would be subject to an $11.28 wellhead ceiling price, would be exempt from the equalization tax, and would be treated like uncontrolled oil for purposes of the entitlements program until that program is terminated. New Alaskan discoveries would be subject to the new oil wellhead price.

This program grants maximum and certain wellhead price incentives for Alaskan oil production.

Mr. JACKSON. Will the Senator yield?

Mr. STEVENSON. Mr. President, how much time do I have remaining on this amendment?

The PRESIDING OFFICER. The Senator has 10 minutes remaining on the amendment.

Mr. STEVENSON. Mr. President, I yield 5 minutes to the distinguished Senator from Washington.

Mr. JACKSON. Mr. President, I think all of our colleagues here on the floor—Senator STEVENS, Senator STEVENSON, and my good friend from New Hampshire (Mr. DURKIN)—have the same thing in mind. That is that we want to make sure that the oil from Alaska, in one form or another—all of it—goes to the lower 48 or 49 States. There is no dispute about that.

I fully understand the concerns of the Senator from New Hampshire. I say to my good friend from New Hampshire that what we are discussing now we discussed in 1973, 4 years ago, in some detail. These very same arguments were gone into at length.

We are confronted, Mr. President, with a specific problem. The problem is that we are going to have somewhere between 400,000 and 600,000 barrels per day of oil surplus to Petroleum Administration District No. 5. That district is the western area of the country. The question is, how do we move that surplus oil to the other States?

The President of the United States, in order to carry out his responsibilities properly, in my view, must have flexibility. He must have some discretion. He needs to exercise some options. I have the same deep concern as the Senator from New Hampshire has about keeping the price down so that the consumers can benefit.

Having reviewed all that, we set up, in the act that we passed authorizing an Alaska pipeline in 1973, all of the safeguards that are essential. They are found in that act. I say that the House and Senate, under the existing law, would have an opportunity to reject any move by the President to export oil that, in the judgment of Congress, would not best serve the consumers who want to get this oil. I think Congress, in its wisdom, did the right thing in 1973.

Mr. President, I am not here advocating the export of oil from Alaska to Japan. What I am trying to say is that we shall defeat the very objective of getting that oil to the consuming markets at a reasonable price if we take away from the President the leverage—and I emphasize "leverage"—to deal with this problem in a way in which we can have a fair bargain to the consuming public.

That is basically the issue here. The chairman of the subcommittee (Mr. STEVENSON) held extensive hearings on this subject in Los Angeles, and I believe here in Washington, D.C., as well. Those hearings are extensive. We are all of one mind that we want adequate safeguards to protect the public, but we want to make it possible for the President to put together the best possible bargain for the public and to protect the public interest.

I am certainly not a spokesman for the oil companies. I want to protect the public. I want to be fair to the private sector as well as to the public sector. Our colleagues here, I think, all want to do the same thing. I can only say to my colleagues that the wise course here is not to change the bargaining authority on the eve of the movement of the oil through the pipeline.

Finally, I ask unanimous consent to have printed in the RECORD a letter from the Administrator of the Federal Energy Administration, John F. O'Leary, strongly opposing the amendment adopted in the House, which is similar to the amendment offered by my good friend from New Hampshire.

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

FEDERAL ENERGY ADMINISTRATION,
Washington, D.C., May 5, 1977.

HON. HENRY M. JACKSON,
Chairman, Energy and Natural Resources Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing on behalf of the Administration to express opposition to the inclusion of any provision in S. 69, the Export Administration Act Amendments of 1977, or to any other bill that would have the effect of creating an outright prohibition on the export of Alaska North Slope crude oil to a non-contiguous country.

As I am sure you are aware, present law, as specified in Section 28 of the Mineral Lands Leasing Act, forbids exports of North Slope crude oil with non-contiguous countries, unless the President finds, among other things, that such exports will not diminish the total quantity or quality of crude oil available to the U.S. and are in the national interest. This finding may be overridden by Congress within 60 days by a concurrent resolution of disapproval.

It should be emphasized that under present law the President does not have unfettered authority to approve an exchange of North Slope crude oil with a foreign country. Indeed, that authority is already severely limited and subject to close monitoring by Congress. Since Congress, by concurrent resolution, may readily reverse any action by the President to approve exports, it is clear that no Presidential decision on the issue can run counter to the views of a majority of the Congress.

At this point, the decision on whether to permit such exchanges with a foreign country such as Japan has not been made, although the issue is currently being evaluated at the highest levels of the Administration. For this reason, I am unable as yet to indicate what the Administration's position ultimately will be on the exchange issue.

Regardless of the President's decision on this issue, however, we believe it is imperative that the exchange option be kept available to cope with all possible supply exigencies. For example, it is not inconceivable that a calamity causing a disruption of the vital Panama Canal waterway could occur. After some experience with the impact of North Slope crude oil supplies on the West Coast crude market, there might also develop a consensus that it would be in the national interest to relieve some of the pressure by authorizing limited foreign exchanges. In either case, without the option for limited exchanges, the only alternatives might be to shut in North Slope production or to impose unwarranted transportation cost burdens on the North Slope producers or U.S. consumers, neither of which would be in the national interest.

In short, nothing will be achieved by adopting a ban on exports of North Slope crude, other than to limit seriously and unnecessarily the President's and the Nation's ability to cope with short-term supply imbalances created by the influx of Alaska oil.

Sincerely,

JOHN F. O'LEARY,
Administrator.

Mr. DURKIN. I hope it has as much weight in this body as it did over there.

Mr. JACKSON. Mr. President, at the appropriate time, just to be fair, I state now that I shall offer a motion to lay the pending amendment on the table. I ask unanimous consent that the vote on the motion to table the Durkin amendment not occur before the hour of 2 p.m., nor after the hour of 3 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. JACKSON. This is a request of the majority leadership. There is a conference going on. I think there is no objection.

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

Mr. JACKSON. Mr. President, I also ask unanimous consent that, at the con-

clusion of the time allowed under the unanimous-consent agreement, it be considered that a motion to lay on the table has been made at the conclusion of all the debate.

The PRESIDING OFFICER. Is there objection?

Mr. DURKIN. Reserving the right to object, I am not sure.

Mr. JACKSON. This is after all the time has expired and pursuant to the unanimous-consent agreement at the time we vote. Instead of a vote up or down, it will be on a motion to table.

Mr. DURKIN. Reserving the right to object, again, I am not at all sure, but in the event the motion to lay on the table is not successful, I am not precluded from having an up or down vote by any time agreement?

Mr. JACKSON. Oh, no. If the motion to table fails under the Senate rules, there is no change in the rules. If the motion to lay on the table fails, then the vote occurs on it up or down.

Mr. DURKIN. Even though the time has expired under the unanimous-consent agreement?

Mr. JACKSON. Oh, yes.

I make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JACKSON. If the motion to lay on the table fails, the vote, then, as I understand it, will occur up or down on the amendment itself?

The PRESIDING OFFICER. That is correct.

Is there objection to the request? Without objection, it is so ordered.

Mr. DURKIN. Let me make an observation, that I think we have both been giving our speeches in the wrong room.

The PRESIDING OFFICER. Who yields time?

Mr. DURKIN. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. DURKIN. How much time is remaining on all sides?

The PRESIDING OFFICER. The Senator from Illinois has 5 minutes. The Senator from New Hampshire has 10 minutes.

Mr. DURKIN. I thank the Chair.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. Were the yeas and nays ordered on the Jackson motion to table the Durkin amendment?

The PRESIDING OFFICER. The request has not yet been made.

Mr. STEVENS. Is it in order at this time to make the request that at the time the motion is voted upon—I ask unanimous consent that it be in order to ask for the yeas and nays at this time on the motion by Mr. JACKSON to lay Mr. DURKIN's amendment on the table.

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

Mr. STEVENS. 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.

Mr. DURKIN. Mr. President, I yield myself 2 minutes.

I wish to state unequivocally that no one here has, in any way, expressly or impliedly, questioned the motives of any Member. My chairman of the Senate Energy Committee (Mr. JACKSON) has an outstanding record of fighting on behalf of the consumer with respect to energy matters. That is not the issue.

The Senator from Illinois (Mr. STEVENSON) is a prophet. He predicted this in 1973. So we are not quarreling with him.

The Senator from Alaska (Mr. STEVENS) has a very vital concern, a concern for his constituents, which is equalled by my concern for my constituents, who happen to be at the empty end, who happen to be at the expensive end of every energy pipeline.

To talk about cost, or talk about leverage, of course, the cost is 50 cents for every $5.25 a barrel in increased transportation cost. The Senator from Alaska conceded that that would reduce the wellhead price.

That is not going to be borne by the consumer. That will reduce the wellhead price and the oil companies' profits, for once.

I understand his concern that will reduce revenues in Alaska, and I am sorry. But that is one of the problems involved in having that much oil.

The PRESIDING OFFICER (Mr. MCINTYRE). The Senator's 2 minutes have expired.

Mr. DURKIN. Two more.

Mr. President, the best pressure and the fastest way to get a pipeline to get that oil to the lower 48 where we can use it and where it is needed is to put the leverage and the pressure on the oil companies and get the transportation to get it to the Midwest and the Northeast.

But I am afraid. I am distressed to hear the Commerce Department is in favor of exporting our oil to Japan. I am upset that the FEA is in favor of exporting our oil to Japan, and unless they are able to control the OPEC prices, we are getting a pig in a poke. We are getting unregulated OPEC oil in return for controlled and regulated oil, U.S. oil, from Alaska.

Let us face it, the oil companies do not want that oil in the United States. They want to get it out of here as fast as it is possible because it has the potential of depressing the price of energy, depressing the price of oil. The other oil they all control, manipulate, all the way from the wellhead to the gas tank. They want that oil out of the United States as fast as it is possible and get it to Japan.

We are going to aggravate our job situation, aggravate the jobs in the shipyards in this country, aggravate the job conditions in the refineries, and this makes it easier for Taiwan shoes to get here and put people out of work, and for those TV sets to come back on those empty tankers.

Tanker after tanker will be back with TV sets, putting our electronic people out of business, out of work, putting them on unemployment, increasing the cost of unemployment in this country.

One Member of this Chamber during the campaign, an ill-fated campaign, proposed cutting off New England.

The PRESIDING OFFICER. The 2 additional minutes have expired.

One minute more.

Mr. DURKIN. A Member of this body proposed during an ill-fated campaign cutting off New England and letting it float out to sea.

I am afraid that is what the administration is calling for today when we have a situation of being allowed to buy high-priced unregulated OPEC oil. We are providing them something we do not control, shipping something that is going to further aggravate our energy situation.

I would like to quote from the President when he came on the tube the other night and said, "Good evening, ladies and gentlemen, our energy problem is worse tonight than it was in 1973."

Monday night, President Carter emphasized that our continued reliance upon insecure foreign sources represents a serious danger to the economic and political independence of the United States.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURKIN. One minute more.

Clearly, Mr. President, the exportation of Alaskan oil specially exchanged for additional OPEC supplies, as has been proposed, will aggravate the dangers to which the President referred and will encourage our dependence upon OPEC by approximately one-half million barrels of oil every day. It further jeopardizes the economic vitality of New Hampshire, New England, and the entire east coast.

Mr. President, I reserve the remainder of my time, but I have one concluding remark.

I doubt both Houses would have to disapprove the sale of Alaskan oil to Japan, that the President can initiate. I doubt very seriously if both Houses can defeat the combined efforts of the FEA, Commerce Department, administration, and big oil. So we better do it now.

The PRESIDING OFFICER. The Senator's time has expired.

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

Mr. GRAVEL. Will the Senator yield?

The PRESIDING OFFICER. Who yields time?

Mr. GRAVEL. Will the Senator yield me 5 minutes?

Mr. STEVENSON. How much time remains, Mr. President?

The PRESIDING OFFICER. Five minutes.

Mr. HEINZ. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Pennsylvania has no time on the amendment.

Mr. STEVENSON. How much time does the Senator desire?

Mr. GRAVEL. Five minutes.

Mr. DURKIN. How much time does the Senator from New Hampshire have?

The PRESIDING OFFICER. Four minutes.

Mr. DURKIN. I thank the Chair.

Mr. GRAVEL. May I have 5 minutes on the bill?

Mr. STEVENSON. I yield the Senator from Alaska 5 minutes on the bill.

The PRESIDING OFFICER. Five minutes on the bill.

The Senator from Alaska.

Mr. GRAVEL. I thank the Chair and I thank my colleagues from Illinois.

As the junior Senator from New Hampshire knows, I hold him in deep personal esteem. I truly understand how deep must be his concern for his people to come to the floor with an argument so blurred and so far from the realities of everyday life in the energy field.

I want the record to show it is only because his area has suffered and, as he stated, has been at the wrong end of the pipe with respect to energy that he has gone so far afield in what are obviously accepted facts.

First, let me assure my colleague that oil tankers do not carry TV sets. Maybe they have one in the recreation room of an oil tanker and maybe some people on the tanker wear Italian or Taiwan shoes, but they do not normally carry those things.

I say, if my colleague prevails in what I call a very irrational—and I do not mean this to him personally, I am also speaking to the amendment that passed the House—a very irrational piece of legislation, that he will be causing his constituents to suffer even more than they are now.

Let me give an example. One of the possibilities would be a trade of oil with Canada. There is no place on the west coast of this continent that Canada can handle Alaskan sour crude to refine. So what we have to do is swap with Canada, to ship it in a vessel, possibly a supertanker, take it all the way around South America and up into Canada, so they could refine it.

That would be very silly and too expensive for the Canadians.

But swapping of oil is literally what it means; that we have a quantity of oil in this part of the globe and cannot move it, or it makes no sense economically to move it. So what we do is use it in that part of the world and swap it for another quantity of oil in another part of the world which is more economically advantageous for us to get.

It has been stated here I am sure—I was not here for all the argument—that it is cheaper to move it from Alaska to Japan. It stands to reason.

I am sure if I were negotiating it for the administration and had the power to do this, I would say I would sell this oil to Japan. They would experience probably a 50 cent per barrel saving in transportation. Now, Japan has bought some oil in the Middle East. We will take that same quantity and ship it to the east coast, as we are doing now and paying the full tariff. Why not send it to the Japanese? We can split the 50 cents so the people in New Hampshire will get oil in New Hampshire at 25 cents a barrel less than they would normally pay.

Now, that to me, is a little brighter than saying, "Let's lock the oil in."

If we bring it anywhere, we have to bring it to New Hampshire via South America and via the Panama Canal, which is uneconomical. Of course, there is no pipeline that exists to do it now. One of the oil companies spent $20 million trying to get one into Long Beach and into Texas, just to move oil into that part of the country the Senator wants to get it to.

The PRESIDING OFFICER. The time has expired.

Mr. GRAVEL. Two additional minutes on the bill.

Mr. STEVENSON. Two additional minutes.

The PRESIDING OFFICER. Two additional minutes on the bill.

Mr. STEVENSON. On the amendment.

The PRESIDING OFFICER. On the amendment.

Mr. GRAVEL. All I am saying, it would be a tragedy to put blinders on one's head because we have deep emotions and they control our heads and say, "Well, that oil is not going anywhere in a reasonable, economic fashion except from Alaska to the United States, even if that is uneconomical." That is irrational.

There is oil in the North Sea that will have to come to the United States to be refined because they cannot refine it in Britain. And that is economical. It may sound irrational, but it is economical.

I submit, when we file an economical and political consideration, we do some very irrational things in that economic area.

I hope my colleague will not prevail. I think this is an unfortunate amendment that is pushed by deep emotions. Unfortunately, this is irrational.

Mr. President, I ask unanimous consent to have printed in the RECORD a memo to the Senate from me on this issue, plus a letter from the Federal Energy Administration.

I state that my office received a call from the White House stating President Carter definitely is opposed to the Durkin amendment. There is no reason for it.

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

SHOULD CONGRESS PASS LEGISLATION TO PROHIBIT THE EXPORT OF PRUDHOE BAY OIL?

The House of Representatives recently passed the Export Administration Amendments Act of 1977 which, by Section 110, would prohibit the export of Prudhoe Bay oil for a period of two years. The question arises whether the Senate should pass a similar bill.

After considering all of the matters outlined below, one is led to the consideration that the Senate should not pass such a bill. The House acted prematurely in adopting an unduly restrictive measure when, in fact, the option of exporting the oil should remain open.

By way of background, production is expected to commence at Prudhoe Bay about July 1, 1977. The production rate is expected to start at 300,000 barrels a day and then increase to 1.2 million barrels per day by the first of 1978. It has been estimated that 700,000 barrels per day of this oil can be used in West Coast refineries, while 500,000 barrels per day would not be needed there. Questions arise, therefore, as to how these barrels are to be moved to where they are needed.

This oil can move eastward to the refining centers where it is needed once one or more pipelines have been finished for this purpose. However, construction has not yet started on any of the projects that are being considered, so that the completion date is a matter of conjecture. Several pipeline projects are under consideration, and a lot of effort has gone into them. One such pipeline would move oil from Long Beach to Midland, Texas, basically through gas pipelines no longer needed for the movement of gas. At Midland, the oil would feed into existing pipelines which could move it into the Gulf Coast and the Midwest. Another pipeline under consideration would extend from the State of Washington across the northern part of the United States to Minnesota, where the oil would move into existing pipelines which extend into the Midwest. Still another pipeline that is under consideration would connect the West Coast of Canada with the existing Canadian pipelines, which would permit movement of the oil into the northern part of the United States and on into the Midwest.

With the pipeline situation as it is, therefore, shorter term solutions for the distribution of the oil must be looked to, and there are at least three alternatives for the near term.

The oil could be exchanged with Canada or Mexico for similar quantities of oil. While some Federal administrative approval would be needed, such transactions would not require any action on the part of the President or Congress and, in fact, such exchanges are specifically permitted under the provisions of the Trans Alaska Pipeline Authorization Act. On the other hand, there are some basic physical problems with this type of exchange. Mexico has no refineries on its West Coast and it produces more oil than is needed by the refineries located on its East Coast, so an exchange with Mexico would not appear to be feasible. Canada's West Coast refineries are not capable of handling Alaskan type crude oil. Consequently, any exchange with Canada would require movement of the Alaskan oil to its eastern Providences. There is some question, however, whether the Canadian energy policy could be revised to increase its western Canadian oil exports to the U.S. as part of the exchange. It would appear, therefore, that this alternative is not viable.

The second alternative is to move this oil to the Gulf Coast through the Panama Canal. This seems to be a viable alternative, although it is certain that there are not enough Jones Act tankers to move the quantity of oil that will have to be moved. Even if American flag tankers, which have been built under construction subsidies, were used under the Maritime laws there is some uncertainty as to whether there would be sufficient tankers for this purpose. If not, there is a possibility that the Jones Act could be waived so that foreign flag tankers could be used, but there is no precedent for this, and no doubt it would be opposed by the U.S. shipping industry. Consequently, it would appear that while the movement through the Canal is a viable alternative, there is no assurance that enough tankers will be available.

In view of this uncertainty with respect to tankers, therefore, we have to look to a third alternative, and that is the possibility of exchanging some of the Alaskan oil with foreign countries. Under this alternative, foreign oil destined for Japan, for example, would be diverted to eastern United States ports in exchange for deliveries of Alaskan oil to Japan. Such an exchange under the terms of the Trans Alaskan Authorization Act would require a recommendation by the President and the concurrence of both Houses in Congress.

There are several points with respect to this export or exchange that need to be kept in mind:

1. First, there seems to be a fear that if we "export" Alaskan oil this country loses oil and receives nothing in return for it except money. That is not the case, however, since all of the speculation about a transaction with Japan, for example, is in terms of "exchanges". Unfortunately, there seems to be some mystery about exchanges in the minds of many people, even though exchanges are used every day in the oil business, both domestically and on an international basis.

Exchanges are merely trades for one party's oil in a given location for another party's oil at another location.[1]

Consequently, under an exchange, this country would receive back as much oil as it gave up.

There seems to be a fear that Japan could not deliver oil in an exchange because it doesn't own any oil fields. Lack of field ownership is of no consequence, as long as Japan is buying foreign oil which it could have delivered to the East Coast or the Gulf Coast ports of the United States. There is a fear, too, that if Japan stopped delivery on the exchange, say during an embargo, U.S. companies would still be required to deliver Alaskan oil in spite of the embargo. The answer to this is that continued deliveries would be a part of any exchange. In other words, if Japan stopped delivery, so would the U.S., and vice versa.

2. New legislation with respect to exports is not needed. Legislation already exists. The Trans Alaska Pipeline Authorization Act provides that oil moving through the pipeline (except for oil exchanged for similar quantities with Canada or Mexico, or oil moving through those countries' transportation facilities) cannot be exported unless the President makes and publishes a finding that such exports do not diminish the total quantity of oil available to the U.S. He must report the same to the Congress, and then Congress would have 60 days to disapprove the action by concurrent resolution.

3. It should be of concern to everyone that the House has passed a measure with national and international implications without the benefit of any hearings whatsoever, so in a rather offhand manner the House has removed an important national policy option.

4. It would appear that this option is one of many which may be used to solve the distribution problem of Alaskan oil, and it ought to be considered in the context of the President's entire energy program which the Senate Energy Committee and other committees have started hearings on already.

Consequently, one has to conclude that the legislation which has been passed was premature in foreclosing a national policy option which should be left open.

[1] The following illustrates the principle of an exchange, even though oil is not involved in this example. A store in New York City arranges to buy 100 widgets a month from a manufacturer in San Francisco. A store in Seattle arranges to buy 100 widgets a month from a manufacturer in Philadelphia. To simplify deliveries, the stores agree to take the following steps: The New York store tells its San Francisco manufacturer to make deliveries to the Seattle store; the Seattle store tells its Philadelphia manufacturer to make deliveries to the New York Store. To protect themselves in case of non-performance if the Philadelphia manufacturer stopped making its deliveries to the New York store, the New York store will tell the San Francisco manufacturer to stop making deliveries to Seattle. Conversely, if the San Francisco manufacturer stops deliveries to Seattle, the Seattle store will tell the Philadelphia manufacturer to stop making deliveries to New York. This is exactly the way an oil exchange with Japan would work.

FEDERAL ENERGY ADMINISTRATION,
Washington, D.C., May 5, 1977.

Hon. HENRY M. JACKSON,
Chairman, Energy and Natural Resources Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing on behalf of the Administration to express opposition to the inclusion of any provision in S. 69, the Export Administration Act Amendments of 1977, or to any other bill that would have the effect of creating an outright prohibition on the export of Alaska North Slope crude oil to a noncontiguous country.

As I am sure you are aware, present law, as specified in Section 28 of the Mineral Lands Leasing Act, forbids exports of North Slope crude oil with non-contiguous countries, unless the President finds, among other things, that such exports will not diminish the total quantity or quality of crude oil available to the U.S. and are in the national interest. This finding may be overridden by Congress within 60 days by a concurrent resolution of disapproval.

It should be emphasized that under present law the President does not have unfettered authority to approve an exchange of North Slope crude oil with a foreign country. Indeed, that authority is already severely limited and subject to close monitoring by Congress. Since Congress, by concurrent resolution, may readily reverse any action by the President to approve exports, it is clear that no Presidential decision on the issue can run counter to the views of a majority of the Congress.

At this point, the decision on whether to permit such exchanges with a foreign country such as Japan has not been made, although the issue is currently being evaluated at the highest levels of the Administration. For this reason, I am unable as yet to indicate what the Administration's position ultimately will be on the exchange issue.

Regardless of the President's decision on this issue, however, we believe it is imperative that the exchange option be kept available to cope with all possible supply exigencies. For example, it is not inconceivable that a calamity causing a disruption of the vital Panama Canal waterway could occur. After some experience with the impact of North Slope crude oil supplies on the West Coast crude market, there might also develop a consensus that it would be in the national interest to relieve some of the pressure by authorizing limited foreign exchanges. In either case, without the option for limited exchanges, the only alternatives might be to shut in North Slope production or to impose unwarranted transportation cost burdens on the North Slope producers or U.S. consumers, neither of which would be in the national interest.

In short, nothing will be achieved by adopting a ban on exports of North Slope crude, other than to limit seriously and unnecessarily the President's and the Nation's ability to cope with short-term supply imbalances created by the influx of Alaska oil.

Sincerely,

JOHN F. O'LEARY,
Administrator.

Mr. GRAVEL. I thank my colleague.

The PRESIDING OFFICER. Who yields time?

Mr. DURKIN. Mr. President, I have 4 minutes remaining. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DURKIN. I yield myself 1 additional minute.

I point out that my amendment does not prohibit exchange, export, or swap with Canada or Mexico. So I do not think that is a real problem.

Mr. GRAVEL. Mr. President, will the Senator yield on one point?

Mr. DURKIN. No, not now.

Mr. GRAVEL. We cannot swap with Canada. Will the Senator let me make that point?

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. DURKIN. The distinguished Senator from Illinois said that the administration wants to preserve its options. I should like to inform the administration that our burners in New England are not equipped to burn options. I do not want to preserve options; I want to preserve our oil.

In Alaska today, in Prudhoe Bay, they are returning the natural gas until they get a pipeline. They can hold some of that oil in Alaska, and it is not going to hurt anyone. It is not going to cost anyone anything, except perhaps some oil companies.

I grieve for my friend from Alaska, but the oil companies are on their own. Nobody is going to be hurt by shutting in that oil until the pressure grows so that we get a pipeline into the Midwest and into the eastern part of this country.

It is going to further aggravate our balance of payments. Our balance of payments is out of whack today. There was an economic conference at the White House all day Saturday in which they talked about our balance of payments. This is going to further aggravate our balance of payments. It is going to drain America first. We are going to sell our oil first. For what reason? To profit the oil companies and to fuel the economic machine of Japan and some other Pacific countries that are competing severely with our New England workers—our shoe workers who are out of business, our textile workers who are out of business, our electronics people who are being threatened.

New England and New Hampshire and the Northeast have paid a high enough price already for global politics, and it is time to call a halt, to keep our energy in this country and to use our ingenuity to get the oil to the Northeast. As I said before, our burners cannot burn options. We need oil.

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

Mr. GRAVEL. Mr. President, will the Senator yield me one-half minute in order to respond to one item?

Mr. STEVENSON. I yield the Senator one-half minute on the amendment.

Mr. GRAVEL. Mr. President, simply shutting in oil will raise the cost of oil to the Senator's constituency, by defering the utilization of the pipeline. Interest is running on the pipeline; it is very costly; and that interest and added cost will have to be borne by the oil in the pipeline when it is shipped. That means the cost of the oil to market will be more.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. STEVENSON. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New Hampshire has 2½ min-

utes remaining; the Senator from Illinois has 2½ minutes on the amendment.

Mr. STEVENSON. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged against either side.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is ordered. Who yields time?

UNANIMOUS-CONSENT AGREEMENT

Mr. STEVENSON. Mr. President, I ask unanimous consent that the amendment offered by the Senator from New Hampshire be laid aside temporarily, without the loss of the time remaining to the proponent or the opponent of that amendment, in order that the Senate now can consider an amendment to be offered by the distinguished Senator from Kansas; that following the disposition of the amendment to be offered by the Senator from Kansas, the Senate then proceed to the consideration of S. 855, with no votes thereon until 2 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. DURKIN. Mr. President, reserving the right to object, will the Senator qualify that, to incorporate the provision that we will get back to and have the vote on my amendment no later than, say, 3:15?

Mr. STEVENSON. The order in effect now says that the vote on the amendment offered by the Senator from New Hampshire will occur no later than 3.

Mr. DURKIN. All right. Then we will get back to it no later than 5 minutes to 3, and that gives the Senator 2 minutes.

Mr. STEVENSON. At some point between 2 and 3, a vote would occur on the motion to table the amendment by the Senator from New Hampshire. If that motion fails, then a vote will occur on the amendment itself. That would take place—those votes—between 2 and 3, under the order that now prevails, which is not affected by the request I am making.

The PRESIDING OFFICER. Is there objection?

Mr. DURKIN. Mr. President, reserving the right to object, I have no reason to object, so long as I am confident we will get back to this amendment no later than 3 o'clock.

Mr. STEVENSON. The Senator is correct.

Mr. DURKIN. I have no objection.

Mr. STEVENSON. That would be the effect, under this request.

Mr. HEINZ. Mr. President, reserving the right to object, I want to be sure that we are all clear as to the Senator's unanimous consent request.

The Senator is asking that the remaining time be laid aside on the Durkin amendment; that the Senator from Kansas (Mr. DOLE) be allowed to proceed with his amendment; that upon the disposition of the Dole amendment, it be in order to proceed to S. 855; that there would be no vote—and this is where I need guidance from the Senator—on the Dole amendment until after the disposition of S. 855.

Mr. STEVENSON. No. No vote will occur on S. 855 until after 2 p.m.

Mr. HEINZ. The Senator anticipates that both the Durkin amendment and the Dole amendment will be disposed of prior?

Mr. STEVENSON. No. It would be my expectation—and this was not addressed in the request—that a vote could occur on the amendment to be offered by the Senator from Kansas before 2 p.m., but no vote on the amendment by the Senator from New Hampshire until between 2 p.m. and 3 p.m., in accordance with the order previously entered.

Mr. HEINZ. I have no objection on this side.

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

The Senator from Kansas is recognized.

UP AMENDMENT NO. 196

Mr. DOLE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an unprinted amendment numbered 196:

On page 42, line 15, after "clause" insert "(A) or".

Mr. DOLE. Mr. President, the clerk has read the entire amendment, so it is not particularly lengthy.

I am pleased to say that the senior Senator from Colorado (Mr. HASKELL) is a cosponsor of this amendment.

The section that the Senator from Kansas is amending requires that when export controls are imposed on farm commodities for foreign policy reasons, the President must report his reasons in detail to Congress; then Congress has 30 days to veto the action by concurrent resolution.

The Senator from Kansas—and I believe most other Senators from farm States—strongly support this section.

In the past we have seen embargoes or export controls—whatever name they are given—imposed by previous administrations. The net result was a loss in farm income, and there was never any full explanation of the reason, never any opportunity for Congress to participate in that decision.

Having said that I support that section, my amendment, by the use of the letter "A" and the word "for," simply would make this section apply when export controls are imposed due to domestic shortages.

It seems to me that this is totally reasonable. In recent years, when we have had export restrictions, it was difficult to get a precise explanation as to why the controls were imposed. Sometimes the administration said it was because of foreign policy; sometimes due to domestic shortage; sometimes they said national security was the reason.

This amendment simply would give Congress and farmers and consumers and the public at large time to understand why the action was taken.

We all know that the imposition of export controls is a matter of national importance.

It is a matter that deserves some national discussion. In fact the whole question of embargoes received a great deal of national discussion last year in the months of August, September, and October and a couple of days in November.

It did become a very important issue all across America, particularly in the so-called farm belt of America where we felt the sting of export embargoes and understood the realities of export controls.

So I think we must insure that fair and complete consideration is given to any decision to impose controls.

Based upon past experience, I am not certain the bureaucrats or officials at the USDA, the White House, or the Economic Policy Board fully understand the impact of export restrictions.

This amendment would simply let us understand the reasons for controls fully and have some open debate.

Under the Export Administration Act, export controls are imposed due to domestic shortages, for foreign policy purposes, and for national security reasons.

My amendment would not in any way affect the national security reasons. If the President should impose export controls upon recommendation because of national security reasons then this would not apply. It would not come to Congress. There would not be any report. We would not have any 30-day period to veto the action because some of these national security reasons, of course, are highly sensitive. But it would apply when domestic shortages or foreign policy purpose are the reasons given for the imposition of export controls. And that is what the amendment does.

I hope that it might be acceptable because I can say, coming from the part of the country where agriculture is highly important, and being the ranking Republican on the Agricultural Committee, I think this is a matter of great concern not only in the State of Kansas, but is of great concern all throughout the Midwest, and I do not believe it does violence to the good work done by the committee. I hope there might be some agreement on a rather technical minor amendment.

Mr. STEVENSON. Mr. President, there is no sound basis in my judgment for distinguishing between foreign policy and short supply embargoes as the distinguished Senator from Kansas indicated.

I agree with him. I hope that we will never see either kind of embargo again. But should either kind be imposed by the President in the future each and with equal logic is entitled to consideration in Congress. So, I would be happy to accept this amendment. I think it is a sound amendment and in fact should have been

included when this provision was first adopted in the last Congress.

Mr. HEINZ. Mr. President, I would be happy to accept the amendment. I know of no objection on the minority side, either.

Mr. STEVENSON. Mr. President, if there is no other discussion on this amendment, I am prepared to yield back the remainder of my time.

Mr. DOLE. I thank the distinguished leaders in charge of the bill and I appreciate it very much.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. DOLE. I yield back my time.

Mr. STEVENSON. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HEINZ. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that on the table.

The motion to lay on the table was agreed to.

Mr. HEINZ. Mr. President, I ask unanimous consent that Robert P. Hunter and Miss Kristine Iverson have the privilege of the floor during the consideration of this measure and votes thereon.

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

NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1978

The PRESIDING OFFICER. Under the previous order the Senate will proceed to the consideration of S. 855, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 855) to authorize appropriations for the activities of the National Science Foundation, and for other purposes.

The Senate proceeded to the consideration of the bill, which had been reported from the Committee on Human Resources with an amendment in the nature of a substitute.

The PRESIDING OFFICER. Who yields time?

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

Mr. DOLE. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. STEVENSON. I withhold the request and yield.

Mr. DOLE. Mr. President, I ask unanimous consent that Myron Kuropas and Claude Alexander of my staff be accorded the privilege of the floor during the consideration of S. 69 and S. 855.

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

Mr. STEVENSON. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to two sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, I ask unanimous consent that David Koehler of Senator GRIFFIN's staff be accorded the privilege of the floor during the consideration of this bill.

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

Mr. KENNEDY. Mr. President, the National Science Foundation authorization as reported to the Senate by the Committee on Human Resources provides a 2-year authorization for the Foundation. The bill authorizes $898 million for fiscal year 1978 and $1,057,000,000 for fiscal year 1979. These figures are fully consistent with the funding provided for this function in the budget resolution as approved by the Budget Committee. The fiscal year 1978 total which is included in the committee bill is virtually identical with the administration's request. The only significant change made by the committee was the addition of $10 million to the budget for science education—a program which over the last 10 years has declined from 25 percent of the NSF budget to just 9 percent. This additional funding will be focused on programs to assist minorities, women, and the handicapped; on programs to improve access by citizens to information concerning the impact of science and technology on society; and on a special assessment of the science education needs of 2-year colleges.

Other major provisions in the pending bill include:

First, $1.1 million increase in funds for graduate fellowships;

Second, startup funding for three resource centers for education in science and engineering;

Third, $5 million for science for citizens, including assistance to citizen groups, fellowships and activities to improve public understanding of science;

Fourth, restoration of funding for continuing education to level requested by the administration;

Fifth, provisions allowing researchers in industry to compete for basic research funds and to be involved in exchange programs with academic institutions;

Sixth, emphasis in applied research programs on sustained support for interdisciplinary research;

Seventh, 50-percent set-aside of funds for precollege teacher development to train teachers to present material concerning the interrelationships between science and society;

Eighth, 2-percent set-aside of basic research funds in fiscal year 1978—4 percent in fiscal year 1979—for grants to strengthen the basic research capabilities of colleges and universities which conduct basic research;

Ninth, 15-percent set-aside of instrumentation and equipment funds for grants of less than $25,000;

Tenth, emphasis in the international program on bilateral and multilateral agreements with Western Hemisphere countries;

Eleventh, 3-year research grants for scientists and engineers whose doctoral degree was earned within the last 5 years;

Twelfth, $2 million reduction in policy research funds, providing that $2 million of fiscal year 1977 funds be made available in fiscal year 1978; and

Thirteenth, $20 million for earthquake engineering.

Mr. President, last year the Congress appropriated $769 million, plus $28 million in carryover funds, for the NSF. S. 855 provides a 10.9-percent increase over that level. It will provide for real growth of just over 3 percent. S. 855 restores the $14 million reduction in support for basic and applied research which the House made during its consideration of the administration's budget. This reduction was described by one witness before our committee as "the worst way for this country to save money that I can think of."

The fiscal year 1979 funding included in S. 855 is based on the recommendations of the National Science Board. That Board, which is comprised of 25 of the Nation's leading scientists and engineers, is the policymaking body for the foundation. Their recommendations are based on assessments and recommendations from professional societies, from the National Academies of Science and Engineering, from contracts with thousands of scientists in all parts of the country, from members of NSF program panels, and from thousands of reviewers. They also take into account information on Federal science support programs from other agencies, especially the National Institutes of Health, the Department of Defense, the National Aeronautics and Space Administration, and the Department of Agriculture.

Mr. President, the bill before the Senate today provides for the continued strength of the Federal Government's commitment to scientific research and science education. The 2-year funding it includes will establish a framework for planning that will be of substantial assistance to the NSF and the scientific community in the development of programs and policies.

Whether we are concerned about changing climate patterns, the impact of fluorocarbons on the ozone layer, recombinant DNA, or protecting man from environmental hazards, the public and the Congress looks to the scientific community to conduct research that will help the Nation deal with these issues. We also expect that research to result in an expanded knowledge base that will insure a steady stream of appropriate, new, and improved technology. We want to stimulate innovation that will improve the quality of life and provide new employment opportunities.

(3) the establishment of a national clearinghouse with at least one regional branch to facilitate access by scientists, engineers and general public to research and other information and material related to the scientific and technical components of public policy issues.

(d) The evaluation of applications for awards and planning grants under this program shall be conducted by review panels which include a balanced group of scientists and engineers, representatives of public interest groups, representatives of minority groups, representatives of women's groups, and nonscientists.

RESOURCE CENTERS FOR SCIENCE AND ENGINEERING

SEC. 7. (a) From funds authorized under section 2(b)(6) and section 2(c)(6) the National Science Foundation shall establish three Resource Centers for Science and Engineering to be located at geographically dispersed educational institutions which—

(1) enroll substantial numbers of minority students, students from low-income families, or both;

(2) are geographically located near population centers of low-income families or minority groups;

(3) demonstrate a commitment to encouraging and assisting minority students or students from low-income families, or both; and

(4) have an existing or developing capacity to offer doctoral programs in science and engineering.

(b) Each Center, established under this section, shall—

(1) support basic research and the acquisition of necessary research facilities and equipment;

(2) serve as a regional resource in science and engineering for the community which the Center will serve; and

(3) develop joint educational programs with nearby precollege and undergraduate institutions which enroll a substantial number of minority students or students from low-income families.

FOREIGN EXPENDITURE LIMITATION

SEC. 8. In addition to such sums as are authorized by section 2, not to exceed $6,000,000 is authorized to be appropriated for fiscal year 1978, and not to exceed $8,000,000 is authorized to be appropriated for fiscal year 1979, for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

CONSULTATION AND EXTRAORDINARY EXPENSE LIMITATIONS

SEC. 9. Appropriations made pursuant to this Act may be used, but not to exceed $5,000 each in fiscal year 1978 and fiscal year 1979 for official consultation, representation, or other extraordinary expenses upon the approval or authority of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

OBLIGATION LIMITATION

SEC. 10. Appropriations made pursuant to this Act shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

TRANSFER LIMITATION

SEC. 11. No funds may be transferred from any particular category listed in section 2 for any fiscal year to any other category or categories listed in such section for that year if the total of the funds so transferred from that particular category would exceed 10 per centum thereof, and no funds may be transferred from that particular category would exceed 10 per centum thereof, and no funds may be transferred to any particular category listed in section 2 for any fiscal year from any other category or categories listed in such section for that year if the total of the funds so transferred to that particular category would exceed 10 per centum thereof, unless—

(1) a period of thirty legislative days has passed after the Director of the National Science Foundation or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Human Resources of the Senate a written report containing a full and complete statement concerning the nature of the transfer and the reason therefor, or

(2) each such committee before the expiration of such period has transmitted to the Director written notice to the effect that such committee has no objection to the proposed action.

INFORMATION REQUIREMENT

SEC. 12. Notwithstanding any other provision of this or any other Act, the Director of the National Science Foundation shall keep the Committee on Science and Technology of the House of Representatives and the Committee on Human Resources of the Senate fully and currently informed with respect to all of the activities of the National Science Foundation.

COMPENSATION

SEC. 13. Section 14(d) of the National Science Foundation Act of 1950 is amended to read as follows:

"(d) The members of the Board and the members of each special commission shall receive compensation for each day engaged in the business of the Foundation at a rate fixed by the Chairman but not exceeding the rate specified for the daily rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code, and shall be allowed travel expenses as authorized by section 5703 of title 5, United States Code.".

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

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

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I ask unanimous consent that S. 855 be indefinitely postponed.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent that in the engrossment of the Senate amendment to H.R. 4991, the Secretary of the Senate be authorized to make technical and clerical corrections

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

Mr. KENNEDY. I move that the Senate insist on its amendments to H.R. 4991, and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. KENNEDY, Mr. PELL, Mr. NELSON, Mr. HATHAWAY, Mr. SCHWEIKER, Mr. JAVITS, and Mr. CHAFEE conferees on the part of the Senate.

EXPORT ADMINISTRATION AMENDMENTS OF 1977

The PRESIDING OFFICER. In accordance with the previous order, the Senate will resume the consideration of the bill (S. 69) to amend and extend the Export Administration Act. The pending amendment is No. 195, offered by the Senator from New Hampshire (Mr. DURKIN). Who yields time?

Mr. STEVENSON. Mr. President, how much time do I have remaining on this amendment?

The PRESIDING OFFICER. The Senator has 2½ minutes.

Mr. STEVENSON. Mr. President, I am prepared to yield back my time.

Mr. BAYH. Mr. President, would it be possible to get 1 minute on the bill? I realize there is only a short period of time remaining. Is there any time remaining on the bill which might extend an opportunity to discuss this issue?

Mr. STEVENSON. Mr. President, there is a little time remaining on the bill, but I remind Senators that under the order which has been entered, a vote must occur on a motion which I believe will be made by the Senator from Washington at 3 o'clock.

Mr. DURKIN. Provided that the remaining time that the Senator and I have has not been used.

Mr. STEVENSON. That consists of about 5 minutes. I will yield 1 of those minutes to the Senator from Indiana.

Mr. BAYH. The Senator from Illinois is very gracious.

Mr. President, I rise to support the Durkin amendment to prohibit any export of Alaskan oil for the next 2 years. In light of the President's recent statements on the crucial need for America to reduce her imports of foreign oil and conserve our domestic sources of energy, it is almost ludicrous that we should be debating today whether or not to export our newest source of domestic energy, the oil that will soon be flowing through the Alaska pipeline from the North Slope. By this November, the pipeline will be transporting 1.2 million barrels of oil per day. And the sad fact is that most likely half of this oil will be exported.

Mr. President, I ask you how, in good conscience, we can ask the American people to believe that we are in the midst of a severe energy crisis, and ask them to reach further down in their pockets to pay more for energy, to turn their thermostats down and drive their cars less, while we are exporting half a million barrels of oil per day to Japan.

I would remind my colleagues that I, along with many others, opposed the Alaskan pipeline, because it was obvious to us, even at that time, that the Alaskan route would not provide oil to the sections of the country that needed it, but would likely result in a surplus of oil on the west coast and exports to Japan. When we lost that fight, we tried to prohibit any export of North Slope oil. We lost that one, too. The Alaskan pipeline is virtually complete and that decision cannot be reversed. But the Durkin

amendment provides us once again with the opportunity to make sure that Alaskan oil stays in America. I urge its acceptance.

Mr. President, the proven reserves in Alaska's North Slope have been estimated at 10 billion barrels. In all likelihood, there is probably closer to 30 billion barrels there. At a rate of 1 million barrels per day, that oil supply will last for at least 90 years. We must act immediately to get this oil to sections of the country in desperate need of it, and to reduce our dependence on unstable sources of foreign oil.

The situation is going to get worse, not better. The Canadians are continuing their gradual reduction of exports to the United States. By 1982 we will get no more Canadian oil. The loss of this crude will result in idling greater than half of the capacity of northern tier refineries.

Unfortunately, no transportation system currently exists to easily move Alaskan oil to energy deficient areas of the Nation. However, several initiatives are underway in the private sector to add to existing pipelines and make efficient transportation of Alaskan oil to northern tier refineries possible. We must do all we can to expedite the construction of these additional pipelines.

On February 28, I joined with Senator MELCHER and 14 other colleagues in urging the Federal Energy Administration to recommend a means of expediting the construction of these new pipelines as required by section 18 of the Alaskan Natural Gas Act. Unfortunately, the report issued by the Federal Energy Administration, in response to this requirement, did not recommend strong executive action. This was true despite the fact that the FEA agreed that the pipeline proposals were technically feasible and could be made operational within the next few years. I hope the administration will reconsider this decision.

In closing, Mr. President, I once again urge my colleagues to support this effort to keep Alaskan oil in the United States and to join in urging the administration to take positive action to expedite the construction of pipelines to bring Alaskan oil to the energy-starved States of this country.

The PRESIDING OFFICER. The Senator's 1 minute has expired. Who yields time?

Mr. HEINZ. Mr. President, I yield 2 minutes to the Senator from Alaska on the bill.

Mr. STEVENS. Mr. President, because of the statement of the Senator from Indiana, I am compelled to remind the Senate that this amendment is opposed by the administration, opposed by the President, by Mr. Schlesinger, and by the Secretary of Commerce. It is an amendment which would take away from the President the flexibility which was built into the Trans-Alaska Pipeline Authorization Act at the insistence of the Senator from Indiana and the Senator from Minnesota.

This authority gives the President the right to approve exchanges, not to approve any net loss of oil to the United States. It could bring about the delivery of Saudi Arabian oil to the east coast of the United States and the delivery of Alaskan oil to Japan at a savings of anywhere from $140 to $300 million, as I documented the statement earlier today. That savings is a saving in transportation costs, tanker costs, of sending Saudi Arabian oil to Japan and sending Alaskan oil either through the canal or around Cape Hope all the way up to the gulf coast or to the east coast of the United States.

As was pointed out by the Secretary of Commerce, what about the Panama Canal? Should there be a closure of the canal, the option of using the tankers, as some people suggest, is lost and our oil would have to go all the way around South America to get to the consumers on the east coast and the Midwest.

Furthermore, this is not the surplus that the Senator was talking about at the time of the authorization of the pipeline. At that time, the initial stage of delivery of the Alaska pipeline was 600,000 barrels a day. It is now 1.2 million barrels per day, because of the insistence of the national Government that the delivery of Alaska oil be accelerated. The surplus we are talking about now is 500,000 barrels less than the 600,000-barrel increase that was brought about.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

The Senator from New Hampshire has 2 minutes.

Mr. DURKIN. Two and a half minutes, I believe.

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. DURKIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DURKIN. The last time I was told I had 2½ minutes. I do not see how I lost a half a minute.

The PRESIDING OFFICER. The Senator from Illinois has 2½ minutes. The Senator from New Hampshire has 2 minutes.

Mr. DURKIN. Thank you, Mr. President.

Mr. President, the President said not too long ago that the energy crisis was worse that night when he came on the tube. He declared the moral equivalent of war. He called for conservation, reduced imports, alternatives to oil, and for sacrifices from the American people.

Today half of his administration has declared war, not the moral equivalent, on the east coast.

This concerns selling the oil to Japan, and we have the chance to buy the OPEC priced oil. This is not much of a swap.

There is no saving to the east coast. The only saving is to the oil companies. The only ones who will profit will be the oil companies. The only savings is that in the transportation cost to get it to the east coast, they have to be at the wellhead price. So the savings comes out of the oil companies and the savings comes out of the Alaskan revenue. It will cost jobs to refinery workers and pipeline workers.

This is the energy that heats some of the factories that are putting our shoe workers, our electronics, and textile workers out of work as well. I have a global view, but not at the expense of the east coast.

The PRESIDING OFFICER. The Senator's time has expired. The Chair observes that the Senator has not yet modified his amendment. Does the Senator choose to modify his amendment now?

Mr. DURKIN. I was under the impression that the amendment did not have to be further modified as it is at the desk. But if it does, then it has to be further modified.

The PRESIDING OFFICER. The amendment is so modified, without objection.

The amendment, as modified, is as follows:

On page 56, after line 11, insert the following:

DOMESTICALLY PRODUCED CRUDE OIL

SEC. 119. Notwithstanding any other provision of this Act and notwithstanding subsection (u) of section 185 of Title 30, no domestically produced crude oil transported by pipeline over rights-of-way granted pursuant to such section 28 (except any such crude oil which (1) is exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, or (2) is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and reenters the United States) may be exported from the United States, its territories and possessions.

Mr. STEVENSON. Mr. President, I will yield 1 minute on the bill to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 1 minute.

Mr. MELCHER. I thank the Senator. Under the present law, Alaskan oil has to come to the lower 48 States. It was very explicit in the passage of the Alaska Pipeline Act. Then when it comes to the lower 48 States it must be equitably distributed. It is better that we pass this amendment now to reiterate to all of the administration and all of the oil companies which are involved that we are going to insist that Alaskan crude come to the lower 48 and be equitably distributed.

The Durkin amendment reiterates that, it makes it more ironclad.

The President, under existing law, cannot make a finding that it is in the national interest to have swaps with Japan, even if it is only temporary. It is in the national interest that we get the oil down to the lower 48 and share it here and only here.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

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

The PRESIDING OFFICER. The Senator from Washington is recognized for 1½ minutes.

Mr. JACKSON. Mr. President, for the benefit of the Senators who were not here

earlier, the pending amendment would, in effect, bar any use of the Alaskan surplus oil for purposes of exchange in export. May I say to our colleagues that in 1973 in the passage of the Alaska Pipeline Act, which we had on the floor and debated for many weeks, we covered this situation fully and adequately. If any such proposal of exchange is made it would require that the matter be submitted to the House and Senate and we would vote on it. I think it is unfair for any President, Republican or Democrat, to be denied the opportunity here to exercise the kind of leverage that is essential in seeing to it that this oil is properly distributed in an equitable and fair way.

I would hope that the President will have the opportunity to utilize the leverage and the options that are inherent in the present law. I strongly urge that my colleagues vote to table the pending amendment.

Mr. HATFIELD. Mr. President, I do not support the Durkin amendment. In my opinion, we should not restrict the options that are available. Other opponents of the amendment have made clear how impractical this amendment would be.

Certainly no one believes that all, or most, or even much, of the Alaskan oil should be shipped to other countries. The ability to export a portion of that oil when circumstances warrant it, however, is important.

The Japanese are important customers of American goods, as well as manufacturers of goods that are imported here. The Senator from New Hampshire said he did not want our American oil fueling the Japanese economy that makes goods for import to the United States. Mr. President, such an approach flies in the face of U.S. policies and ignores economic realities.

Japan imported goods from our customs district in Oregon valued at $851,733,515 last year. At the same time, our State imported Japanese goods valued at $526,892,517.

Certainly I recognize that Japan has had a history of restrictive policies that have excluded many U.S. products, but this policy has been relaxed, and more and more products are exported from the United States to Japan. Of course, trade policies should be founded in equity, based on mutual access to markets. The Durkin amendment, however, is a step in the wrong direction.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Washington is recognized.

Mr. JACKSON. Mr. President, I move to table the Durkin amendment.

The PRESIDING OFFICER. The question is on the motion to table the pending amendment. 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 South Dakota (Mr. ABOUREZK), the Senator from Arizona (Mr. DECONCINI), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Arkansas (Mr. MCCELLAN) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. MORGAN) is absent because of illness.

I further announce that, if present and voting, the Senator from Arizona (Mr. DECONCINI) would vote "yea."

Mr. STEVENS. I announce that the Senator from Michigan (Mr. GRIFFIN) and the Senator from California (Mr. HAYAKAWA) are necessarily absent.

The result was announced—yeas 66, nays 27, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—66

Allen	Ford	Metcalf
Anderson	Garn	Moynihan
Baker	Glenn	Nelson
Bartlett	Goldwater	Nunn
Bellmon	Gravel	Pearson
Bentsen	Hansen	Percy
Bumpers	Haskell	Roth
Burdick	Hatch	Sarbanes
Byrd, Harry F., Jr.	Hatfield	Schmitt
	Heinz	Sparkman
Cannon	Helms	Stennis
Case	Humphrey	Stevens
Chiles	Inouye	Stevenson
Church	Jackson	Stone
Clark	Javits	Talmadge
Cranston	Kennedy	Thurmond
Culver	Laxalt	Tower
Curtis	Long	Wallop
Danforth	Lugar	Williams
Dole	Magnuson	Young
Domenici	Mathias	Zorinsky
Eagleton	Matsunaga	
Eastland	McClure	

NAYS—27

Bayh	Johnston	Proxmire
Biden	Leahy	Randolph
Brooke	McGovern	Ribicoff
Byrd, Robert C.	McIntyre	Riegle
Chafee	Melcher	Sasser
Durkin	Metzenbaum	Schweiker
Hart	Muskie	Scott
Hathaway	Packwood	Stafford
Hollings	Pell	Weicker

NOT VOTING—7

Abourezk	Hayakawa	Morgan
DeConcini	Huddleston	
Griffin	McClellan	

So the motion to lay Mr. DURKIN'S amendment on the table was agreed to.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BROOKE. Mr. President, I shall vote for passage of S. 69, the Amendments to the Export Administration Act, which contains the antiboycott provisions.

In its present form, the bill represents a compromise, and I recognize this compromise is considered necessary in order to achieve a consensus on our national antiboycott policy.

I had hoped that a consensus could have been reached on stronger antiboycott provisions than are contained in the present bill. Yet, if sound regulations are promulgated, I believe that this measure could serve as an effective deterrent to secondary and tertiary boycotts. And we must monitor the regulations promulgated by the Commerce Department to assure that they carry out the objectives of the bill.

If the antiboycott provisions are vigorously enforced, then we will have today taken a major step toward protecting the freedom of American citizens freely to do business among themselves and with other nations, and it is with this hope that I support the passage of S. 69.

Mr. WILLIAMS. Mr. President, S. 69, as reported by the committee after extensive consideration, and as further amended this morning, represents a consensus on legislation designed to provide an effective and responsible American position in the face of the Arab boycott of Israel and of American companies doing business with Israel.

I would have preferred the enactment of an antiboycott law with fewer loopholes and exemptions which expressly sanction certain boycott-related conduct by American business. But I recognize the complexity and sensitivity of the issues and the intensity and thoroughness of the debate which has surrounded the consideration of antiboycott legislation. Having registered my reservations about S. 69, as reported, in additional views in the committee report, I recognize that the deliberative process has been both full and fair and I am prepared to support the passage today and enactment in the near future of S. 69.

HORSE EXPORT PROVISION OF S. 69

Mr. President, I would like to note that title I of S. 69 contains a provision to end the inhumane trade of exporting horses by sea for slaughter. This provision would have little economic impact, but would eliminate a great deal of unnecessary cruelty to horses.

These horses, many of which were once the prize possessions of Americans, are bought at auctions throughout the country. They are taken to Richmond, Va., and other ports, and shipped by sea to Europe. There, some may be purchased for work or pleasure purposes, but most are slaughtered for table meat.

Many do not arrive at their destination. Those that do are often sick, injured, emaciated or exhausted. The horses that die at sea are merely thrown overboard.

Humane investigators have reported deplorable conditions and improper care aboard ship. Since the horses will be slaughtered upon arrival and their economic value is relatively low, little care is taken to insure their safety. The rolling of the ship prevents them from sleeping during the 13- to 17-day voyage. Many persons experienced in the handling and transport of horses maintain that there is simply no humane way to ship large consignments of horses by sea over long distances.

This provision, which I introduced as a floor amendment to the export administration bill last year, would prohibit the export of horses by sea. It would, however, authorize the Secretary of Commerce, in consultation with the Secretary of Agriculture, to establish regulations for granting waivers to allow the export of consignments of horses

which are not intended for slaughter. The waivers would allow the shipment by sea of breeding, riding, racing, and show horses in cases where air transport is not practical. These shipments would continue to be regulated by the Department of Agriculture under existing law. The value and intended use of these horses are the best insurance that they will receive proper care.

This provision has the support of humane organizations, including the Humane Society of the United States, the International Society for the Protection of Animals, and the American Horse Protection Association; the National Horse Industry Advisory Committee of the Department of Agriculture; and the American Horse Council.

Mr. BAYH. Mr. President, today the Senate is considering an important and complex proposal that would strengthen in a meaningful way our commitment to discourage and prohibit the compliance of U.S. companies with the boycott policies of foreign governments which violate the rights of our own citizens and American businesses.

Since 1965 and until the Export Administration Act expired several months ago, the law regarding foreign boycotts was a statement of official policy in opposition to foreign boycotts and restrictive trade policies. The law up until that point had only "encouraged and requested" American businessmen to refuse to take any action furthering or supporting restrictive trade practices or boycotts. There were no exact standards of lawful conduct in a boycott context and the law did not provide an effective enforcement mechanism. Last August the Senate did pass legislation—similar in many respects to the bill before us today—requiring disclosure and prohibiting compliance by U.S. firms with boycott policies aimed at countries friendly to the United States. I voted for S. 3084 when it passed the Senate by a vote of 66 to 12 on August 27, 1976. I am now prepared to support S. 69 as a workable vehicle that will provide expanded authority to reduce the participation of U.S. firms in the secondary and tertiary boycott of Israel by the Arab League. We must not through policies or nonpolicies facilitate the economic warfare being waged against a traditional ally.

Despite the attractiveness of S. 69 as a means to at last put the force of law behind our antiboycott efforts, this was not my first choice as the most effective way to deal with the Arab boycott of Israel. I was a cosponsor of S. 92 that represented what I believed to be tougher sanctions and more effective prohibitions against boycott compliance. Provisions of that bill dealt more effectively with the secondary and tertiary boycotts which have augmented the primary boycott of Israel by the Arab States.

The Business Roundtable and groups such as the Anti-Defamation League, American Jewish Congress and American Jewish Committee have, however, discussed boycott problems in great detail and developed a common position on potentially divisive issues which must be dealt with in any meaningful antiboycott legislation. While I am not enthusiastic about every provision of the final compromise which will be embodied in the bill we pass today, I am pleased the bill will retain an important prohibition against compliance with the odious practice of providing negative certificates of origin. Such a practice requiring U.S. firms to mark goods "not made in Israel" has been described as a "cornerstone" of the Arab boycott strategy. One year is provided for firms to adjust to the requirement "that no information knowingly furnished or conveyed in response to such requirements may be stated in negative, blacklisting or similar exclusionary terms."

The unilateral selection provision has troubled me and many of my colleagues who feel that this is an unwarranted infringement upon the right of U.S. companies to select subcontractors regardless of their corporate relations with Israel. Even though this practice will be permitted under the terms of the legislation we are considering today, it is important that we make clear that such a step in no way reflects approval of the tertiary boycott of Israel by the Arab States. Other provisions contained in the bill do prohibit discriminatory trade practices by one U.S. firm against another in order to do business with American companies operating in the Middle East.

Fortunately, the compliance of U.S. firms with the import laws of foreign countries will be restricted to "laws or regulations of that foreign country governing imports—of trademarked, tradenamed or similarly specifically identifiable products or components."

Mr. President, I do acknowledge the complexity of these issues and varied interests which have required these changes to be made. I am hopeful, that given President Carter's campaign commitments to doing something about the "disgraceful" compliance of certain U.S. firms with Arab blacklisting and boycott demands, we have a Chief Executive who will fully and aggressively enforce the spirit as well as the letter of the proposed law we are debating here today. I know I reflect the views of many of my colleagues in saying that we shall continue to be vigilant in assuring our long-time allies that we will sacrifice neither principle nor purpose in continuing our economic and political relationships with all the countries in the Middle East.

Mr. STEVENSON addressed the Chair.

The PRESIDING OFFICER (Mr. ANDERSON). The Senator from Illinois.

May we have order, please?

Mr. STEVENSON. Mr. President, I do not know of any further amendments. Third reading.

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.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5840.

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

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5840) to amend the Export Administration Act of 1969, and so forth.

The PRESIDING OFFICER. Without objection, the Senate will proceed immediately to the consideration of the bill.

Mr. STEVENSON. Mr. President, I move to strike all after the enacting clause of H.R. 5840 and to substitute the text of S. 69, as reported and as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion.

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.

Mr. STEVENSON. Mr. President, I ask for the yeas and nays on final passage.

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

The yeas and nays were ordered.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the rollcall be limited to 10 minutes.

Mr. ROBERT C. BYRD. Mr. President, I would not often object to this, but I feel that to protect our committees who may be meeting I would have to object.

The PRESIDING OFFICER. Objection is heard. It will be a 15-minute rollcall.

Mr. ROBERT C. BYRD. Mr. President, there will be no more rollcall votes today.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? 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 South Dakota (Mr. ABOUREZK), the Senator from Arizona (Mr. DECONCINI), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. Morgan) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. MORGAN) and the Senator from Arizona (Mr. DECONCINI) would vote "yea."

Mr. STEVENS. I announce that the Senator from Michigan (Mr. GRIFFIN), the Senator from California (Mr. HAYAKAWA), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The result was announced—yeas 90, nays 1, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—90

Allen	Glenn	Nelson
Anderson	Goldwater	Nunn
Baker	Gravel	Packwood
Bartlett	Hansen	Pearson
Bayh	Hart	Pell
Bellmon	Haskell	Percy
Bentsen	Hatch	Proxmire
Biden	Hatfield	Randolph
Brooke	Hathaway	Ribicoff
Bumpers	Heinz	Riegle
Burdick	Hollings	Roth
Byrd, Harry F., Jr.	Humphrey	Sarbanes
	Inouye	Sasser
Byrd, Robert C.	Jackson	Schmitt
Cannon	Javits	Schweiker
Case	Johnston	Scott
Chafee	Kennedy	Sparkman
Chiles	Laxalt	Stafford
Church	Leahy	Stennis
Clark	Long	Stevens
Cranston	Lugar	Stevenson
Culver	Magnuson	Stone
Curtis	Mathias	Talmadge
Danforth	Matsunaga	Thurmond
Dole	McClure	Tower
Domenici	McGovern	Wallop
Durkin	McIntyre	Weicker
Eagleton	Melcher	Williams
Eastland	Metzenbaum	Zorinsky
Ford	Moynihan	
Garn	Muskie	

NAYS—1

Helms

NOT VOTING—9

Abourezk	Hayakawa	Metcalf
DeConcini	Huddleston	Morgan
Griffin	McClellan	Young

So the bill (H.R. 5840), as amended, was passed, as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "Export Administration Amendments of 1977".

TITLE I—EXPORT ADMINISTRATION IMPROVEMENTS AND EXTENSION

EXTENSION OF EXPORT ADMINISTRATION ACT

SEC. 101. Section 14 of the Export Administration Act of 1969 is amended by striking out "September 30, 1976" and inserting in lieu thereof "September 30, 1979".

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. The Export Administration Act of 1969 is amended by inserting after section 12 the following new section 13 and redesignating sections 13 and 14 as sections 14 and 15, respectively:

"AUTHORIZATION OF APPROPRIATIONS

SEC. 13. Notwithstanding any other provision of law, no appropriation shall be made under any law to the Department of Commerce for expenses to carry out the purposes of this Act for any fiscal year commencing on or after October 1, 1977, unless previously and specifically authorized by legislation enacted after the enactment of this section.".

CONTROL OF EXPORTS FOR NATIONAL SECURITY PURPOSES; FOREIGN AVAILABILITY

SEC. 103. (a) Section 4(b) of the Export Administration Act of 1969 is amended—

(1) by striking out the third sentence of paragraph (1);

(2) by striking out paragraphs (2) through (4); and

(3) by inserting the following new paragraph (2):

"(2)(A) In administering export controls for national security purposes as prescribed in section 3(2)(C) of this Act, United States policy toward individual countries shall not be determined exclusively on the basis of a country's Communist or non-Communist status but shall take into account such factors as the country's present and potential relationship to the United States, its present and potential relationship to countries friendly or hostile to the United States, its ability and willingness to control retransfers of United States exports in accordance with United States policy, and such other factors as the President may deem appropriate. The President shall periodically review United States policy toward individual countries to determine whether such policy is appropriate in light of the factors specified in the preceding sentence. The results of such review, together with the justification for United States policy in light of such factors, shall be included in the second semiannual report of the Secretary of Commerce required by section 10 of this Act following the date of enactment of the Export Administration Amendments of 1977 and in every second such report thereafter.

"(B) Rules and regulations under this subsection may provide for denial of any request or application for authority to export articles, materials, or supplies, including technical data, or any other information, from the United States, its territories, and possessions, to any nation or combination of nations threatening the national security of the United States if the President determines that their export would prove detrimental to the national security of the United States. The President shall not impose export controls for national security purposes on the export from the United States of articles, materials, or supplies, including technical data or other information, which he determines are available without restriction from sources outside the United States in significant quantities and comparable in quality to those produced in the United States, unless the President determines that adequate evidence has been presented to him demonstrating that the absence of such controls would prove detrimental to the national security of the United States. The nature of such evidence shall be included in the semiannual report required by section 10 of this Act. Where, in accordance with this paragraph, export controls are imposed for national security purposes notwithstanding foreign availability, the President shall take steps to initiate negotiations with the governments of the appropriate foreign countries for the purpose of eliminating such availability.".

(b)(1) Section 4(h) of the Export Administration Act of 1969 is amended by striking out "controlled country" in the first sentence of paragraph (1) and in the second sentence of paragraph (2) and inserting in lieu thereof "country to which exports are restricted for national security purposes".

(2) Section 4(h)(2)(A) of such Act is amended by striking out "controlled" and inserting in lieu thereof "such".

(3) Section 4(h)(4) of such Act is amended—

(A) by inserting "and" at the end of subparagraph (A); and

(B) by striking out the semicolon at the end of subparagraph (B) thereof and all that follows the semicolon and inserting in lieu thereof a period.

(4) The amendments made by this subsection shall become effective upon the expiration of 90 days after the receipt by the Congress of the second semiannual report of the Secretary of Commerce required by section 10 of such Act following enactment of the Export Administration Amendments of 1977.

(c) Section 4(h) of such Act is amended—

(1) in paragraph (1)—

(A) in the first sentence by striking out "significantly increase the military capability of such country" and inserting in lieu thereof "make a significant contribution to the military potential of such country"; and

(B) in the second sentence by striking out "significantly increase the military capability of such country" and inserting in lieu thereof "make a significant contribution, which would prove detrimental to the national security of the United States, to the military potential of such country"; and

(2) in paragraph (2)(A), by striking out "significantly increase the military capability of such country" and inserting in lieu thereof "make a significant contribution, which would prove detrimental to the national security of the United States, to the military potential of such country or any other country".

(d) Section 6(b) of such Act is amended by striking out "Communist-dominated nation" and inserting in lieu thereof "country to which exports are restricted for national security or foreign policy purposes".

EXEMPTION FOR CERTAIN AGRICULTURAL COMMODITIES FROM CERTAIN EXPORT LIMITATIONS

SEC. 104. Section 4(f) of the Export Administration Act of 1969 is amended—

(1) by redesignating such section as section 4(f)(1); and

(2) by adding at the end thereof the following new paragraph:

"(2) Upon approval of the Secretary of Commerce, in consultation with the Secretary of Agriculture, agricultural commodities purchased by or for use in a foreign country may remain in the United States for export at a later date free from any quantitative limitations on export which may be imposed pursuant to section 3(2)(A) of this Act subsequent to such approval. The Secretary of Commerce may not grant approval hereunder unless he receives adequate assurance and, in conjunction with the Secretary of Agriculture, finds that such commodities will eventually be exported, that neither the sale nor export thereof will result in an excessive drain of scarce materials and have a serious domestic inflationary impact, that storage of such commodities in the United States will not unduly limit the space available for storage of domestically owned commodities, and that the purpose of such storage is to establish a reserve of such commodities for later use, not including resale to or use by another country. The Secretary of Commerce is authorized to issue such rules and regulations as may be necessary to implement this paragraph.".

CONGRESSIONAL REVIEW OF EXPORT CONTROLS ON AGRICULTURAL COMMODITIES

SEC. 105. Section 4(f) of the Export Administration Act of 1969, as amended by section 104 of this Act, is further amended by adding at the end thereof the following new paragraph:

"(3) If the authority conferred by this section is exercised to prohibit or curtail the exportation of any agricultural commodity in order to effectuate the policies set forth in clause (A) or (B) of paragraph (2) of section 3 of this Act, the President shall immediately report such prohibition or curtailment to the Congress, setting forth the reasons therefor in detail. If the Congress, within 30 days after the date of its receipt of such report, adopts a concurrent resolution disapproving such prohibition or curtailment, then such prohibition or curtailment shall cease to be effective with the adoption of such resolution. In the computation of such 30-day period, there shall be excluded the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment of the Congress sine die.".

PERIOD FOR ACTION ON EXPORT LICENSE APPLICATIONS

SEC. 106. Section 4(g) of the Export Administration Act of 1969 is amended to read as follows:

"(g)(1) It is the intent of Congress that any export license application required under this Act shall be approved or disapproved within 90 days of its receipt. Upon the expiration of the 90-day period beginning on the date of its receipt, any export license application required under this Act which has not been approved or disapproved shall be deemed to be approved and the license shall be issued unless the Secretary of Commerce or other official exercising authority under this Act finds that additional time is required and notifies the applicant in writing of the specific circumstances requiring such additional time and the estimated date when the decision will be made.

"(2)(A) With respect to any export license application not finally approved or disapproved within 90 days of its receipt as provided in paragraph (1) of this subsection, the applicant shall, to the maximum extent consistent with the national security of the United States, be specifically informed in writing of questions raised and negative considerations or recommendations made by any agency or department of the Government with respect to such license application, and shall be accorded an opportunity to respond to such questions, considerations, or recommendations in writing prior to final approval or disapproval by the Secretary of Commerce or other official exercising authority under this Act. In making such final approval or disapproval, the Secretary of Commerce or other official exercising authority under this Act shall take fully into account the applicant's response.

"(B) Whenever the Secretary determines that it is necessary to refer an export license application to any interagency review process for approval, he shall first, if the applicant so requests, provide the applicant with an opportunity to review any documentation to be submitted to such process for the purpose of describing the export in question, in order to determine whether such documentation accurately describes the proposed export.

"(3) In any denial of an export license application, the applicant shall be informed in writing of the specific statutory basis for such denial.".

EXPORT OF HORSES

SEC. 107. Section 4 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new subsection:

"(j)(1) Notwithstanding any other provision of this Act, no horse may be exported by sea from the United States, its territories and possessions, unless such horse is part of a consignment of horses with respect to which a waiver has been granted under paragraph (2) of this subsection.

"(2) The Secretary of Commerce, in consultation with the Secretary of Agriculture, may issue rules and regulations providing for the granting of waivers permitting the export by sea of a specified consignment of horses, if the Secretary of Commerce, in consultation with the Secretary of Agriculture, determines that no horse in that consignment is being exported for purposes of slaughter.".

TECHNICAL ADVISORY COMMITTEES

SEC. 108. (a) Section 5(c)(1) of the Export Administration Act of 1969 is amended by striking out "two" in the last sentence thereof and inserting in lieu thereof "four".

(b) The second sentence of section 5(c)(2) of such Act is amended to read as follows: "Such committees, where they have expertise in such matters, shall be consulted with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to any articles, materials, and supplies, including technical data or other information, and (D) exports subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. Such committees shall be informed of the reasons for the failure to accept any advice or recommendation which such committees have rendered or made to any officer or agency of the United States Government.".

(c) Section 5(c)(2) of such Act is further amended by striking out the third sentence and inserting in lieu thereof the following: "The Secretary shall include in each semiannual report required by section 10 of this Act an accounting of the consultations undertaken pursuant to this paragraph, the use made of the advice rendered by the technical advisory committees pursuant to this paragraph, and the contributions of the technical advisory committees to carrying out the policies of this Act.".

PENALTIES FOR VIOLATIONS

SEC. 109. (a) Section 6(a) of the Export Administration Act of 1969 is amended—

(1) in the first sentence, by striking out "$10,000" and inserting in lieu thereof "$25,000"; and

(2) in the second sentence, by striking out "$20,000" and inserting in lieu thereof "$50,000".

(b) Section 6(b) of such Act is amended by striking out "$20,000" and inserting in lieu thereof "$50,000".

(c) Section 6(c) of such Act is amended by striking out "$1,000" and inserting in lieu thereof "$10,000".

(d) Section 6(d) of such Act is amended by adding at the end thereof the following new sentence: "In addition, the payment of any penalty imposed under subsection (c) may be deferred or suspended in whole or in part for a period of time no longer than any probation period (which may exceed one year) that may be imposed upon such person. Such a deferral or suspension shall not operate as a bar to the collection of the penalty in the event that the conditions of the suspension, deferral, or probation are not fulfilled.".

AVAILABILITY OF INFORMATION TO CONGRESS

SEC. 110. (a) Section 7(c) of the Export Administration Act of 1969 is amended by adding at the end thereof the following new sentence: "Nothing in this Act shall be construed as authorizing the withholding of information from any committee of the Congress having appropriate jurisdiction upon the request of the Chairman of such Committee. Such information shall be accorded confidential treatment by the committee and may be disclosed only upon a determination by the committee that the withholding thereof is contrary to the national interest.".

(b) Section 4(c)(1) of such Act is amended by inserting immediately before the period at the end of the last sentence thereof "and in the last sentence of section 7(c) of this Act".

SIMPLIFICATION OF EXPORT REGULATIONS AND LISTS

SEC. 111. Section 7 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new subsection:

"(e) The Secretary of Commerce, in consultation with appropriate United States Government departments and agencies and with appropriate technical advisory committees established under section 5(c), shall review the rules and regulations issued under this Act and the lists of articles, materials, and supplies which are subject to export controls in order to determine how compliance with the provisions of this Act can be facilitated by simplifying such rules and regulations, by simplifying or clarifying such lists, or by any other means. Not later than 1 year after the enactment of this subsection, the Secretary of Commerce shall report to Congress on the actions taken on the basis of such review to simplify such rules and regulations. Such report may be included in the semiannual report required by section 10 of this Act.".

TERRORISM

SEC. 112. Section 3 of the Export Administration Act of 1969 is amended by adding at the end thereof the following:

"(8) It is the policy of the United States to use export controls to encourage other countries to take immediate steps to prevent the use of their territory or resources to aid, encourage, or give sanctuary to those persons involved in directing, supporting, or participating in acts of international terrorism. To achieve this objective, the President shall make every reasonable effort to secure the removal or reduction of such assistance to international terrorists through international cooperation and agreement before resorting to the imposition of export controls.".

SEMIANNUAL REPORTS

SEC. 113. (a) Section 10 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new subsection (c):

"(c) Each semiannual report shall include an accounting of—

"(1) any organizational and procedural changes instituted, any reviews undertaken, and any means used to keep the business sector of the Nation informed, pursuant to section 4(a) of this Act;

"(2) any changes in the exercise of the authorities of section 4(b) of this Act;

"(3) any delegations of authority under section 4(e) of this Act;

"(4) the disposition of export license applications pursuant to section 4 (g) and (h) of this Act;

"(5) consultations undertaken with technical advisory committees pursuant to section 5(c) of this Act;

"(6) violations of the provisions of this Act and penalties imposed pursuant to section 6 of this Act; and

"(7) a description of actions taken by the President and the Secretary of Commerce to effect the policies set forth in section 3(5) of this Act.".

(b)(1) The section heading of such section 10 is amended by striking out "QUARTERLY".

(2) Subsection (b) of such section is amended—

(A) by striking out "quarterly" each time it appears; and

(B) by striking out "second" in the first sentence of paragraph (1).

SPECIAL REPORT ON MULTILATERAL EXPORT CONTROLS

SEC. 114. Not later than 12 months after the enactment of this section, the President shall submit to the Congress a special report on multilateral export controls in which the United States participates pursuant to the Export Administration Act of 1969 and pursuant to the Mutual Defense Assistance Control Act of 1951. The purpose of such special report shall be to assess the effectiveness of such multilateral export controls and to formulate specific proposals for increasing the effectiveness of such controls. That special report shall include—

(1) the current list of commodities controlled for export by agreement of the group

known as the Coordinating Committee of the Consultative Group (hereafter in this section referred to as the "Committee") and an analysis of the process of reviewing such list and of the changes which result from such review;

(2) data on and analysis of requests for exceptions to such list;

(3) a description and analysis of the progress by which decisions are made by the Committee on whether or not to grant such requests;

(4) an analysis of the uniformity of interpretation and enforcement by the participating countries of the export controls agreed to by the Committee (including controls over the reexport of such commodities from countries not participating in the Committee), and information on each case where such participating countries have acted contrary to the United States interpretation of the policy of the Committee, including United States representations to such countries and the response of such countries;

(5) an analysis of the problem of exports of advanced technology by countries not participating in the Committee, including such exports by subsidiaries or affiliates of United States businesses in such countries;

(6) an analysis of the effectiveness of any procedures employed in cases in which an exception for a listed commodity is granted by the Committee, to determine whether there has been compliance with any conditions on the use of the excepted commodity which were a basis for the exception; and

(7) detailed recommendations for improving, through formalization or other means, the effectiveness of multilateral export controls, including specific recommendations for the development of more precise criteria and procedures for collective export decisions and for the development of more detailed and formal enforcement mechanisms to assure more uniform interpretation of and compliance with such criteria, procedures, and decisions by all countries participating in such multilateral export controls.

REVIEW OF UNILATERAL AND MULTILATERAL EXPORT CONTROLS

SEC. 115. The Secretary of Commerce, in cooperation with appropriate United States Government departments and agencies and the appropriate technical advisory committees established pursuant to the Export Administration Act of 1969, shall undertake an investigation to determine whether United States unilateral controls or multilateral controls in which the United States participates should be removed, modified, or added with respect to particular articles, materials, and supplies, including technical data and other information, in order to protect the national security of the United States. Such investigation shall take into account such factors as the availability of such articles, materials, and supplies from other nations and the degree to which the availability of the same from the United States or from any country with which the United States participates in multilateral controls would make a significant contribution to the military potential of any country threatening or potentially threatening the national security of the United States. The results of such investigation shall be reported to the Congress not later than 12 months after the completion of the first revision, after the date of enactment of this Act, of the list of items controlled or export by agreement of the Coordinating Committee of the Consultative Group.

REPORT ON TECHNICAL DATA TRANSFERS

SEC. 116. The Secretary of Commerce shall conduct a study of the transfer of technical data and other information to any country to which exports are restricted for national security purposes and the problem of the export, by publications or any other means of public dissemination, of technical data or other information from the United States, the export of which might prove detrimental to the national security or foreign policy of the United States. Not later than 6 months after the enactment of this section, the Secretary shall report to the Congress his assessment of the impact of the export of such technical data or other information by such means on the national security and foreign policy of the United States and his recommendations for monitoring such exports without impairing freedom of speech, freedom of press, or the freedom of scientific exchange. Such report may be included in the semiannual report required by section 10 of the Export Administration Act of 1969.

SUNSHINE IN GOVERNMENT

SEC. 117. (a) Each officer or employee of the Department of Commerce who—

(1) performs any function or duty under this Act or the Export Administration Act of 1969; and

(2) has any known financial interest in any person subject to such Acts, or in any person who obtains any license, enters into any agreement, or otherwise receives any benefit under such Acts;

shall beginning on February 1, 1978, annually file with the Secretary of Commerce a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Such statement shall be available to the public.

(b) The Secretary of Commerce shall—

(1) within 90 days after the date of enactment of this Act—

(A) define the term "known financial interest" for purposes of subsection (a) of this section; and

(B) establish the methods by which the requirement to file written statements specified in subsection (a) of this section will be monitored and enforced, including appropriate provisions for the filing by such officers and employees of such statements and the review by the Secretary of such statements; and

(2) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

(c) In the rules prescribed under subsection (b) of this section, the Secretary may identify specific positions within the Department of Commerce which are of a nonregulatory or nonpolicymaking nature and provide that officers or employees occupying such positions shall be exempt from the requirements of this section.

(d) Any officer or employee who is subject to, and knowingly violates, this section or any regulation issued hereunder, shall be fined not more than $2,500 or imprisoned not more than 1 year, or both.

MONITORING OF COMMODITIES IN POTENTIAL SHORT SUPPLY

SEC. 118. Section 4(c)(1) of the Export Administration Act of 1969 is amended by inserting after the first sentence thereof the following: "Such monitoring shall commence at a time adequate to insure that data will be available which is sufficient to permit achievement of the policies of this Act.".

TITLE II—FOREIGN BOYCOTTS

PROHIBITION ON COMPLIANCE WITH FOREIGN BOYCOTTS

SEC. 201. (a) The Export Administration Act of 1969 is amended by redesignating section 4A as section 4B and by inserting after section 4 the following new section:

"FOREIGN BOYCOTTS

"SEC. 4A. (a)(1) For the purpose of implementing the policies set forth in section 3(5) (A) and (B), the President shall issue rules and regulations prohibiting any United States person, with respect to his activities in the interstate or foreign commerce of the United States, from taking or knowingly agreeing to take any of the following actions with intent to comply with, further, or support any boycott fostered or imposed by a foreign country against a country which is friendly to the United States and which is not itself the object of any form of boycott pursuant to United States law or regulation:

"(A) Refusing, or requiring any other person to refuse, to do business with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, pursuant to an agreement with, a requirement of, or a request from or on behalf of the boycotting country. The mere absence of a business relationship with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, does not indicate the existence of the intent required to establish a violation of rules and regulations issued to carry out this subparagraph.

"(B) Refusing, or requiring any other person to refuse, to employ or otherwise discriminating against any United States person on the basis of race, religion, sex, or national origin of that person or of any owner, officer, director, or employee of such person.

"(C) Furnishing information with respect to the race, religion, sex, or national origin of any other United States person or of any owner, officer, director, or employee of such person.

"(D) Furnishing information about whether any person has, has had, or proposes to have any business relationship (including a relationship by way of sale, purchase, legal or commercial representation, shipping or other transport, insurance, investment, or supply) with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person which is known or believed to be restricted from having any business relationship with or in the boycotted country. Nothing in this paragraph shall prohibit the furnishing of normal business information in a commercial context as defined by the Secretary of Commerce.

"(E) Furnishing information about whether any person is a member of, has made contributions to, or is otherwise associated with or involved in the activities of any charitable or fraternal organization which supports the boycotted country.

"(F) Paying, honoring, confirming, or otherwise implementing a letter of credit which contains any condition or requirement compliance with which is prohibited by rules and regulations issued pursuant to this paragraph, and no United States person shall, as a result of the application of this paragraph, be obligated to pay or otherwise honor or implement such letter of credit.

"(2) Rules and regulations issued pursuant to paragraph (1) shall provide exceptions for—

"(A) complying or agreeing to comply with requirements (i) prohibiting the import of goods or services from the boycotted country or goods produced or services provided by any business concern organized under the laws of the boycotted country or by nationals or residents of the boycotted country, or (ii) prohibiting the shipment of

goods to the boycotted country, on a carrier of the boycotted country, or by a route other than that prescribed by the boycotting country or the recipient of the shipment;

"(B) complying or agreeing to comply with import and shipping document requirements with respect to the country of origin, the name of the carrier and route of shipment, the name of the supplier of the shipment or the name of the provider of other services, except that no information knowingly furnished or conveyed in response to such requirements may be stated in negative, blacklisting, or similar exclusionary terms after the expiration of 1 year following the date of enactment of the Export Administration Amendments of 1977 other than with respect to carriers or route of shipment as may be permitted by such rules and regulations in order to comply with precautionary requirements protecting against war risks and confiscation;

"(C) complying or agreeing to comply in the normal course of business with the unilateral and specific selection by a boycotting country, or national or resident thereof, of carriers, insurers, suppliers of services to be performed within the boycotting country or specific goods which, in the normal course of business, are identifiable by source when imported into the boycotting country;

"(D) complying or agreeing to comply with export requirements of the boycotting country relating to shipments or transshipments of exports to the boycotted country, to any business concern of or organized under the laws of the boycotted country, or to any national or resident of the boycotted country;

"(E) compliance by an individual or agreement by an individual to comply with the immigration or passport requirements of any country with respect to such individual or any member of such individual's family; and

"(F) compliance by a United States person resident in a foreign country or agreement by such person to comply with the laws of that country with respect to his activities exclusively therein, and such rules and regulations may contain exceptions for such resident complying with the laws or regulations of that foreign country governing imports into such country of trademarked, trade-named, or similarly specifically identifiable products or components of products for his own use, including the performance of contractual services within that country, as may be defined by such rules and regulations.

"(3) Rules and regulations issued pursuant to paragraphs (2)(C) and (2)(F) shall not provide exceptions from paragraphs (1)(B) and (1)(C).

"(4) Nothing in this subsection may be construed to supersede or limit the operation of the antitrust or civil rights laws of the United States.

"(5) Rules and regulations pursuant to this subsection shall be issued not later than 90 days after the date of enactment of this section and shall be issued in final form and become effective not later than 120 days after they are first issued, except that (A) rules and regulations prohibiting negative certification may take effect not later than 1 year after the date of enactment of this section, and (B) a grace period shall be provided for the application of the rules and regulations issued pursuant to this subsection to actions taken pursuant to contracts or other agreements in effect on or before March 1, 1977. Such grace period shall be 2 years after the date of enactment of this section and may be extended for 3 additional 1-year periods in cases in which good faith efforts are being made to amend such contracts or agreements.

"(6) This Act shall apply to any transaction or activity undertaken, by or through a United States or other person, with intent to evade the provisions of this Act as implemented by the rules and regulations issued pursuant to this subsection, and such rules and regulations shall expressly provide that the exceptions set forth in paragraph (2) shall not permit activities or agreements (expressed or implied by a course of conduct, including a pattern of responses) otherwise prohibited, which are not within the intent of such exceptions.

"(b)(1) In addition to the rules and regulations issued pursuant to subsection (a) of this section, rules and regulations issued under section 4(b) of this Act shall implement the policies set forth in section 3(5).

"(2) Such rules and regulations shall require that any United States person receiving a request for the furnishing of information, the entering into or implementing of agreements, or the taking of any other action referred to in section 3(5) shall report that fact to the Secretary of Commerce, together with such other information concerning such request as the Secretary may require for such action as he may deem appropriate for carrying out the policies of that section. Such person shall also report to the Secretary of Commerce whether he intends to comply and whether he has complied with such request. Any report filed pursuant to this paragraph after the date of enactment of this section shall be made available promptly for public inspection and copying, except that information regarding the quantity, description, and value of any articles, materials, and supplies, including technical data and other information, to which such report relates may be kept confidential if the Secretary determines that disclosure thereof would place the United States person involved at a competitive disadvantage. The Secretary of Commerce shall periodically transmit summaries of the information contained in such reports to the Secretary of State for such action as the Secretary of State, in consultation with the Secretary of Commerce, may deem aprpopriate for carrying out the policies set forth in section 3(5) of this Act.".

(b) Section 4(b)(1) of such Act is amended by striking out the next to the last sentence.

(c) Section 7(c) of such Act is amended by striking out "No" and inserting in lieu thereof "Except as otherwise provided by the third sentence of section 4A(b)(2) and by section 6(c)(2)(C) of this Act, no".

STATEMENT OF POLICY

SEC. 202. (a) Section 3(5)(A) of the Export Administration Act of 1969 is amended by inserting immediately after "United States" the following: "or against any United States person".

(b) Section 3(5)(B) of such Act is amended to read as follows: "(B) to encourage and, in specified cases, to require United States persons engaged in the export of articles, materials, supplies, or information to refuse to take actions, including furnishing information or entering into or implementing agreements, which have the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against a country friendly to the United States or against any United States person,".

ENFORCEMENT

SEC. 203. (a) Section 6(c) of the Export Administration Act of 1969 is amended—

(A) by redesignating such section as section 6(c)(1); and

(B) by adding at the end thereof the following new paragraph:

"(2)(A) The authority of this Act to suspend or revoke the authority of any United States person to export articles, materials, supplies, or technical data or other information, from the United States, its territories or possessions, may be used with respect to any violation of the rules and regulations issued pursuant to section 4A(a) of this Act.

"(B) Any administrative sanction (including any civil penalty or any suspension or revocation of authority to export) imposed under this Act for a violation of the rules and regulations issued pursuant to section 4A(a) of this Act may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

"(C) Any charging letter or other document initiating administrative proceedings for the imposition of sanctions for violation of the rules and regulations issued pursuant to section 4A(a) of this Act shall be made available for public inspection and copying.".

(b) Section 8 of such Act is amended by striking out "The" and inserting in lieu thereof "Except as provided in section 6(c)(2), the".

DEFINITIONS

SEC. 204. Section 11 of the Export Administration Act of 1969 is amended to read as follows:

"DEFINITION

"SEC. 11. As used in this Act—

"(1) the term 'person' includes the singular and the plural and any individual, partnership, corporation, or other form of association, including any government or agency thereof; and

"(2) the term 'United States person' means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person) any domestic concern (including any permanent domestic establishment of any foreign concern) and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President.".

PREEMPTION

SEC. 205. The amendments made by this title and the rules and regulations issued pursuant thereto shall preempt any law, rule, or regulation of any of the several States or the District of Columbia, and any of the territories or possessions of the United States, or of any governmental subdivision thereof, which law, rule, or regulation pertains to participation in, compliance with, implementation of, or the furnishing of information regarding restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries.

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

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

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 199

Mr. STEVENSON. Mr. President, I have an amendment at the desk to amend the title.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Illinois (Mr. STEVENSON) proposes an unprinted amendment No. 199:

Amend the title so as to read: "A bill to amend and extend the Export Administration Act of 1969."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendments to H.R. 5840.

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

Mr. STEVENSON. I ask unanimous consent that S. 69 be indefinitely postponed.

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

ORDER OF BUSINESS

Mr. TALMADGE. Mr. President, I yield to the distinguished majority leader, reserving my right to the floor.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Georgia.

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, with no resolutions coming over under the rule, the period not to exceed 30 minutes.

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

ORDER FOR ADJOURNMENT UNTIL 2 P.M. ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 2 p.m. on Monday.

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

ORDER FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday there be a period for the transaction of routine morning business of not to exceed 30 minutes with no resolutions coming over under the rule.

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

CONSIDERATION OF CERTAIN MEASURES ON THE UNANIMOUS-CONSENT CALENDAR

Mr. ROBERT C. BYRD. Mr. President, on the Unanimous-Consent Calendar there are two measures that were cleared for action on yesterday or the day before, I believe really, and they are Calender Orders No. 93 and 98. I ask unanimous consent that the Senate proceed to their consideration.

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

FOREIGN CORRUPT PRACTICES AND DOMESTIC AND FOREIGN INVESTMENT IMPROVED DISCLOSURE ACTS OF 1977

The Senate proceeded to consider the bill (S. 305) to amend the Securities Exchange Act of 1934 to require issuers of securities registered pursuant to section 12 of such act to maintain accurate records, to prohibit certain bribes, and for other purposes, which had been reported from the Committee on Banking, Housing, and Urban Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof:

TITLE I FOREIGN CORRUPT PRACTICES

SEC. 101. This title may be cited as the "Foreign Corrupt Practices Act of 1977".

SEC. 102. Section 13(b) of the Securities and Exchange Act (15 U.S.C. 78q(b)) is amended by inserting "(1)" after "(b)" and by adding at the end thereof the following:

"(2) Every issuer which has a class of securities registered pursuant to section 12 of this title and every issuer which is required to file reports pursuant to section 15(d) of this title shall—

"(A) make and keep books, records, and accounts, which accurately and fairly reflect the transactions and dispositions of the assets of the issuer; and

"(B) devise and maintain an adequate system of internal accounting controls sufficient to provide reasonable assurances that—

"(i) transactions are executed in accordance with management's general or specific authorization;

"(ii) transactions are recorded as necessary (1) to permit preparation of financial statements in conformity with generally accepted accounting principles or any other criteria applicable to such statements and (2) to maintain accountability for assets;

"(iii) access to assets is permitted only in accordance with management's general or specific authorization; and

"(iv) the recorded accountability for assets is compared with the existing assets at reasonable intervals and appropriate action is taken with respect to any differences.

"(3) It shall be unlawful for any person, directly or indirectly knowingly to falsify, or cause to be falsified, any book, record or account made or required to be made for any accounting purpose, of any issuer which has a class of securities registered pursuant to section 12 of this title or which is required to file reports pursuant to section 15(d) of this title.

"(4) It shall be unlawful for any person, directly or indirectly—

"(A) knowingly to make, or cause to be made, a materially false or misleading statement, or

"(B) knowingly to omit to state, or cause another person to omit to state, any material fact necessary in order to make statements made, in the light of the circumstances under which they were made, not misleading

to an accountant in connection with any examination or audit of an issuer which has a class of securities registered pursuant to section 12 of this title or which is required to file reports pursuant to section 15(d) of this title, or in connection with any examination or audit of an issuer with respect to an offering registered or to be registered under the Securities Act of 1933.".

"(5)(A) No duty or liability under paragraphs (2) through (4) of this section shall be imposed upon any person acting in cooperation with, and at the specific, written directive of, the head of any Federal agency or department responsible for matters concerning the national security of the United States: *Provided, however,* That this subparagraph (A) shall only apply to the extent that the requirements of paragraphs (2) through (4) of this section would result, or be likely to result, in the disclosure of information which has been classified by an appropriate department or agency of the United States for protection in the interests of the national security and only to the extent that such information is specifically related to the person's lawful cooperation. Every directive executed under this paragraph shall set forth therein the specific facts and circumstances concerning which provisions of this paragraph are to be invoked and, unless renewed in writing, every directive shall expire one year after issuance.

"(B) The head of the agency or department executing any directive pursuant to this paragraph shall maintain a complete file of all such directives and shall, on October 1 of each year, transmit to the President copies of all directives in force at any time during the prior year. The President shall review and certify that such directives involve classified activities or information and are in conformity with applicable statutes and Executive orders.".

SEC. 103. The Securities Exchange Act of 1934 is amended by inserting after section 30 the following new section:

"PAYMENTS TO OFFICIALS

"SEC. 30A. It shall be unlawful for any issuer which has a class of securities registered pursuant to section 12 of this title or which is required to file reports pursuant to section 15(d) of this title, or any officer, director, employee, or stockholder thereof acting on behalf of such issuer, to make use of the mails or of any means or instrumentality of interstate commerce corruptly in furtherance of an offer, payment, or promise to pay, or authorization of the payment of, any money, or offer, gift, or promise to give or authorization of the giving of anything of value to—

"(1) any person who is an official of a foreign government or instrumentality thereof for the purpose of inducing that individual—

"(A) to use his influence with a foreign government or instrumentality, or

"(B) to fail to perform his official functions, to assist such issuer in obtaining or retaining business for or with, or directing business to, any person or influencing legislation or regulations of that government or instrumentality;

"(2) any foreign political party or official thereof or any candidate for foreign political office for the purpose of inducing that party, official, or candidate—

"(A) to use its or his influence with a foreign government or instrumentality thereof, or

"(B) to fail to perform its or his official functions, to assist such issuer in obtaining or retaining business for or with, or directing business to, any person or influencing legislation or regulations of that government or instrumentality; or

"(3) any person, while knowing or having reason to know that all or a portion of such money or thing of value will be offered, given, or promised directly or indirectly to any individual who is an official of a foreign government or instrumentality thereof, or to any foreign political party or official thereof, or any candidate for foreign political office, for the purpose of inducing that individual, official, or party—

"(A) to use his or its influence with a foreign government or instrumentality, or

"(B) to fail to perform his or its official functions, to assist such issuer in obtaining or retaining business for or with, or directing business to, any person or influencing legislation or regulations of that government or instrumentality.".

NOT VOTING—39

Badillo	Early	Pickle
Brown, Calif.	Ford, Mich.	Price
Buchanan	Forsythe	Pursell
Burgener	Hansen	Roe
Burlison, Mo.	Heftel	Stokes
Carter	Hillis	Teague
Chappell	Jenkins	Van Deerlin
Chisholm	Kemp	Vander Jagt
Clawson, Del	Mahon	Vanik
Cochran	Murphy, Ill.	Weaver
Conable	Murphy, N.Y.	Wright
Conyers	Nedzi	Young, Alaska
Dent	Pepper	Young, Mo.

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 703. An act to improve the administration and operation of the Overseas Citizens Voting Rights Act of 1975, and for other purposes; and

S. 1443. An act to amend the Privacy Act of 1974 to extend the life of the Privacy Protection Study Commission to September 30, 1977.

DR. JAMES L. PLEITZ

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, we have been privileged today to hear Dr. James L. Pleitz, pastor of the First Baptist Church, Pensacola, Fla., who gave the opening prayer in the House of Representatives. I feel we are distinctly honored by the presence of this able and devout man of God. I have known many who have served in the ministry. I have not met one whom I feel has accomplished more good for the people of the congregation he serves and the city in which he lives.

There is much I would like to say about his record of leadership and service for God and man. Very briefly—Dr. Pleitz is a native of Arkansas. He holds honorary doctorate degrees from Stetson University in Florida and from Ouhita (Washita) University in Arkansas. He has served as pastor of the First Baptist Church, Pensacola, Fla. for 19 years. Three years ago under his leadership a volunteer improvement project involving 1,000 volunteers was undertaken to up-grade substandard housing in the city. Ninety-seven homes were substantially improved and all the work was accomplished by volunteers.

Five years ago 127 young people sponsored by his church visited the Dominican Republic. This was principally a choral group but they worked with doctors and nurses to provide medical care for the needy. The President of the Dominican Republic was so impressed by the group that he invited them to the palace on two occasions. This mission made an indelible mark both on the people and the Government of the Dominican Republic and on the young people who participated.

We in the House are signally honored to have this great man of God deliver our opening prayer today.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6714, AMENDING THE FOREIGN ASSISTANCE ACT OF 1961

Mr. SISK, from the Committee on Rules, submitted a privileged report (Rept. No. 95-276) on the resolution (H. Res. 556) providing for consideration of the bill (H.R. 6714) to amend the Foreign Assistance Act of 1961 to authorize development assistance programs for fiscal year 1978, to amend the Agricultural Trade Development and Assistance Act of 1954 to make certain changes in the authorities of that act, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO SIT TODAY DURING 5-MINUTE RULE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may be permitted to sit this afternoon during the deliberations of the House under the 5-minute rule.

The SPEAKER pro tempore (Mr. MURPHY of New York). Is there objection to the request of the gentleman from Washington?

There was no objection.

A CASE OF UNJUST PERSECUTION IN THE SOVIET UNION

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, we, the Soviet Union, and many other countries pledged ourselves in the Helsinki accord to do everything possible to reunite families separated by political boundaries. We all have a stake and a legitimate interest in protecting such international agreements.

I rise today to plead the case of a long-suffering family in the Soviet Union. This family is Jewish, and because of their request to join their relatives in Israel, they have lost everything.

Ideya Yefimovna Nikulina is the mother of this family. Her relatives live in Israel, while she, her husband and her son live in the Soviet Union. Yet, since 1973, this family has been repeatedly, and without explanation, denied exit visas to Israel.

It is Ideya's mother who wrote:

With tears in my eyes I turn to you with a mother's plea to rescue my children from ruin.

It has been more then two years since they were deprived of earning a living, deprived of a permanent living place, deprived of elementary human conditions. They wander in unfriendly environments in an effort to produce a livelihood by selling much needed warm clothes.

Half starved, homeless, they are pained to see their child suffering (from epilepsy) and being deprived of schooling, because they do not have a permanent residence.

At the present time they are in great distress. But I can't be of much help to them. My husband, a pensioner, is an invalid; he lost both hands in World War II. I, myself, have a heart ailment and I can't work.

Thank you in advance for your kindness.

This brave woman thanks us in advance for our efforts. Even without the Helsinki accord. I would feel humanly obligated to try to relieve the unjust persecution of her and her children.

Perhaps my words today cannot tangibly help Ideya and her family, but for now words are my only means of protest. The Soviet Union's disgraceful conduct violates both the letter and spirit of the Helsiki accord, and such violation should not pass without our country's fullest condemnation.

POTENTIAL INJUSTICE CITED IN VETERANS TRAINING PROGRAM

(Mr. HAMMERSCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAMMERSCHMIDT. Mr. Speaker, it has been brought to my attention by one of our very fine veterans service officers in Arkansas that a potential injustice now exists in the wording of section 1503 of title 38 of the United States Code, through which individuals otherwise eligible for vocational rehabilitation training might be excluded from such training without any fault of their own.

The present wording of subparagraph (b) of section 1503 requires that otherwise deserving people be precluded from vocational rehabilitation benefits if they have, for example, been medically unfeasible for training for a long period, or taken longer than 13 years to establish service-connection of a serious disability—and this is by no means an unusual occurrence—or had a discharge upgraded after a similar period. I cannot believe it was the intent of Congress to deny such individuals the benefit of vocational rehabilitation, and I wish to thank Mr. Hubert Foster of Logan County, Ark., for pointing the discrepancy out to me.

In order to remedy this inequity, I am today introducing legislation which will guarantee all veterans who qualify for vocational rehabilitation a minimum of 6 years in which to utilize their vocational rehabilitation benefits. I invite my colleagues to join me in support of this legislation.

APPOINTMENT OF CONFEREES ON H.R. 5840, EXPORT ADMINISTRATION AMENDMENTS OF 1977

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5840) to amend the Export Administration Act of 1969 in order to extend the authorities of that act and improve the administration of export controls under that act, and to strengthen the antiboycott provisions of that act, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MOTION OFFERED BY MR. M'KINNEY

Mr. McKINNEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McKINNEY moves that the Managers on the part of the House, at the Conference on the disagreeing votes of the two Houses on the bill H.R. 5840, be instructed to insist upon section 110 of the House-passed bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. McKINNEY) for 1 hour in support of his motion.

Mr. McKINNEY. Mr. Speaker, I have never before in my 6½ years in the House offered a motion to instruct. I feel, however, that this particular issue before us today is so important that I must in some way express myself very strongly.

Underlying everything that I am going to say and I am trying to do here today is my firm belief as an American and my firm belief as someone from New England that we do have an energy crisis.

I would not, however, say that this is what is felt by a great many of our average Americans.

President Carter has gone to the extreme length—and I congratulate him for it—of having two appearances in front of television, one in a fireside chat, one before both bodies of Congress, saying there is an energy crisis.

Yet, I would suggest that when the average American picks up the newspaper and sees that we are exporting Alaskan oil—which we promised not to do, which the oil companies promised not to do, and which everyone involved in the hearings, including the big companies, said we shall not do—we are going to make every American feel that this is one of the greatest ripoffs, just one more of what he considers to be the latest of a number of ripoffs.

He has heard about the energy problem. I would seriously ask the Members these questions: "Can you go back and tell your constituents that the President's comprehensive energy policy entails the potential exportation of 400,000 barrels of Alaskan oil every day? Can you go back and explain how we are waging the moral equivalent of war against energy shortages and foreign dependence, while at the same time actively pursuing an export policy which inevitably delays the construction of domestic delivery systems? Will your constituents understand the need for higher fuel costs, energy taxes, conservation efforts, gas guzzler taxes, et cetera, to reduce U.S. dependence on foreign energy sources, while we swap almost a half million barrels of U.S. oil for OPEC crude?"

Far more important, I say to each Member who may happen to be a supporter of freedom for Israel, as I am: "How can you possibly state that we will continue our commitment to the State of Israel in the face of ever-increasing U.S. dependence on OPEC oil, when we know that there is a direct relationship between the dependence on that oil and the amount of oil we are forced to consume from the Middle East?"

Last but not least, can a few cents per barrel savings in transportation costs really justify the exportation of Alaskan oil supplies which the 1973 pipeline law clearly declares to be a domestic resource?

Mr. ICHORD. Mr. Speaker, will the gentleman yield?

Mr. McKINNEY. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Speaker, I would like to ask the gentleman this question:

Does the gentleman's position permit a shipment of oil from Alaska to Japan and then for Japan to replace that oil with oil which they, in turn, have purchased from the OPEC nations, which would certainly shorten the distance over which Japan would have to transport its oil? In other words, let them have the Alaskan oil, but replace it with oil on the eastern coast, which would be closer, meaning there would be less transportation for it.

Does the gentleman's position permit that?

Mr. McKINNEY. No, it does not. I am particularly glad that my friend, the gentleman from Missouri (Mr. ICHORD), asked this question because I think I know of his interest. In fact, I think at certain times the gentleman despairs of me. I think I know of his interest in national defense.

The trilateral trade system that has been worked out makes economic sense, but the FEA admits that the most economic sense it makes is between 50 cents and $1.10 per barrel.

The most expensive alternative, which is to use Jones bottomed ships, which, I might add, would be able to move through the Panama Canal, is the most expensive alternative. That is not mentioning the cross-Guatemala pipeline, the cross-Panama pipeline, the North Tier pipeline, and so forth.

The main point I want to make is that we receive our oil, in essence, by the grace of our greenbacks to the OPEC nations and the fact that there is no Mideast war. We also receive our oil because of the grace of the Russian Navy not confusing the issue in the Mediterranean, which we do not like to think they could do, but they could. We also receive our oil because of a number of minor things. For instance, it has been estimated that the PLO could very quickly and very easily buy a surplus torpedo boat and do in every tanker in the Mediterranean in a very short period of time.

There are all kinds of contingencies outside of our control which control the flow of OPEC oil.

If we were to go into this trilateral arrangement, the FEA admits that our imports will increase from the OPEC nations.

To my way of thinking—and I am sure the gentleman would agree with me—that means that we are even further dependent in great areas of this country on OPEC oil, which has a lifeline that none of us can guarantee for 2 hours.

The gentleman and I cannot guarantee right now, while we stand here, that there is not perhaps a Mideast war precipitating. I do not want to see it, but I have even been working on this issue I would to the gentleman for 2 years. I have said to innumerable people in the State Department, "Give me a guarantee, as intelligent a guarantee as you can give me." No one is certain that there will not be a Mideast war in 1977 or a Mideast war in 1978. They do not know.

It seems to me that in the case of each leader to whom the President talks, one is a little bit happier, one is a little bit more dubious. I think that is a strange way to allow ourselves to be dependent on foreign oil.

Mr. DODD. Mr. Speaker, will the gentleman yield?

Mr. McKINNEY. I yield to my colleague, the gentleman from Connecticut.

Mr. DODD. Mr. Speaker, I have listened with interest to the proposal made by the gentleman from Connecticut (Mr. McKINNEY), and I must say that I believe for us to follow any other path than the gentleman promotes here would be lunacy. We are talking about an investment in our own future. I think the American public are going to be tremendously disappointed if we find in very short order a tremendous domestic reserve ending up traveling to the Far East.

I believe particularly the idea of forcing the United States into the creation of an east-west delivery system is particularly important when we start talking about our own national defense and our own national security—God forbid there should develop a contest in the Middle East.

Again I want to compliment the gentleman from Connecticut.

Mr. McKINNEY. Mr. Speaker, I would like to add to what the gentleman from Connecticut (Mr. DODD) has said. In the interim period of time—and this is only a 2-year prohibition—while the Panama Canal pipeline can be built or the Guatemala pipeline, or the El Paso pipeline, the use of Jones bottomed ships makes great economic sense for the American tanker industry is not very popular in the oil business because American shipping is more expensive.

We in this Congress have helped to develop them and I have voted for every one of the proposals simply for our own economic reasons and our own national security reasons. I have voted to increase the amount of American ships in the oceans, and through our proposal this would mean putting those Jones bottomed ships to work, and I suggest, at this same time, help guarantee our national security and our national defense.

Mr. RUPPE. Mr. Speaker, will the gentleman yield?

Mr. McKINNEY. I yield to the gentleman from Michigan.

Mr. RUPPE. Mr. Speaker, I thank the gentleman for yielding. I would like to ask the gentleman whether in setting such a precedent, as would be indicated through this legislation that there will be no shipment or exportation of oil from the United States or Alaska, does the gentleman not also think that this would set a precedent in terms of other countries saying that, "Since we have ample energy supplies of oil and natural gas should we not also discontinue its sale and hold it for our own, curtail the sale of our energy supplies abroad?"

Does the gentleman from Connecticut not believe that we may thus be setting the groundwork for precedents of other countries in terms of a likely policy being adopted by those other countries and to perhaps close down their energy supplies to us that we could use here in the United States?

Mr. McKINNEY. Mr. Speaker, I am glad the gentleman from Michigan asked that question because I believe the gentleman from Michigan knows that I am very concerned, serving on the Subcommittee on International Trade of the Committee on Banking, Finance and Urban Affairs, about setting precedents that may bring about or cause retaliation. In this respect I have been assured by the subcommittee, that there is a very distinct line in this business of energy, and that for this 2-year prohibition there is no industrialized nation with a surplus that they want to give away.

I hope I have answered the gentleman's question, that retaliation has been our concern, but every other country has the right to see to its domestic needs as a priority and I think so do we.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. McKINNEY. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I would like to compliment the gentleman from Connecticut for his motion to instruct the conferees. We have already voted to restrict exports, and we should insure that this restriction remains in the final bill. Even the Senator from Alaska and I agree that this is the way it should be done, but I do not agree that the Alaskan oil should be shipped to Japan in exchange for other oil. As the gentleman from Connecticut has said, I think the economic situation we face in this country plus the shortage we face in our energy supplies indicate that a transportation system is definitely needed to move our oil from the west coast to the east coast.

As the Members may have noticed in this morning's paper, there was a hearing yesterday where John O'Leary stated that he is hoping to produce more oil in Alaska. I ask, more oil in Alaska for whom? If we do not have the ability to ship the oil, and if we do not accelerate the development of other means to transport the oil, then why produce more oil in Alaska? Is it because we want to ship it to Japan? That was not the intent of the Alaska pipeline authorizing legislation.

I know that some people have said that we should have shipped the oil through Canada, but we would not have built the pipeline and we would not have that pipeline today. I do think we should insist, as President Carter has done, that the conferees really come to grips with making the public aware of the energy shortage that does exist. It is going to exist, and it is very, very important that the conference report contains an export ban so we have the incentive to build a new distribution system.

Again, I compliment the gentleman. I think he has done an excellent job, and I think we should follow his leadership.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. McKINNEY. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

It was not clear from the garbled version that was in the CONGRESSIONAL RECORD that the point Iwas making when we had this debate earlier a couple of weeks ago was that we cannot just take oil and run it through any refinery. As I understand it, this oil from Alaska cannot be refined in refineries that are not adjusted for acid oil. Therefore, if we allow ourselves to get into the situation where we do not have our refineries geared to this oil, and then we were selling it to Japan, and then all of a sudden there was an emergency, we could not use this oil; is that correct?

Mr. McKINNEY. That is absolutely correct. Not only would we not have the machinery in position to transport the oil to those parts of the country cut off, but Alaskan oil is what is known as "sour" oil. If we right now, because we are running out of time and because this oil is going to start flowing in October, do not commit ourselves, our Midwest refineries will not have the capability and the time to tool up to handle this sour oil. This cannot be done overnight.

Mr. SEIBERLING. There is just one other question. Is it fair to the Japanese to put them in the situation where we are saying as long as there is no crisis, why, they can have the oil; but the minute there is, we are going to cut them off?

Mr. McKINNEY. There is one thing that fascinates me. I think I have been a friend of the Japanese, and that Congress has, but one of the biggest things we have trouble with—at least in my district—is Japanese television sets, et cetera, et cetera, et cetera. I am opposed to protectionist trade practices, but we are dealing here with a statutorily-declared domestic resource. The issue, by law, must be considered outside the context of our ongoing trade with the Japanese. Yes, it is true that any exchange with Japan would be suspended in the event of any OPEC embargo or supply reduction. But the issue remains—what do we do then?

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. McKINNEY. I yield to the gentleman from Michigan.

Mr. DINGELL. I thank the gentleman for yielding.

I want to commend the gentleman for his position. I want it to be known that I very strongly support his position. At the time we passed the legislation creating the Transatlantic Pipeline, the commitment was made to this House by the Administration, by the oil companies, and by everybody else involved, that that oil was needed at home and would be used here and would not go to Japan. At that time an amendment was offered by the deceased colleague of ours, a great gentleman, and a wonderful legislator, a man by the name of John Saylor, that forbade the export of that oil to Japan, and it was regarded as a national commitment by this body that the legislation include that amendment by acceptance of the committee and by unanimous acceptance of the Members.

More recently Frank Zarb, speaking as the Federal Energy Administration, made the firm commitment that that oil was not going to Japan, that it was needed at home, it would be marketed here, refined here, and used here, and it would not go to Japan.

I find myself most curious as to why we keep hearing these stirrings downtown about how this oil is now going to Japan and going to be exported somewhere else, and I urge my colleagues very strongly to join the gentleman from Connecticut (Mr. McKINNEY) in making clear the intention of the House that the commitments made that the oil will be used here and not exported are carried out, and to make it very plain that we do not intend to see this Nation achieve additional dependence on foreign oil by reason of the export of this oil, but that it be kept here, refined here, and used here. Our refineries can adapt so that this oil can be used at home without the evil consequences of its being exported.

Mr. McKINNEY. I thank the gentleman. I am well aware of his excellent record in environmental affairs. Every time we sold out on another point of NEPA and on another point of environmental protection to the Alaskan pipeline, we were assured this was a national emergency; America must have the oil. That was the assurance we received from every single person, and that is an assurance that I feel both administrations—I am not picking on the Carter administration alone—have betrayed in planning to export Alaskan oil.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. McKINNEY. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

The comment was made that we do not have the capability of refining "the sour oil of Alaska," but before the Committee on Oversight of the Alaskan Pipeline we were told it would cost less than 1 cent per gallon, I believe, to put in the new equipment to permit refineries to use the oil.

That cost factor is a minute cost factor, but it gives us the ability to take and utilize the oil which will come through the Alaskan pipeline. So, again, I will stress the fact that we need it now. The time to reequip those refineries is now and not when we are in a crunch. I know we can do it.

Mr. GARY A. MYERS. Will the gentleman yield?

Mr. McKINNEY. I yield to the gentleman from Pennsylvania.

Mr. GARY A. MYERS. Mr. Speaker, is it the understanding of the gentleman that all the oil from Alaska would be traded or only a portion? It seems to me if only a portion of it will be, we ought to be required to make the refineries adjustable for this oil.

Mr. McKINNEY. There is no point when we can adapt our refineries and handle all the oil that comes from the Alaskan pipelines. The west coast does not have the facilities. It is estimated to be from 400,000 to 600,000 barrels that will be in excess of their ability to handle, and that does become difficult. That is the part that would be exported to Japan.

Mr. GARY A. MYERS. So in other words there would be some conversion of refining equipment to handle the Alaskan oil?

Mr. McKINNEY. Yes. From now changes can be made, and this is the middle of May until the beginning of October. This is the time to do it. At no time would we be able to do it quickly should there be a close down of the OPEC supply chain.

Mr. GARY A. MYERS. If there is to be a partial tradeoff and we are making arrangements to handle part of the Alaskan shipments, then we would retain better control and in the event of a cutoff of shipments that would be less disastrous than it would be otherwise.

Mr. McKINNEY. The FEA told this Congressman there is a capacity to handle it and there is a capacity of Jones bottom ships to handle it. When these questions came up there was an affirmative answer to each question, so it would be my belief the gentleman's questions would not have any valid ground. What the gentleman calls "extra" may be all the East and Midwest has to run factories and heat homes in the event of any OPEC embargo.

Mr. WHALEN. Mr. Speaker, will the gentleman yield?

Mr. McKINNEY. I yield to the gentleman from Ohio.

Mr. WHALEN. Mr. Speaker, the gentleman indicates there would be a surplus on the west coast. How would the surplus be transported to the Middle West and to the east coast?

Mr. McKINNEY. The problem comes in this Nation in the west-to-east movement. The problem is getting the oil into the Jones bottom ships to go through the Panama Canal. There is a private consortium—I am not sure who all is in it—which would be building a pipeline through Guatemala to ship to the Gulf. It is to be built in Guatemala at some point and it will be shipped to a point at El Paso, and the president of Guatemala has indicated there would be agreement.

Mr. WHALEN. How much time would that take to construct?

Mr. McKINNEY. It is estimated it would be completed within 2 years, which is one reason why my prohibition would be only for 2 years.

I feel now I should yield to the chairman of the committee such time as he may consume. The chairman has been most patient through all this.

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman for yielding.

I am sure the gentleman is well aware I am less than enthusiastic about his amendment. Indeed there are those who feel that it is quite an ill-advised amendment. However I do further understand the gentleman's concern, since the other body rejected a similar identical amendment by a vote of 66 to 27, but I want to assure the gentleman that as a conferee it is my duty to uphold the position of the House.

I was pleased when the gentleman had alerted me as chairman of the committee of his intention to instruct. I quote from the letter:

> I appreciate your understanding during House debate on the bill and hope to prevail on your good nature once again.

I am dismayed that the gentleman would display now such a lack of confidence in me by asking the House to instruct the conferees.

I say to the gentleman from Connecticut that in the years I have served in this House, it has been over 28 years, I have always voted against instructing conferees, because I believe that we must have confidence in our conferees.

Mr. Speaker, I can assure the gentleman that to the extent possible we will uphold the gentleman's position in conference; but do not instruct us. That is insulting us.

Mr. McKINNEY. Mr. Speaker, let me say, I think when I started I prefaced my remarks with my real dislike of having to take this step. I have the utmost confidence in the gentleman from Wisconsin. I have the utmost confidence in this House; but there are very powerful forces here.

The other body tabled this amendment by a substantial vote, as the chairman has indicated. Many Members of this House have legitimate questions as to the impact of this instruction on the question of the Arab boycott provisions of the bill. My motion here today is by no means an attempt to insult the chairman or to imply that I mistrust his motives in conference. All in this Chamber are aware of the International Relations chairman's record of hard work and solid accomplishment. The very fact that my motion has come this far is a tribute to his open-mindedness. However, and I speak very frankly, it is the other body I fear. I do not want this amendment to become a bargaining chip in the conference over some very delicate antiboycott provisions. I want to remove this important issue from the points of conflict at the conference so full attention can be directed toward bringing out an antiboycott bill as soon as possible.

The SPEAKER pro tempore (Mr. SISK). The Chair would remind Members that under the rules governing debate it is not in order to refer to votes or debate in the other body.

Mr. McKINNEY. Mr. Speaker, this gentleman asks unanimous consent to strike his remarks in that connection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. LAGOMARSINO. Mr. Speaker, will the gentleman yield?

Mr. McKINNEY. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for yielding.

I think the gentleman's amendment is very important. I think each Member has to make up his own mind on instructing the conferees. That goes into other areas; but the amendment itself is well worth fighting for.

I would hope whether or not the motion passes that the conferees will insist on the House position. I do not know how we can represent the American people and expect them to believe we have an energy problem, much less an energy crisis, if we are shipping oil to Japan. I do not think we can sell that to the American people.

Mr. Speaker, I would like to confirm what the gentleman said a moment ago about moving traffic through the Panama Canal and that it can handle 500,000 barrels of oil a day and then transship it to east coast refineries that can handle that kind of oil. It is a very simple thing to do. They can offload three ships already arrived. They would shuttle back and forth across the canal for this volume of oil.

Mr. KETCHUM. Mr. Speaker, will the gentleman yield?

Mr. McKINNEY. I yield to the gentleman from California.

Mr. KETCHUM. Mr. Speaker, I thank the gentleman for yielding.

I can well understand the gentleman's motion to instruct the conferees. Coming from an area as I do that produces a rather substantial amount of high sulfur oil, of course, that is what is coming down from Alaska, I would be constrained to ask the gentleman in the well if the gentleman is prepared to stand in the well here and fight for the refining capacity in the Northeastern United States to handle that crude oil if we ship it to them?

Mr. McKINNEY. Mr. Speaker, I would be delighted to tell the gentleman that this particular Congressman has fought for building refineries in the Northeast. Just two elections ago my opponent stood in front of a church which I have attended and pointed to it and said, "Your Congressman wants to put an oil refinery there." He managed to put that in every single newspaper in the fourth district. The people in my district are intelligent enough to know that they cannot have it both ways. If we want the oil, and we do, then we have to find an environmentally safe way to refine it there as well.

Mr. KETCHUM. Mr. Speaker, I congratulate the gentleman from Connecticut for that.

Mr. McKINNEY. I also support, by the way, Continental Shelf drilling.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. McKINNEY. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, I have not yet made up my mind as to what position to take on the matter pending before us. As a result of the gentleman's motion, however, I want to compliment the gentleman for focusing attention on this very real problem. In doing so, I want to allude to the fact that in the Committee on the Interior we have established a Special Investigations Subcommittee that will deal with the integrity of the Alaska pipeline itself; and second, will make an evaluation of how that oil will be disposed of.

The reason I make the point is that, while the overall pipeline capacity is about 2 million barrels per day, currently the capacity to receive that oil is only about 600,000 barrels per day. This is a very serious problem. We are going to have to have the full capacity for delivering that oil.

Mr. McKINNEY. I appreciate the gentleman's remarks.

Mr. SKUBITZ. Mr. Speaker, will the gentleman yield?

Mr. McKINNEY. I yield to the gentleman from Kansas.

Mr. SKUBITZ. Mr. Speaker, I would like to state that I am going to support my colleague's position. If we have the oil, we have a couple of worn-out salt mines in Kansas which are no longer available for atomic garbage, but we would like to store oil in them.

Mr. McKINNEY. I thank the gentleman.

Mr. Speaker, I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SISK). The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ZABLOCKI. 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 240, nays 166, not voting 26, as follows:

[Roll No. 215]

YEAS—240

Abdnor	Drinan	Lott
Akaka	Duncan, Tenn.	Lujan
Ammerman	Early	McClory
Anderson, Calif.	Eilberg	McCloskey
Andrews, N.C.	Emery	McDade
Andrews, N. Dak.	Ertel	McHugh
Ashbrook	Evans, Del.	McKinney
Aspin	Evans, Ind.	Madigan
AuCoin	Fish	Maguire
Badham	Fithian	Markey
Baflalis	Flippo	Marks
Baldus	Florio	Marlenee
Barnard	Flowers	Marriott
Baucus	Flynt	Martin
Bauman	Ford, Tenn.	Mathis
Beard, R.I.	Fountain	Mazzoli
Beard, Tenn.	Frey	Meeds
Benjamin	Fuqua	Mikulski
Bennett	Gaydos	Mikva
Bevill	Giaimo	Miller, Ohio
Biaggi	Gilman	Minish
Blanchard	Ginn	Mitchell, Md.
Blouin	Goldwater	Mitchell, N.Y.
Boland	Gonzalez	Moakley
Bonior	Grassley	Moffett
Bonker	Gudger	Mollohan
Bowen	Guyer	Montgomery
Brinkley	Hagedorn	Moore
Brodhead	Hall	Moorhead, Calif.
Brooks	Harkin	Moorhead, Pa.
Broomfield	Harris	Mottl
Brown, Mich.	Harsha	Murphy, Pa.
Brown, Ohio	Heckler	Murtha
Broyhill	Hefner	Myers, Michael
Burke, Calif.	Heftel	Myers, Ind.
Burke, Fla.	Hollenbeck	Neal
Burke, Mass.	Holt	Nichols
Burton, John	Holtzman	Nolan
Byron	Horton	O'Brien
Caputo	Howard	Oakar
Carney	Hubbard	Oberstar
Cederberg	Huckaby	Ottinger
Chappell	Hughes	Pettis
Cleveland	Ichord	Pressler
Cohen	Jacobs	Preyer
Coleman	Jeffords	Pritchard
Collins, Ill.	Jenrette	Pursell
Conte	Jones, N.C.	Quayle
Corcoran	Jones, Tenn.	Quie
Cornwell	Kasten	Quillen
Cotter	Kazen	Rahall
D'Amours	Kelly	Railsback
Daniel, Dan	Keys	Regula
Daniel, R. W.	Kildee	Rinaldo
Davis	Lagomarsino	Robinson
Dellums	Latta	Rogers
Derrick	Le Fante	Rooney
Devine	Leach	Rose
Dingell	Lederer	Rousselot
Dodd	Leggett	Rudd
Dornan	Lent	Ruppe
	Lloyd, Calif.	Russo
	Lloyd, Tenn.	
	Long, La.	
	Long, Md.	
	Lujan	

Santini	Stanton	Wampler
Sarasin	Steed	Watkins
Satterfield	Stockman	Weiss
Sawyer	Stokes	Whitehurst
Schroeder	Stratton	Whitley
Seiberling	Studds	Whitten
Sharp	Taylor	Wilson, Bob
Shipley	Thone	Wilson, C. H.
Shuster	Traxler	Wolff
Skelton	Treen	Wydler
Skubitz	Tsongas	Wylie
Slack	Tucker	Yates
Smith, Nebr.	Vanik	Yatron
Snyder	Vento	Young, Alaska
Spellman	Volkmer	Young, Fla.
Spence	Walgren	Young, Mo.
St Germain	Walker	Young, Tex.
Stangeland	Walsh	Zeferetti

NAYS—166

Addabbo	Foley	Murphy, Ill.
Alexander	Fowler	Murphy, N.Y.
Allen	Fraser	Myers, Gary
Ambro	Frenzel	Natcher
Anderson, Ill.	Gammage	Nedzi
Annunzio	Gephardt	Nix
Applegate	Gibbons	Nowak
Archer	Glickman	Obey
Armstrong	Goodling	Panetta
Ashley	Gore	Patten
Badillo	Gradison	Patterson
Bedell	Hamilton	Pattison
Beilenson	Hammer-schmidt	Pease
Bingham	Hanley	Perkins
Boggs	Hannaford	Pickle
Bolling	Hansen	Pike
Brademas	Harrington	Poage
Breaux	Hawkins	Rangel
Burleson, Tex.	Hightower	Reuss
Burlison, Mo.	Holland	Rhodes
Burton, Phillip	Hyde	Richmond
Butler	Ireland	Risenhoover
Carr	Jenkins	Roberts
Cavanaugh	Johnson, Calif.	Rodino
Clausen, Don H.	Johnson, Colo.	Roncalio
Clay	Jones, Okla.	Rosenthal
Collins, Tex.	Jordan	Rostenkowski
Conyers	Kastenmeier	Roybal
Corman	Ketchum	Runnels
Cornell	Kindness	Ryan
Coughlin	Koch	Scheuer
Crane	Kostmayer	Schulze
Danielson	Krebs	Sebelius
de la Garza	Krueger	Sikes
Delaney	LaFalce	Simon
Derwinski	Lehman	Sisk
Dicks	Levitas	Smith, Iowa
Diggs	Long, La.	Solarz
Downey	Long, Md.	Stark
Duncan, Oreg.	Luken	Steiger
Eckhardt	Lundine	Stump
Edgar	McCormack	Symms
Edwards, Ala.	McDonald	Thornton
Edwards, Calif.	McEwen	Treen
Edwards, Okla.	McFall	Udall
English	McKay	Ullman
Erlenborn	Mann	Waggonner
Evans, Colo.	Mattox	Waxman
Evans, Ga.	Metcalfe	Whalen
Fary	Meyner	White
Pascell	Michel	Wiggins
Fenwick	Milford	Wilson, Tex.
Findley	Miller, Calif.	Winn
Fisher	Mineta	Wirth
Flood	Moss	Wright
		Zablocki

NOT VOTING—26

Breckinridge	Dent	Roe
Brown, Calif.	Dickinson	Staggers
Buchanan	Ford, Mich.	Steers
Burgener	Forsythe	Teague
Carter	Hillis	Thompson
Chisholm	Kemp	Van Deerlin
Clawson, Del	Mahon	Vander Jagt
Cochran	Pepper	Weaver
Conable	Price	

The Clerk announced the following pairs:

On this vote:

Mr. Carter for, with Mr. Teague against.

Mr. Del Clawson for, with Mr. Thompson against.

Mr. Dickinson for, with Mr. Staggers against.

Mr. Vander Jagt for, with Mr. Pepper against.

Mr. Burgener for, with Mr. Price against.

Mr. Hillis for, with Ms. Chisholm against.

Until further notice:

Mr. Dent with Mr. Conable.

Mr. Roe with Mr. Cochran of Mississippi.

Mr. Van Deerlin with Mr. Kemp.

Mr. Weaver with Mr. Mahon.

Mr. Brown of California with Mr. Breckinridge.

Mr. AMBRO and Mr. PATTERSON of California changed their vote from "yea" to "nay."

Mr. DERRICK changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SISK). The Chair appoints the following conferees: Messrs. ZABLOCKI, FASCELL, ROSENTHAL, HAMILTON, BINGHAM, RYAN, SOLARZ, BROOMFIELD, BUCHANAN, and WHALEN.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

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 recorded 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.

TINICUM NATIONAL ENVIRONMENTAL CENTER ADDITIONS

Mr. MURPHY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2817) to provide for certain additions to the Tinicum National Environmental Center.

The Clerk read as follows:

H.R. 2817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 30, 1972, entitled "An Act to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes" (16 U.S.C. 668dd, note) is amended—

(1) by striking out "Wanamaker Avenue" in the last sentence of section 2 and inserting in lieu thereof "Darby Creek"; and

(2) by amending section 7(b) to read as follows:

"(b) Beginning with fiscal year 1978, there are authorized to be appropriated, in addition to the appropriations authorized under subsection (a), $8,850,000 to carry out the purposes of this Act."

The SPEAKER pro tempore. Is a second demanded?

Mr. RUPPE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York (Mr. MURPHY) and the gentleman from Michigan (Mr.

a great deliberative body. If we take steps to erode further the power of this body, if we take further steps to downgrade the Senate as we know it and as it has functioned throughout this country's history, we are going to make a great mistake.

Mr. President, I hope the Senators will think carefully over this matter before they vote any amendment to the rules that will weaken the so-called filibuster rule or that will weaken the power of a Senator. I repeat what I said a few moments ago, that no important measure has ever been defeated in the Senate, because of the filibuster. The Senate has defeated bad legislation. The filibuster has helped to do it. We hope that the power and strength now provided in the rules of this body can be retained.

I think it would be unreasonable to adopt the changes that have been suggested here, especially some of them. I hope the Members of this body will give most careful consideration before making any changes in the present rules of the Senate. We wish to keep this the greatest deliberative body in the world.

I yield the floor.

ORDER OF BUSINESS

(The following proceedings occurred during the presentation of Mr. THURMOND's remarks and are printed at this point in the RECORD by unanimous consent.)

Mr. PROXMIRE. Mr. President, will the Senator from South Carolina yield for 1 minute in order that I may bring up a matter involving the appointment of conferees, without losing his right to the floor?

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the able and distinguished Senator from Wisconsin without losing my right to the floor, and with the understanding that his matter will be printed in the RECORD after my remarks.

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

AMENDMENT OF THE EXPORT ADMINISTRATION ACT

Mr. PROXMIRE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 5840.

The PRESIDING OFFICER (Mr. DECONCINI) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 5840) to amend the Export Administration Act of 1969 in order to extend the authorities of that act and improve the administration of export controls under that act, and to strengthen the antiboycott provisions of that act, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PROXMIRE. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Messrs. PROXMIRE, SPARKMAN, WILLIAMS, MCINTYRE, CRANSTON, STEVENSON, BROOKE, TOWER, GARN, and HEINZ conferees on the part of the Senate.

Mr. PROXMIRE. Mr. President, I wish to make it clear that the Senator from Illinois (Mr. STEVENSON) who has handled this bill in committee and on the floor, is agreeable to the conferees that have been appointed by the Chair.

There have been some differences of opinion between Senator STEVENSON and myself, but that has been resolved now. This has also been cleared with the Senator from Massachusetts (Mr. BROOKE), who is the ranking minority member of the Committee on Banking, Housing, and Urban Affairs.

Mr. President, I thank my good friend from South Carolina for so graciously yielding.

(This concludes the proceedings which occurred during Mr. THURMOND's remarks.)

ORDER OF BUSINESS

(The following proceedings occurred during the subsequent remarks of Mr. CHAFEE and are printed at this point in the RECORD by unanimous consent:)

Mr. SPARKMAN. Will the Senator yield briefly?

Mr. CHAFEE. Caught in full flight, I am delighted to yield to the distinguished Senator from Alabama.

Mr. SPARKMAN. This is for a unanimous-consent request.

ADDITIONAL DEPARTMENT OF STATE AUTHORIZATIONS, 1977

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 79.

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

The second assistant legislative clerk read as follows:

A bill (H.R. 5040) to authorize additional appropriations for the Department of State for fiscal year 1977.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

There being no objection, the Senate proceeded to consider the bill (H.R. 5040) which had been reported from the Committee on Foreign Relations with amendments, as follows:

On page 2, beginning with line 2, strike out through and including line 8, and insert in lieu thereof:

SEC. 2. Section 3 of the Act entitled "An Act to provide certain basic authority for the Department of State", approved on August 1, 1956 (22 U.S.C. 2670), is amended by—

(1) striking out "and" at the end of subsection (h);

(2) striking out the period at the end of subsection (i) and inserting in lieu thereof a semicolon and "and"; and

(3) inserting at the end thereof the following new subsection:

"(j) provide emergency medical attention and dietary supplements, and other emergency assistance, for United States citizens incarcerated abroad who are unable to obtain such services otherwise, such assistance to be provided on a reimbursable basis to the extent feasible.".

On page 4, beginning with line 11, strike out through and including line 13, and insert in lieu thereof:

"The Chairman or Vice Chairman of the House delegation shall be a Member from the International Relations Committee, and the Chairman or Vice Chairman of the Senate delegation shall be a Member from the Foreign Relations Committee.".

On page 5, line 5, following the semicolon, strike all through and including line 7, and insert in lieu thereof:

"The Chairman or Vice Chairman of the House delegation shall be a Member from the International Relations Committee, and the Chairman or Vice Chairman of the Senate delegation shall be a Member from the Foreign Relations Committee.".

On page 6, line 1, following the semicolon, strike all through and including line 3, and insert in lieu thereof:

"The Chairman or Vice Chairman of the House delegation shall be a Member from the International Relations Committee, and the Chairman or Vice Chairman of the Senate delegation shall be a Member from the Foreign Relations Committee.".

On page 7, beginning with line 7, strike through and including page 8, line 9, and insert in lieu thereof:

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

"SEC. 4. Senate delegates to each conference of the Interparliamentary Union, and to all other parliamentary conferences, shall be designated by the President of the Senate upon recommendations of the majority and minority leaders of the Senate. For each such conference, the President of the Senate shall designate the Chairman and the Vice Chairman of the Senate delegation, at least one of whom shall be a member of the Committee on Foreign Relations. Not fewer than two Senators designated to be in the Senate delegation to each conference of the Interparliamentary Union shall be members of the Committee on Foreign Relations.

"SEC. 5. After December 31, 1977, the executive secretary of the American group of the Interparliamentary Union shall be an officer or employee of the Senate or the House of Representatives and shall be appointed—

"(1) by the Chairman of the Senate delegation for service during odd-numbered Congresses; and

"(2) by the Chairman of the House delegation for service during even-numbered Congresses.

"SEC. 6. The certificate of the Chairman of the respective delegation to the Interparliamentary Union (or the certificate of the executive secretary of the American group if the Chairman delegates such authority to him) shall be final and conclusive upon the accounting officers in the auditing of all accounts of the House and Senate delegations to the Interparliamentary Union.".

"(4) The second sentence of the nineteenth undesignated paragraph under the general heading "DEPARTMENT OF STATE" in title I of the Third Deficiency Appropriation Act, fiscal year 1937 (22 U.S.C. 276b) is deleted.

INTERNATIONAL AGREEMENTS

SEC. 5. (a) Section 112b, title 1, United States Code, is amended by adding at the end the following: "Any department or agency of the United States Government which enters into any international agreement on behalf of the United States shall transmit to the Department of State the text of such agreement not later than twenty days after such agreement has been signed.".

Whalen	Winn	Yatron
White	Wirth	Young, Fla.
Whitehurst	Wolff	Young, Mo.
Whitley	Wright	Young, Tex.
Wilson, C. H.	Wyd.er	Zablocki
Wilson, Tex.	Yates	Zeferetti

NAYS—60

Abdnor	Flynt	Quayle
Archer	Goldwater	Quillen
Ashbrook	Gradison	Rhodes
Badham	Guyer	Robinson
Bafalis	Hammer-	Rousselot
Bauman	schmidt	Rudd
Broomfield	Harsha	Satterfield
Brown, Mich.	Holt	Sebelius
Burke, Fla.	Hyde	Shuster
Burleson, Tex.	Ketchum	Snyder
Carter	Kindness	Steiger
Cederberg	Lagomarsino	Symms
Coleman	Latta	Taylor
Collins, Tex.	Lott	Thone
Conable	Lujan	Walker
Crane	McClory	Whitten
Devine	McDonald	Wilson, Bob
Dickinson	Marriott	Wylie
Dornan	Martin	
Duncan, Tenn.	Montgomery	
Edwards, Okla.	Moorhead,	
Erlenborn	Calif.	

NOT VOTING—24

Bonior	Michel	Roncalio
Clawson, Del	Moakley	Slack
Dent	Moffett	Steers
Flippo	Poage	Stokes
Florio	Price	Teague
Forsythe	Pursell	Waxman
Goodling	Railsback	Wiggins
Hansen	Roe	Young, Alaska

The Clerk announced the following pairs:

On this vote:

Mr. Railsback for, with Mr. Del Clawson against.
Mr. Steers for, with Mr. Hansen against.
Mr. Dent for, with Mr. Michel against.
Mr. Moakley for, with Mr. Teague against.

Until further notice:

Mr. Florio with Mr. Goodling.
Mr. Price with Mr. Purcell.
Mr. Roe with Mr. Wiggins.
Mr. Flippo with Mr. Young of Alaska.
Mr. Stokes with Mr. Slack.
Mr. Roncalio with Mr. Bonior.

Mr. CARR and Mr. SKUBITZ changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 5840, EXPORT ADMINISTRATION AMENDMENTS OF 1977

Mr. ZABLOCKI submitted the following conference report and statement on the bill H.R. 5840 to amend the Export Administration Act of 1969 in order to extend the authorities of that act and improve the administration of export controls under that act, and to strengthen the antiboycott provisions of that act:

CONFERENCE REPORT (H. REPT. NO. 95-354)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5840) to amend the Export Administration Act of 1969 in order to extend the authorities of that Act and improve the administration of export controls under that Act, and to strengthen the antiboycott provisions of that Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Export Administration Amendments of 1977".

TITLE I—EXPORT ADMINISTRATION IMPROVEMENTS AND EXTENSION

EXTENSION OF EXPORT ADMINISTRATION ACT

SEC. 101. Section 14 of the Export Administration Act of 1969 is amended by striking out "September 30, 1976" and inserting in lieu thereof "September 30, 1979".

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. The Export Administration Act of 1965 is amended by inserting after section 12 the following new section 13 and redesignating existing sections 13 and 14 as sections 14 and 15, respectively.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 13. (a) Notwithstanding any other provision of law, no appropriation shall be made under any law to the Department of Commerce for expenses to carry out the purposes of this Act for any fiscal year commencing on or after October 1, 1977, unless previously and specifically authorized by legislation.

"(b) There is hereby authorized to be appropriated to the Department of Commerce $14,033,000 (and such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs) for fiscal years 1978 and 1979 to carry out the purposes of this Act.".

CONTROL OF EXPORTS FOR NATIONAL SECURITY PURPOSES; FOREIGN AVAILABILITY

SEC. 103. (a) Section 4(b) of the Export Administration Act of 1969 is amended—

(1) by striking out the third sentence of paragraph (1);

(2) by striking out paragraphs (2) through (4) and;

(3) by inserting the following new paragraph (2) immediately after paragraph (1):

"(2)(A) In administering export controls for national security purposes as prescribed in section 3(2)(C) of this Act, United States policy toward individual countries shall not be determined exclusively on the basis of a country's Communist or non-Communist status but shall take into account such factors as the country's present and potential relationship to the United States, its present and potential relationship to countries friendly or hostile to the United States, its ability and willingness to control retransfers of United States exports in accordance with United States policy, and such other factors as the President may deem appropriate. The President shall periodically review United States policy toward individual countries to determine whether such policy is appropriate in light of the factors specified in the preceding sentence. The results of such review, together with the justification for United States policy in light of such factors, shall be reported to Congress not later than December 31, 1978, in the semiannual report of the Secretary of Commerce required by section 10 of this Act, and in every second such report thereafter.

"(B) Rules and regulations under this subsection may provide for denial of any request or application for authority to export articles, materials, or supplies, including technical data or any other information, from the United States, its territories and possessions, to any nation or combination of nations threatening the national security of the United States if the President determines that their export would prove detrimental to the national security of the United States. The President shall not impose export controls for national security purposes on the export from the United States of articles, materials, or supplies, including technical data or other information, which he determines are available without restriction from sources outside the United States in significant quantities and comparable in quality to those produced in the United States, unless the President determines that adequate evidence has been presented to him demonstrating that the absence of such controls would prove detrimental to the national security of the United States. The nature of such evidence shall be included in the semiannual report required by section 10 of this Act. Where, in accordance with this paragraph, export controls are imposed for national security purposes notwithstanding foreign availability, the President shall take steps to initiate negotiations with the governments of the appropriate foreign countries for the purpose of eliminating such availability.".

(b)(1) Section 4(h) of the Export Administration Act of 1969 is amended by striking out "controlled country" in the first sentence of paragraph (1) and in the second sentence of paragraph (2) and inserting in lieu thereof "country to which exports are restricted for national security purposes".

(2) Section 4(h)(2)(A) of such Act is amended by striking out "controlled" and inserting in lieu thereof "such".

(3) Section 4(h)(4) of such Act is amended—

(A) by inserting "and" at the end of subparagraph (A); and

(B) by striking out the semicolon at the end of subparagraph (B) thereof and all that follows the semicolon and inserting in lieu thereof a period.

(4) The amendments made by this subsection shall become effective upon the expiration of ninety days after the receipt by the Congress of the first report required by the amendment made by subsection (a)(3) of this section.

(c) Section 4(h) of such Act is amended—

(1) in paragraph (1)—

(A) in the first sentence by striking out "significantly increase the military capability of such country" and inserting in lieu thereof "make a significant contribution to the military potential of such country"; and

(B) in the second sentence by striking cut "significantly increase the military capability of such country" and inserting in lieu thereof "make a significant contribution, which would prove detrimental to the national security of the United States, to the military potential of any such country"; and

(2) in paragraph (2)(A), by striking out "significantly increase the military capability of such country" and inserting in lieu thereof "make a significant contribution, which would prove detrimental to the national security of the United States, to the military potential of such country or any other country".

(d) Section 6(b) of such Act is amended by striking out "Communist-dominated nation" and inserting in lieu thereof "country to which exports are restricted for national security or foreign policy purposes".

MONITORING OF COMMODITIES IN POTENTIAL SHORT SUPPLY

SEC. 104. Section 4(c)(1) of the Export Administration Act of 1969 is amended by inserting after the first sentence thereof the following: "Such monitoring shall commence at a time adequate to insure that data will be available which is sufficient to permit achievement of the policies of this Act.".

EXEMPTION FOR CERTAIN AGRICULTURAL COMMODITIES FROM CERTAIN EXPORT LIMITATIONS

SEC. 105. Section 4(f) of the Export Administration Act of 1969 is amended—

(1) by redesignating such section as section 4(f)(1); and

(2) by adding at the end thereof the following new paragraph:

"(2) Upon approval of the Secretary of Commerce, in consultation with the Secretary of Agriculture, agricultural commodities purchased by or for use in a foreign country may remain in the United States for export at a later date free from any quantitative limitations on export which may be imposed pursuant to section 3(2)(A) of this Act subsequent to such approval. The Secretary of Commerce may not grant approval hereunder unless he receives adequate assurance and, in conjunction with the Secretary of Agriculture, finds that such commodities will eventually be exported, that neither the sale nor export thereof will result in an excessive drain of scarce materials and have a serious domestic inflationary impact, that storage of such commodities in the United States will not unduly limit the space available for storage of domestically owned commodities, and that the purpose of such storage is to establish a reserve of such commodities for later use, not including resale to or use by another country. The Secretary of Commerce is authorized to issue such rules and regulations as may be necessary to implement this paragraph.".

CONGRESSIONAL REVIEW OF EXPORT CONTROLS ON AGRICULTURAL COMMODITIES

SEC. 106. Section 4(f) of the Export Administration Act of 1969, as amended by section 105 of this Act, is further amended by adding at the end thereof the following new paragraph:

"(3) If the authority conferred by this section is exercised to prohibit or curtail the exportation of any agricultural commodity in order to effectuate the policies set forth in clause (A) or (B) of paragraph (2) of section 3 of this Act, the President shall immediately report such prohibition or curtailment to the Congress, setting forth the reasons therefor in detail. If the Congress, within 30 days after the date of its receipt of such report, adopts a concurrent resolution disapproving such prohibition or curtailment, then such prohibition or curtailment shall cease to be effective with the adoption of such resolution. In the computation of such 30-day period, there shall be excluded the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment of the Congress sine die.".

PERIOD FOR ACTION ON EXPORT LICENSE APPLICATIONS

SEC. 107. Section 4(g) of the Export Administration Act of 1969 is amended to read as follows:

"(g)(1) It is the intent of Congress that any export license application required under this Act shall be approved or disapproved within 90 days of its receipt. Upon the expiration of the 90-day period beginning on the date of its receipt, any export license application required under this Act which has not been approved or disapproved shall be deemed to be approved and the license shall be issued unless the Secretary of Commerce or other official exercising authority under this Act finds that additional time is required and notifies the applicant in writing of the specific circumstances requiring such additional time and the estimated date when the decision will be made.

"(2)(A) With respect to any export license application not finally approved or disapproved within 90 days of its receipt as provided in paragraph (1) of this subsection, the applicant shall, to the maximum extent consistent with the national security of the United States, be specifically informed in writing of questions raised and negative considerations or recommendations made by any agency or department of the Government with respect to such license application, and shall be accorded an opportunity to respond to such questions, considerations, or recommendations in writing prior to final approval or disapproval by the Secretary of Commerce or other official exercising authority under this Act. In making such final approval or disapproval, the Secretary of Commerce or other official exercising authority under this Act shall take fully into account the applicant's response.

"(B) Whenever the Secretary determines that it is necessary to refer an export license application to any interagency review process for approval, he shall first, if the applicant so requests, provide the applicant with an opportunity to review any documentation to be submitted to such process for the purpose of describing the export in question, in order to determine whether such documentation accurately describes the proposed export.

"(3) In any denial of an export license application, the applicant shall be informed in writing of the specific statutory basis for such denial.".

CERTAIN PETROLEUM EXPORTS

SEC. 108. Section 4 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new subsection:

"(j) Petroleum products refined in United States Foreign-Trade Zones, or in the United States Territory of Guam, from foreign crude oil shall be excluded from any quantitative restrictions imposed pursuant to section 3(2)(A) of this Act, except that, if the Secretary of Commerce finds that a product is in short supply, the Secretary of Commerce may issue such rules and regulations as may be necessary to limit exports.".

EXPORT OF HORSES

SEC. 109. Section 4 of the Export Administration Act of 1969, as amended by section 108 of this Act, is further amended by adding at the end thereof the following new subsection:

"(k)(1) Notwithstanding any other provision of this Act, no horse may be exported by sea from the United States, its territories and possessions, unless such horse is part of a consignment of horses with respect to which a waiver has been granted under paragraph (2) of this subsection.

"(2) The Secretary of Commerce, in consultation with the Secretary of Agriculture, may issue rules and regulations providing for the granting of waivers permitting the export by sea of a specified consignment of horses, if the Secretary of Commerce, in consultation with the Secretary of Agriculture, determines that no horse in that consignment is being exported for purposes of slaughter.".

PROHIBITION OF CERTAIN PETROLEUM EXPORTS

SEC. 110. Section 4 of the Export Administration Act of 1969, as amended by sections 108 and 109 of this Act, is further amended by adding at the end thereof the following new subsection:

"(l)(1) Notwithstanding any other provision of this Act and notwithstanding subsection (u) of section 28 of the Mineral Leasing Act of 1920, no domestically produced crude oil transported by pipeline over rights-of-way granted pursuant to such section 28 (except any such crude oil which (A) is exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, or (B) is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and reenters the United States) may be exported from the United States, its territories and possessions, during the 2-year period beginning on the date of enactment of this subsection unless the requirements of paragraph (2) of this subsection are met.

"(2) Crude oil subject to the prohibition contained in paragraph (1) may be exported only if—

"(A) the President makes and publishes an express finding that exports of such crude oil—

"(i) will not diminish the total quantity or quality of petroleum available to the United States,

"(ii) will have a positive effect on consumer oil prices by decreasing the average crude oil acquisition costs of refiners,

"(iii) will be made only pursuant to contracts which may be terminated if the petroleum supplies of the United States are interrupted or seriously threatened,

"(iv) are in the national interest, and

"(v) are in accordance with the provisions of this Act; and

"(B) the President reports such finding to the Congress as an energy action (as defined in section 551 of the Energy Policy and Conservation Act).

The Congressional review provisions of such section 551 shall apply to an energy action reported in accordance with this paragraph, except that for purposes of this paragraph, any reference in such section to a period of 15 calendar days of continuous session of Congress shall be deemed to be a reference to a period of 60 calendar days of continuous session of Congress and the period specified in subsection (f)(4)(A) of such section for committee action on a resolution shall be deemed to be 40 calendar days.".

TECHNICAL ADVISORY COMMITTEES

SEC. 111. (a) Section 5(c)(1) of the Export Administration Act of 1969 is amended by striking out "two" in the last sentence thereof and inserting in lieu thereof "four".

(b) The second sentence of section 5(c)(2) of such Act is amended to read as follows: "Such committees, where they have expertise in such matters, shall be consulted with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to any articles, materials, and supplies, including technical data or other information, and (D) exports subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.".

(c) Section 5(c)(2) of such Act is further amended by striking out the third sentence and inserting in lieu thereof the following: "The Secretary shall include in each semiannual report required by section 10 of this Act an accounting of the consultation undertaken pursuant to this paragraph, the use made of the advice rendered by the technical advisory committees pursuant to this paragraph, and the contributions of the technical advisory committees to carrying out the policies of this Act.".

PENALTIES FOR VIOLATIONS

SEC. 112. (a) Section 6(a) of the Export Administration Act of 1969 is amended—

(1) in the first sentence, by striking out "$10,000" and inserting in lieu thereof "$25,000"; and

(2) in the second sentence, by striking out "$20,000" and inserting in lieu thereof "$50,000".

(b) Section 6(b) of such Act is amended by striking out "$20,000" and inserting in lieu thereof "$50,000".

(c) Section 6(c) of such Act is amended by striking out "$1,000" and inserting in lieu thereof "$10,000".

(d) Section 6(d) of such Act is amended by adding at the end thereof the following new sentence: "In addition, the payment of any penalty imposed under subsection (c)

may be deferred or suspended in whole or in part for a period of time no longer than any probation period (which may exceed one year) that may be imposed upon such person. Such a deferral or suspension shall not operate as a bar to the collection of the penalty in the event that the conditions of the suspension, deferral, or probation are not fulfilled.".

AVAILABILITY OF INFORMATION TO CONGRESS

SEC. 113. (a) Section 7(c) of the Export Administration Act of 1969 is amended by adding at the end thereof the following new sentences: "Nothing in this Act shall be construed as authorizing the withholding of information from Congress, and any information obtained under this Act, including any report or license application required under section 4(b), shall be made available upon request to any committee or subcommittee of Congress of appropriate jurisdiction. No such committee or subcommittee shall disclose any information obtained under this Act which is submitted on a confidential basis unless the full committee determines that the withholding thereof is contrary to the national interest.".

(b) Section 4(c)(1) of such Act is amended by inserting immediately before the period at the end of the last sentence thereof "and in the last two sentences of section 7(c) of this Act".

SIMPLIFICATION OF EXPORT REGULATIONS AND LISTS

SEC. 114. Section 7 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new subsection:

"(e) The Secretary of Commerce, in consultation with appropriate United States Government departments and agencies and with appropriate technical advisory committees established under section 5(c), shall review the rules and regulations issued under this Act and the lists of articles, materials, and supplies which are subject to export controls in order to determine how compliance with the provisions of this Act can be facilitated by simplifying such rules and regulations, by simplifying or clarifying such lists, or by any other means. Not later than one year after the enactment of this subsection, the Secretary of Commerce shall report to Congress on the actions taken on the basis of such review to simplify such rules and regulations. Such report may be included in the semiannual report required by section 10 of this Act.".

TERRORISM

SEC. 115. Section 3 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new paragraph:

"(8) It is the policy of the United States to use export controls to encourage other countries to take immediate steps to prevent the use of their territory or resources to aid, encourage, or give sanctuary to those persons involved in directing, supporting, or participating in acts of international terrorism. To achieve this objective, the President shall make every reasonable effort to secure the removal or reduction of such assistance to international terrorists through international cooperation and agreement before resorting to the imposition of export controls.".

SEMIANNUAL REPORTS

SEC. 116. (a) Section 10 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new subsection:

"(c) Each semiannual report shall include an accounting of—

"(1) any organizational and procedural changes instituted, any reviews undertaken, and any means used to keep the business sector of the Nation informed, pursuant to section 4(a) of this Act;

"(2) any changes in the exercise of the authorities of section 4(b) of this Act;

"(3) any delegations of authority under section 4(c) of this Act;

"(4) the disposition of export license applications pursuant to sections 4 (g) and (h) of this Act;

"(5) consultations undertaken with technical advisory committees pursuant to section 5(c) of this Act;

"(6) violations of the provisions of this Act and penalties imposed pursuant to section 6 of this Act; and

"(7) a description of actions taken by the President and the Secretary of Commerce to effect the policies set forth in section 3(5) of this Act.".

(b)(1) The section heading of such section 10 is amended by striking out "QUARTERLY".

(2) Subsection (b) of such section is amended—

(A) by striking out "quarterly" each time it appears; and

(B) by striking out "second" in the first sentence of paragraph (1).

SPECIAL REPORT ON MULTILATERAL EXPORT CONTROLS

SEC. 117. Not later than 12 months after the enactment of this section, the President shall submit to the Congress a special report on multilateral export controls in which the United States participates pursuant to the Export Administration Act of 1969 and pursuant to the Mutual Defense Assistance Control Act of 1951. The purpose of such special report shall be to assess the effectiveness of such multilateral export controls and to formulate specific proposals for increasing the effectiveness of such controls. That special report shall include—

(1) the current list of commodities controlled for export by agreement of the group known as the Coordinating Committee of the Consultative Group (hereafter in this section referred to as the "Committee") and an analysis of the process of reviewing such list and of the changes which result from such review;

(2) data on and analysis of requests for exceptions to such list;

(3) a description and an analysis of the process by which decisions are made by the Committee on whether or not to grant such requests;

(4) an analysis of the uniformity of interpretation and enforcement by the participating countries of the export controls agreed to by the Committee (including controls over the re-export of such commodities from countries not participating in the Committee), and information on each case where such participating countries have acted contrary to the United States interpretation of the policy of the Committee, including United States representations to such countries and the response of such countries;

(5) an analysis of the problem of exports of advanced technology by countries not participating in the Committee, including such exports by subsidiaries or affiliates of United States businesses in such countries;

(6) an analysis of the effectiveness of any procedures employed, in cases in which an exception for a listed commodity is granted by the Committee, to determine whether there has been compliance with any conditions on the use of the excepted commodity which were a basis for the exception; and

(7) detailed recommendations for improving, through formalization or other means, the effectiveness of multilateral export controls, including specific recommendations for the development of more precise criteria and procedures for collective export decisions and for the development of more detailed and formal enforcement mechanisms to assure more uniform interpretation of and compliance with such criteria, procedures, and decisions by all countries participating in such multilateral export controls.

REVIEW OF UNILATERAL AND MULTILATERAL EXPORT CONTROL LISTS

SEC. 118. The Secretary of Commerce, in cooperation with appropriate United States Government departments and agencies and the appropriate technical advisory committees established pursuant to the Export Administration Act of 1969, shall undertake an investigation to determine whether United States unilateral controls or multilateral controls in which the United States participates should be removed, modified, or added with respect to particular articles, materials, and supplies, including technical data and other information, in order to protect the national security of the United States. Such investigation shall take into account such factors as the availability of such articles, materials, and supplies from other nations and the degree to which the availability of the same from the United States or from any country with which the United States participates in multilateral controls would make a significant contribution to the military potential of any country threatening or potentially threatening the national security of the United States. The results of such investigation shall be reported to the Congress not later than December 31, 1978.

TECHNOLOGY EXPORT STUDY

SEC. 119. (a) The President, acting through the Secretary of Commerce, the Secretary of Labor, and the International Trade Commission, shall conduct a study of the domestic economic impact of exports from the United States of industrial technology whose export requires a license under the Export Administration Act of 1969. Such study shall include an evaluation of current exporting patterns on the international competitive position of the United States in advanced industrial technology fields and an evaluation of the present and future effect of these exports on domestic employment.

(b) The results of the study conducted pursuant to subsection (a) will be reported to the Congress within one year after the date of enactment of this Act.

REPORT ON TECHNICAL DATA TRANSFERS

SEC. 120. The Secretary of Commerce shall conduct a study of the transfer of technical data and other information to any country to which exports are restricted for national security purposes and the problem of the export, by publications or any other means of public dissemination, of technical data or other information from the United States, the export of which might prove detrimental to the national security or foreign policy of the United States. Not later than 12 months after the enactment of this section, the Secretary shall report to the Congress his assessment of the impact of the export of such technical data or other information by such means on the national security and foreign policy of the United States and his recommendations for monitoring such exports without impairing freedom of speech, freedom of press, or the freedom of scientific exchange. Such report may be included in the semiannual report required by section 10 of the Export Administration Act of 1969.

TITLE II—FOREIGN BOYCOTTS

PROHIBITION ON COMPLIANCE WITH FOREIGN BOYCOTTS

SEC. 201. (a) The Export Administration Act of 1969 is amended by redesignating section 4A as section 4B and by inserting after section 4 the following new section:

"FOREIGN BOYCOTTS

"SEC. 4A. (a)(1) For the purpose of implementing the policies set forth in section

3(5) (A) and (B), the President shall issue rules and regulations prohibiting any United States person, with respect to his activities in the interstate or foreign commerce of the United States, from taking or knowingly agreeing to take any of the following actions with intent to comply with, further, or support any boycott fostered or imposed by a foreign country against a country which is friendly to the United States and which is not itself the object of any form of boycott pursuant to United States law or regulation:

"(A) Refusing, or requiring any other person to refuse, to do business with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, pursuant to an agreement with, a requirement of, or a request from or on behalf of the boycotting country. The mere absence of a business relationship with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, does not indicate the existence of the intent required to establish a violation of rules and regulations issued to carry out this subparagraph.

"(B) Refusing, or requiring any other person to refuse, to employ or otherwise discriminating against any United States person on the basis of race, religion, sex, or national origin of that person or of any owner, officer, director, or employee of such person.

"(C) Furnishing information with respect to the race, religion, sex, or national origin of any United States person or of any owner, officer, director, or employee of such person.

"(D) Furnishing information about whether any person has, has had, or proposes to have any business relationship (including a relationship by way of sale, purchase, legal or commercial representation, shipping or other transport, insurance, investment, or supply) with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person which is known or believed to be restricted from having any business relationship with or in the boycotted country. Nothing in this paragraph shall prohibit the furnishing of normal business information in a commercial context as defined by the Secretary of Commerce.

"(E) Furnishing information about whether any person is a member of, has made contributions to, or is otherwise associated with or involved in the activities of any charitable or fraternal organization which supports the boycotted country.

"(F) Paying, honoring, confirming, or otherwise implementing a letter of credit which contains any condition or requirement compliance with which is prohibited by rules and regulations issued pursuant to this paragraph, and no United States person shall, as a result of the application of this paragraph, be obligated to pay or otherwise honor or implement such letter of credit.

"(2) Rules and regulations issued pursuant to paragraph (1) shall provide exceptions for—

"(A) complying or agreeing to comply with requirements (i) prohibiting the import of goods or services from the boycotted country or goods produced or services provided by any business concern organized under the laws of the boycotted country or by nationals or residents of the boycotted country, or (ii) prohibiting the shipment of goods to the boycotted country, on a carrier of the boycotted country, or by a route other than that prescribed by the boycotting country or the recipient of the shipment;

"(B) complying or agreeing to comply with import and shipping document requirements with respect to the country of origin, the name of the carrier and route of shipment, the name of the supplier of the shipment or the name of the provider of other services, except that no information knowingly furnished or conveyed in response to such requirements may be stated in negative, blacklisting, or similar exclusionary terms after the expiration of 1 year following the date of enactment of the Export Administration Amendments of 1977 other than with respect to carriers or route of shipment as may be permitted by such rules and regulations in order to comply with precautionary requirements protecting against war risks and confiscation;

"(C) complying or agreeing to comply in the normal course of business with the unilateral and specific selection by a boycotting country, or national or resident thereof, of carriers, insurers, suppliers of services to be performed within the boycotting country or specific goods which, in the normal course of business, are identifiable by source when imported into the boycotting country;

"(D) complying or agreeing to comply with export requirements of the boycotting country relating to shipments or transshipments of exports to the boycotted country, to any business concern of or organized under the laws of the boycotted country, or to any national or resident of the boycotted country;

"(E) compliance by an individual or agreement by an individual to comply with the immigration or passport requirements of any country with respect to such individual or any member of such individual's family or with requests for information regarding requirements of employment of such individual within the boycotting country; and

"(F) compliance by a United States person resident in a foreign country or agreement by such person to comply with the laws of that country with respect to his activities exclusively therein, and such rules and regulations may contain exceptions for such resident complying with the laws or regulations of that foreign country governing imports into such country of trademarked, trade-named, or similarly specifically identifiable products or components of products for his own use, including the performance of contractual services within that country, as may be defined by such rules and regulations.

"(3) Rules and regulations issued pursuant to paragraphs (2)(C) and (2)(F) shall not provide exceptions from paragraphs (1)(B) and (1)(C).

"(4) Nothing in this subsection may be construed to supersede or limit the operation of the antitrust or civil rights laws of the United States.

"(5) Rules and regulations pursuant to this subsection shall be issued not later than 90 days after the date of enactment of this section and shall be issued in final form and become effective not later than 120 days after they are first issued, except that (A) rules and regulations prohibiting negative certification may take effect not later than 1 year after the date of enactment of this section, and (B) a grace period shall be provided for the application of the rules and regulations issued pursuant to this subsection to actions taken pursuant to a written contract or other agreement entered into on or before May 16, 1977. Such grace period shall end on December 31, 1978, except that the Secretary of Commerce may extend the grace period for not to exceed 1 additional year in any case in which the Secretary finds that good faith efforts are being made to renegotiate the contract or agreement in order to eliminate the provisions which are inconsistent with the rules and regulations issued pursuant to paragraph (1).

"(6) This Act shall apply to any transaction or activity undertaken, by or through a United States or other person, with intent to evade the provisions of this Act as implemented by the rules and regulations issued pursuant to this subsection, and such rules and regulations shall expressly provide that the exceptions set forth in paragraph (2) shall not permit activities or agreements (expressed or implied by a course of conduct, including a pattern of responses) otherwise prohibited, which are not within the intent of such exceptions.

"(b)(1) In addition to the rules and regulations issued pursuant to subsection (a) of this section, rules and regulations issued under section 4(b) of this Act shall implement the policies set forth in section 3(5).

"(2) Such rules and regulations shall require that any United States person receiving a request for the furnishing of information, the entering into or implementing of agreements, or the taking of any other action referred to in section 3(5) shall report that fact to the Secretary of Commerce, together with such other information concerning such request as the Secretary may require for such action as he may deem appropriate for carrying out the policies of that section. Such person shall also report to the Secretary of Commerce whether he intends to comply and whether he has complied with such request. Any report filed pursuant to this paragraph after the date of enactment of this section shall be made available promptly for public inspection and copying, except that information regarding the quantity, description, and value of any articles, materials, and supplies, including technical data and other information, to which such report relates may be kept confidential if the Secretary determines that disclosure thereof would place the United States person involved at a competitive disadvantage. The Secretary of Commerce shall periodically transmit summaries of the information contained in such reports to the Secretary of State for such action as the Secretary of State, in consultation with the Secretary of Commerce, may deem appropriate for carrying out the policies set forth in section 3(5) of this Act.".

(b) Section 4(b)(1) of such Act is amended by striking out the next to the last sentence.

(c) Section 7(c) of such Act is amended by striking out "No" and inserting in lieu thereof "Except as otherwise provided by the third sentence of section 4A(b)(2) and by section 6(c)(2)(C) of this Act, no".

STATEMENT OF POLICY

SEC. 202. (a) Section 3(5)(A) of the Export Administration Act of 1969 is amended by inserting immediately after "United States" the following: "or against any United States person".

(b) Section 3(5)(B) of such Act is amended to read as follows: "(B) to encourage and, in specified cases, to require United States persons engaged in the export of articles, materials, supplies, or information to refuse to take actions, including furnishing information or entering into or implementing agreements, which have the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against a country friendly to the United States or against any United States person,".

ENFORCEMENT

SEC. 203. (a) Section 6(c) of the Export Administration Act of 1969 is amended—

(A) by redesignating such section as section 6(c)(1); and

(B) by adding at the end thereof the following new paragraph:

"(2)(A) The authority of this Act to suspend or revoke the authority of any United States person to export articles, materials,

supplies, or technical data or other information, from the United States, its territories or possessions, may be used with respect to any violation of the rules and regulations issued pursuant to section 4A(a) of this Act.

"(B) Any administrative sanction (including any civil penalty or any suspension or revocation of authority to export) imposed under this Act for a violation of the rules and regulations issued pursuant to section 4A(a) of this Act may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

"(C) Any charging letter or other document initiating administrative proceedings for the imposition of sanctions for violations of the rules and regulations issued pursuant to section 4A(a) of this Act shall be made available for public inspection and copying.".

(b) Section 8 of such Act is amended by striking out "The" and inserting in lieu thereof "Except as provided in section 6(c)(2), the".

DEFINITIONS

SEC. 204. Section 11 of the Export Administration Act of 1969 is amended to read as follows:

"DEFINITIONS

"SEC. 11. As used in this Act—

"(1) the term 'person' includes the singular and the plural and any individual, partnership, corporation, or other form of association, including any government or agency thereof; and

"(2) the term 'United States person' means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern) and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President.".

PREEMPTION

SEC. 205. The amendments made by this title and the rules and regulations issued pursuant thereto shall preempt any law, rule, or regulation of any of the several States or the District of Columbia, and any of the territories or possessions of the United States, or of any governmental subdivision thereof, which law, rule, or regulation pertains to participation in, compliance with, implementation of, or the furnishing of information regarding restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries.

And the Senate agree to the same.

That the Senate recede from its amendment to the title of the House bill.

CLEMENT J. ZABLOCKI,
DANTE B. FASCELL,
BENJAMIN S. ROSENTHAL,
LEE H. HAMILTON,
JONATHAN B. BINGHAM,
LEO J. RYAN,
STEPHEN SOLARZ,
WM. BROOMFIELD,
JOHN BUCHANAN,
CHARLES W. WHALEN, Jr.,
Managers on the Part of the House.

WILLIAM PROXMIRE,
JOHN SPARKMAN,
HARRISON J. WILLIAMS,
THOMAS J. MCINTYRE,
ALAN CRANSTON,
ADLAI STEVENSON,
EDWARD W. BROOKE,
JOHN TOWER,
JAKE GARN,
H. JOHN HEINZ III,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5840) to amend the Export Administration Act of 1969 in order to extend the authorities of that Act and improve the administration of export controls under that Act, and to strengthen the antiboycott provisions of that Act, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE OF THE ACT

The House bill established the title of the Act as "An Act to amend the Export Administration Act of 1969 in order to extend the authorities of that Act and improve the administration of export controls under that Act, and to strengthen the antiboycott provisions of that Act".

The Senate amendment established the title of the Act as "An Act to amend and extend the Export Administration Act of 1969".

The conference committee agreed to the House title.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FY 1978 AND FY 1979

The House bill authorized the appropriation of $14,033,000 (and such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs) for fiscal year 1978 and 1979 to carry out the purposes of the Export Administration Act.

The Senate amendment contained no such authorization and required that any such authorization be enacted after the enactment of this Act.

The conference committee adopted the House provision.

Report on review of export controls for national security purposes

The House bill required that the report on the review of export controls for national security purposes be submitted to Congress not later than December 31, 1978, as part of the semiannual report of the Secretary of Commerce now required by existing law.

The Senate required that such report be included in the second semiannual report of the Secretary of Commerce following enactment of this Act.

The conference committee accepted the date in the House bill.

Basis for recommendation by Secretary of Defense that an export be disapproved for national security purposes

The House bill amended section 4(h)(1) of the Export Administration Act to provide that it is the purpose of Section 4(h) to authorize the Secretary of Defense to recommend disapproval of an export license application whenever he determines that the export would make a contribution, detrimental to U.S. national security, to the military potential of the recipient country or any other country to which exports are restricted for national security purposes.

The Senate amendment amended Section 4(h)(1) to provide that it is the purpose of Section 4(h) to authorize disapproval if the export would make a contribution, detrimental to U.S. national security, to the military potential of the recipient country only.

The conference committee agreed to the House language.

Storage of agricultural exports in the United States

The House bill exempted from future export controls agricultural commodities stored in the U.S. upon a finding that the commodities will eventually be exported and that storage of such commodities in the U.S. will not unduly limit the space available for storage of domestically owned commodities. The House bill further provided that the Secretary of Commerce must grant or deny approval within 30 days after receiving an application for such an exemption and that, unless the Secretary acts within 30 days, approval shall be deemed to be granted and the applicant shall be notified that approval has been granted.

The Senate amendment required, in addition to the findings required by the House bill, findings that neither the sale nor export thereof will result in an excessive drain of scarce materials and have a serious domestic inflationary impact and that the purpose of such storage is to establish a reserve of such commodities for later use, not including resale to or use by another country. The Senate amendment contained no specific time for action by the Secretary.

The conference committee adopted the Senate provision and strongly urged the Secretary of Commerce to process such applications as expeditiously as possible.

Congressional review of export controls on agricultural commodities

(a) The House bill provided for Congressional review of export controls placed on agricultural commodities for foreign policy reasons.

The Senate amendment provided for Congressional review of export controls placed on agricultural commodities for foreign policy and for short supply reasons.

The conference committee adopted the Senate provision.

(b) The House bill provided that export controls will be effective for 30 days only unless Congress approves the controls by concurrent resolution. The 30-day period would be extended to 60 days if the controls are modified during the original 30-day period.

The Senate amendment provided that the export controls cease to be effective if the Congress adopts a concurrent resolution of disapproval within 30 legislative days after the controls are reported to the Congress.

The conference committee adopted the Senate provision.

Right of an applicant to be informed of issues raised in review of export license application

The House bill provided that if an application for an export license is not acted upon within 90 days, the applicant must be informed of "any substantial" questions raised and negative considerations or recommendations made in order that the applicant may respond.

The Senate amendment did not require that the questions, considerations, or recommendations be "substantial."

The conference committee agreed to the Senate provision.

Study of export of technical information

(a) The House bill required that the Secretary of Commerce conduct a study of the problem of the export, by agreements for

scientific or technical cooperation or exchange entered into by any United States person (including any college, university, or other educational institution) and by publications or any other means of public dissemination, of technical data or other information from the United States, the export of which might prove detrimental to the national security or foreign policy of the United States.

The Senate amendment was similar but did not require a study of exports of information by agreements for scientific or technical cooperation; instead, it required a general study of transfers of technical data and other information to any country to which exports are restricted for national security purposes.

The conference committee adopted the Senate provision.

(b) The House bill required that the results of this study are to be reported to Congress within 12 months of enactment of this Act.

The Senate amendment required that the results are to be reported within 6 months of enactment.

The conference committee adopted the House time period.

Exclusion of certain petroleum products from export limitations

The House bill provided that petroleum products refined in U.S. Foreign-Trade Zones or in Guam shall be excluded from any quantitative limitations imposed for short supply purposes unless the Secretary of Commerce limits such exports for short supply purposes.

The Senate amendment contained no comparable provision.

The conference committee adopted the House provision.

Export of Alaskan oil

The House bill prohibited the exportation of domestically produced crude oil transported by pipeline over rights-of-way granted pursuant to section 28, except (1) for oil that is exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state or (2) for oil that is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and reenters the United States. This prohibition would be in effect for two years after the date of enactment.

The Senate amendment contained no comparable provision.

The conference comittee agreed to a substitute which is similar in nature to the House provision and which substantially strengthens existing law. The substitute prohibits the export of oil transported by pipeline over a right of way granted pursuant to section 28 of the Mineral Leasing Act of 1920 except (1) for exchanges of crude oil in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, or for oil that is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and reenters the United States, or (2) where the President makes and publishes an express finding that the export of such oil will not diminish the total quantity or quality of petroleum available to the United States, that such export will have a positive effect on consumer oil prices by decreasing the average of refiners' crude oil acquisition costs as a result of allowing such exports, and that such export is in the national interest and is in accord with the provisions of the Export Administration Act of 1969. The President must submit such findings to the Congress, and the export may not take place until the expiration of a sixty legislative day period during which either House of Congress may veto the proposed export by the passage of a resolution of disapproval. Any such resolution shall be considered under expedited procedures. The substitute further requires that any contract for the export or sale of such oil may be terminated if the petroleum supplies of the United States are interrupted or seriously threatened. This provision shall be in effect for two years.

It is the opinion of the committee of conference that this provision for possible oil swaps should be utilized only under circumstances where it is clearly in the interest of the United States and of U.S. oil consumers and where there will clearly be no potential danger to long-term U.S. energy interests.

Technical advisory committees

The Senate amendment required that the Technical Advisory Committees be informed of the reasons for failure to accept their advice or recommendations.

The House bill contained no comparable provision.

The conference committee accepted the House position.

Availability of information to Congress

The House bill provided that information obtained under the Export Administration Act shall be made available upon request to any committee or subcommittee of Congress of appropriate jurisdiction.

The Senate amendment provided that nothing in the Export Administration Act shall be construed as authorizing the withholding of information from any committee of Congress having appropriate jurisdiction upon the request of the committee chairman.

The conference committee adopted the House provisions.

Review of unilateral and multilateral export controls

(a) The House bill specified that both the Secretary of State and the Secretary of Commerce shall review U.S. unilateral and multilateral export controls, in cooperation with other appropriate U.S. agencies.

The Senate amendment directed the Secretary of Commerce to undertake this review, in cooperation with other appropriate U.S. agencies.

The conference committee adopted the Senate provision.

(b) The House bill required that the results of the review be reported to Congress by December 31, 1978.

The Senate amendment required that the results be reported to Congress not later than 12 months after the completion of the first revision, after the date of enactment of this Act, of the list of items controlled by agreement of the Coordinating Committee of the Consultative Group.

The conference committee adopted the House provision.

Financial disclosure by Commerce Department officers and employees

The Senate amendment required annual disclosure statements by each Commerce Department employee who has policy making responsibilities relating to export administration and who has any known financial interest in any person subject to, licensed under, or otherwise receiving benefits under the Export Administration Act. Criminal penalties were provided for knowing violations.

The House bill contained no comparable provision.

The conference committee accepted the House position.

Technology export study

The House bill directed the President, through the Secretary of Commerce, the Secretary of Labor, and the International Trade Commission, to conduct a study of the domestic economic impact of exports from the United States of industrial technology whose export requires a license under the Export Administration Act. The study was to include an evaluation of current exporting patterns on the international competitive position of the United States in advanced industrial technology fields and an evaluation of the present and future effect of these exports on domestic employment. The results of the study were to be reported to the Congress within 1 year of enactment of this Act.

The Senate amendment contained no comparable provision.

The committee of conference agreed to the House provision.

Monitoring of commodities in potential short supply

The Senate amendment required that monitoring of exports for short supply purposes commence at a time adequate to insure that data will be available which is sufficient to permit achievement of the policies of the Export Administration Act.

The House bill contained no provision on this issue.

The conference committee adopted the Senate provision. The conference committee recognized that formal monitoring can have a disruptive effect on the market because it can lead to excess ordering abroad in anticipation of controls, resulting in export restrictions which would not have been imposed but for the monitoring. Therefore, it is the understanding of the conference committee that this provision would not create any new substantive criteria for monitoring, but clarified that the Department of Commerce is to gather information at a time adequate to permit intelligent and informed decisions about the need for short supply export controls.

TITLE II—"FOREIGN BOYCOTTS"

General requirements for a violation

In setting forth the general requirements for a violation under the new "Foreign Boycotts" Section of the Export Administration Act, the House bill prohibited a U.S. person from willfully taking or agreeing to take certain actions to comply with, further, or support any boycotts fostered or imposed by a foreign country against a country which is friendly to the United States and which is not itself the object of any form of embargo by the United States, if such action is taken or agreed to be taken pursuant to an agreement with, a requirement of, or a request from or on behalf of the boycotting country.

The Senate amendment prohibited any United States person, with respect to his activities in the interstate or foreign commerce of the United States, from taking or knowingly agreeing to take certain actions with intent to comply with, further, or support any boycott fostered or imposed by a foreign country against a country which is friendly to the United States and which is not itself the object of any form of boycott pursuant to United States law or regulation.

The conference committee adopted the Senate provision.

Prohibited actions

The House bill specified the actions which would be prohibited pursuant to a boycott. These actions include: refraining from doing business with the boycotted country or any other person; refraining from employing or otherwise discriminating against any U.S. person on the basis of race, religion, sex, or national origin; furnishing information with respect to the race, religion, sex, or national origin of any other U.S. person; and, using a foreign person in order to circumvent the antiboycott prohibitions.

The Senate amendment specified similar prohibited actions, but in slightly different language. Rather than prohibiting "refraining", it prohibited "refusing, or requiring any

other person to refuse" to do business with any person or to employ or otherwise discriminate against any U.S. person on the basis of race, religion, sex, or national origin of that person or of any owner, officer, director, or employee of such person; it further prohibited furnishing information with respect to the race, religion, sex, or national origin of any other U.S. person or of any owner, officer, director, or employee of such person, and prohibited the taking of any action with the intent of evading the antiboycott provisions of this legislation.

The conference committee adopted the Senate language, with an amendment that the prohibition against furnishing information cover information on "any person" rather than "any other person" and that the exception for compliance with passport or immigration requirements be amended to permit compliance with requests for information pertaining to securing or maintaining employment in a boycotting country (see below).

The conference committee further agreed to accept as part of the Statement of Managers the explanation of the scope of the word "refusing" included in the Senate Report (No. 95–104) on S. 69:

". . . the bill is in no way intended to penalize business firms which explore business opportunities with blacklisted firms or with a boycotted country and then decide for nonboycott reasons not to pursue the transaction. Such action does not constitute an illegal refusal to do business. The refusal must be boycott based. The refusal to pursue the transaction must be because of a requirement or request of the boycotting country before any violation may be found.

"On the other hand, if it were a U.S. firm's policy to avoid dealings with blacklisted persons, such as by maintaining a boycott-based list of persons eligible to do business with it (a so-called whitelist), by using the components of blacklisted firms in transactions in other parts of the world and switching to components made by nonblacklisted firms in transactions with a boycotting country, or by refusing to entertain business offers from blacklisted firms because they are blacklisted, then such actions, if undertaken in order to comply with a foreign boycott, would constitute a violation of the law."

Exceptions to the prohibitions

a. "Compliance" or "Complying or Agreeing to Comply"

The House bill stated the exceptions to the prohibitions in terms of "compliance with" various requirements or actions.

The Senate amendment used the language "complying with or agreeing to comply with" various requirements or actions.

The conference committee adopted the Senate language.

b. Certification

The House bill contained a provision which allowed compliance with import and shipping document requirements with respect to designation of country of origin, name and nationality of the carrier, and route of shipment, and the name of the supplier. It prohibited compliance with negative certificates of country of origin beginning one year after the effective date of the rules and regulations.

The Senate amendment allowed compliance with respect to country of origin, the name of the carrier and route of shipment, and the name of the shipper or the provider of other services. However, beginning one year after the enactment of this act, such information could not be provided if stated in negative, blacklisting, or similar exclusionary terms, except with respect to carriers or route of shipment as may be necessary to comply with precautionary requirements protecting against war risks and confiscation.

The conference committee adopted the Senate provisions.

c. Unilateral Selection

The House bill permitted compliance with the designation of a specific person to be involved in a particular aspect of a transaction, unless the U.S. person has actual knowledge that the sole purpose of the designation is to implement the boycott.

The Senate amendment permitted a U.S. person to comply or agree to comply with the unilateral and specific selection by the boycotting country or a national or resident thereof of carriers, insurers, suppliers of services to be performed within the boycotting country, or specific goods which, in the normal course of business, are identifiable by source when imported into the boycotting country.

The conference committee adopted the Senate provision.

d. Letters of Credit

The House bill prohibited the paying, honoring, confirming, advising, processing or otherwise implementing a letter of credit containing an illegal boycott condition. The House bill also stated that a U.S. person may refuse to pay, honor, advise, confirm or otherwise implement a letter of credit if the beneficiary fails to comply with the conditions thereof.

The Senate amendment prohibited the paying, honoring, confirming or otherwise implementing such letter of credit. It also stated that a U.S. person is not obligated, because of the antiboycott prohibitions, to pay or otherwise honor or implement a letter of credit containing a condition or requirement compliance with which is prohibited by the antiboycott prohibitions.

The conference committee adopted the Senate provision.

e. Compliance with Local Law

The House bill provided for Presidential waivers of the rules and regulations (other than those prohibiting the use of a foreign person to circumvent the prohibitions) in order to permit compliance with a specific provision of the laws of a foreign country which requires the taking of an action in that country which would be prohibited by these antiboycott provisions. The President would be required to report the use of this authority promptly to the Congress.

The Senate amendment permitted a U.S. person resident in a foreign country to comply with the laws of that country with respect to the activities of such person exclusively in that country. In addition, the amendment also provided for exceptions by regulation for a U.S. person resident in a foreign country to comply with the laws of that country governing imports of trademarked, trade-named, or similarly specifically identifiable products or components for his own use, including the performance of contractual services within that country.

The conference committee agreed to the Senate provision.

f. Additional Exceptions

The Senate amendment contained three additional exceptions. It specified that normal business information could be furnished in a commercial context and allowed compliance with immigration or passport requirements with respect to one-self or members of one's family. It further provided that the exceptions with respect to unilateral selection and compliance with local law not apply to the prohibitions against discriminating or furnishing information with respect to race, religion, sex, or national origin.

The House bill did not contain comparable provisions.

The conference committee agreed to the Senate provisions, with an amendment to permit compliance by an individual with requests for information regarding requirements of employment within the boycotting country.

Civil rights and antitrust laws

The House bill stated that the prohibitions and exceptions provided for in the subsection shall not be construed to supersede or limit the operation of the antitrust laws of the United States.

The Senate amendment contained a provision which was almost identical to the House bill with respect to the operations of the antitrust laws and also extended the coverage to include the civil rights laws of the United States.

The conference committee adopted the Senate provision.

Preemption

The House bill preempted and superseded any state or local law which is directed to compliance with, furtherance of, or support for any boycott fostered or imposed by a foreign country against another foreign country.

The Senate amendment preempted any State, D.C., territorial, or local law, rule, or regulations which pertains to participation in, compliance with, implementation of, or the furnishing of information regarding restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries.

The conference committee adopted the Senate provision.

Effective date of rules and regulations

The House bill required that rules and regulations implementing the prohibitions be issued and become effective within 120 days of enactment.

The Senate amendment required that rules and regulations implementing the prohibitions (except the prohibition against negative certificates) shall be issued within 90 days of enactment and be issued in final form and become effective within 120 days after being first issued. The rules and regulations implementing the prohibition against negative certificates would take effect within 1 year of enactment.

The conference committee adopted the Senate provision.

Grace period

The House bill provided a grace period through December 31, 1978, for written contracts entered into as of April 1, 1977; the grace period could be extended for one additional year where there are good faith negotiations to eliminate provisions that are inconsistent with the antiboycott prohibitions of this legislation.

The Senate amendment provided a grace period of 2 years from enactment for contracts in effect as of March 1, 1977, extendable for 3 additional 1-year periods where there are good faith efforts made to amend such contracts.

The conference committee adopted the House provision, with an amendment that the provision cover contracts entered into on or before May 16, 1977.

Reporting requirement

The House bill required the reporting of any request for taking a prohibited action and provided that the rules and regulations might also require the reporting of any other action described in the policy statement. It further provided that certain information in the required reports, including the identity of reporting parties, shall be kept confidential if the Secretary of Commerce determines that disclosure thereof would place the U.S. person at a competitive disadvantage.

The Senate amendment required the reporting of any request for taking any action described in the policy statement. It provided that the Secretary of Commerce could keep certain information in the report confidential if the Secretary determines that the disclosure would place the U.S. person at a competitive disadvantage.

The conference committee adopted the Senate provision.

Statement of policy

The House bill amended the policy statement in section 3(5) of the Export Administration Act to declare it to be U.S. policy to discourage, and in certain cases to prohibit, U.S. persons from taking or agreeing to take actions to comply with or support boycotts fostered by any foreign country against a country friendly to the United States or against any U.S. person, and to discourage the use of negative certificates of origin.

The Senate amendment amended section 3(5) to declare it to be U.S. policy to encourage, and in certain cases to require, U.S. persons to refuse to take actions, including the furnishing of information or entering into agreements, which have the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against a country friendly to the U.S. or against any U.S. person.

The conference committee adopted the Senate provision.

Definition of a U.S. person

The House bill defined the term "U.S. person" as including any U.S. resident or national, any domestic concern (including any subsidiary or affiliate of any foreign concern with respect to its activities in the U.S.), and, with respect to its activities which affect U.S. foreign commerce, any foreign subsidiary or affiliate controlled in fact by a domestic concern.

The Senate amendment defined the term "U.S. person" as meaning any U.S. resident or national (other than an individual resident outside the U.S. and employed by other than a U.S. person), any domestic concern (including any permanent domestic establishment of any foreign concern), and any foreign subsidiary or affiliate (including any permanent foreign establishment) controlled in fact by a domestic concern.

The conference committee adopted the Senate provision.

Reporting requirements

The conference committee further urged that in the review of current regulations and the development of new regulations pursuant to this act, great care shall be taken to minimize to the greatest extent feasible the amount of paper work required of those reporting to the Secretary of Commerce.

CLEMENT J. ZABLOCKI,
DANTE B. FASCELL,
BENJAMIN S. ROSENTHAL,
LEE H. HAMILTON,
JONATHAN B. BINGHAM,
LEO J. RYAN,
STEPHEN SOLARZ,
WM. BROOMFIELD,
JOHN BUCHANAN,
CHARLES W. WHALEN, Jr.
Managers on the Part of the House.
WILLIAM PROXMIRE,
JOHN SPARKMAN,
HARRISON J. WILLIAMS,
THOMAS J. MCINTYRE,
ALAN CRANSTON,
ADLAI STEVENSON,
EDWARD W. BROOKE,
JOHN TOWER,
JAKE GARN,
H. JOHN HEINZ III
Managers on the Part of the Senate.

FEDERAL EMPLOYEES' POLITICAL ACTIVITIES ACT OF 1977

Mr. CLAY. 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. 10) to restore to Federal civilian and Postal Service employees their rights to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the motion offered by the gentleman from Missouri (Mr. CLAY).

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. 10, with Mr. MANN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Missouri (Mr. CLAY) will be recognized for 1 hour, and the gentleman from Illinois (Mr. DERWINSKI) will be recognized for 1 hour.

The Chair now recognizes the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 10 enjoys the cosponsorship of 73 Members of the House. The Subcommittee on Civil Service, which I am privileged to chair, conducted 2 days of public hearings on the bill.

Testimony was received from 18 individuals and organizations, including a Member of Congress, public employee organizations, public interest groups, and nonpartisan civic and professional organizations. The hearing record was further supplemented by statements from numerous other individuals and organizations.

On April 20, 1977, the Subcommittee on Civil Service approved H.R. 10 by rollcall vote of 6 to 4 after striking out all after the enacting clause and inserting a new text. On April 27, the Committee on Post Office and Civil Service, by rollcall vote of 18 to 7, ordered H.R. 10 favorably reported to the House after striking out all after the enacting clause and substituting a new text.

During the 94th Congress a bill (H.R. 8617) very similar to H.R. 10 passed the House—288 to 119—and the Senate—47 to 32. The report of the House-Senate conferees passed the House and Senate by votes of 241 to 164 and 54 to 36, respectively. That bill was vetoed by President Ford and the House sustained the veto by a vote of 243 to 160.

Mr. Chairman, the Subcommittee on Civil Service and its predecessor conducted exhaustive studies on the issue of political activities of Federal employees—they have held a total of 12 days of public hearings and received testimony from almost 150 witnesses.

The committee has concluded, after careful and deliberate study, that restrictions on the voluntary political activities of Federal employees are improper and inappropriate. A review of the circumstances surrounding the enactment of the Hatch Act leads to the inevitable conclusion that the legislation was a congressional overreaction to fear of the growing influence of President Franklin D. Roosevelt during a period of rapid growth of the Federal bureaucracy. At that time less than 32 percent of the Federal work force was under the classified merit system.

No evidence has ever been revealed that voluntary political activity in any way erodes the integrity of the merit system or operates against the public interest. Certain activities, however, which might cause this erosion are expressly prohibited by H.R. 10—that is, misuse of official authority, and coercion for political purposes, and certain activities involving political contributions.

In developing this legislation the committee has been guided by the importance of striking the proper balance between the right of Federal employees to participate in the political life of this Nation at all levels and the right of the public to impartial, nonpolitical, administration of the law.

This legislation strikes the proper balance by relaxing the existing overly broad restrictions and instead: First, prohibiting only those activities which might, by appearance, or in reality, erode the integrity of the Government; second, providing firm protections for both employees and the public against improper influences, as well as direct and subtle political coercion; and third, establishing the means by which the law may be vigorously enforced.

I am pleased to report that President Carter, in his election reform message to the Congress, supported modification of the Hatch Act subject to three specific conditions—retaining employees in designated "restricted" positions under the prohibitions of existing law. The committee has done so. Retaining adjudicatory authority within the Civil Service Commission. The committee has done so. Eliminating the one House congressional veto over Commission regulations. The committee has done so.

The primary provisions of H.R. 10 are:

First. States that Federal employees are encouraged to exercise their right of voluntary political participation.

Second. Prohibits the use of official authority, influence, or coercion with respect to the right to vote, not to vote, or to otherwise engage in political activity.

Third. Prohibits the solicitation of political contributions by superior officials, and making political contributions in Government rooms or buildings.

Fourth. Prohibits political activity while on duty, in Federal buildings or in uniform.

Fifth. Prohibits partisan political activity by employees in "restricted positions," for example, supervisory employees with certain audit, inspection, prosecutorial, or contracting authority.

Sixth. Authorizes leave for candidates for elective office.

Seventh. Provides for stricter and more vigorous enforcement of those provisions which prohibit certain political activities.

Eighth. Provides for removal, suspension, or lesser penalties for employees who violate political activity prohibitions.

cause installations like Fort Polk or the Trident missile base, or Fort Ord or Fort Stewart are permanent bases and the investment of the Government, I think, should certify their permanence.

If they are permanent bases, then the permanency of the payroll in the town to support the housing is better than in other towns where a factory can close or housing patterns can change or industry can move out.

If there is a greater risk, then the Secretary of HUD is authorized—not required, but authorized—to charge an additional premium for the insurance, and accounting can be done separately for these special types of military housing.

Frankly, I do not think that premiums are necessary and I do not think it would be particularly prudent to do so. But if the Secretary of HUD feels that premiums are necessary and that there are greater risks, then the Secretary may charge the additional premium and account separately for it.

Mr. BROOKE. The Senator will remember that we had a rash of military installations closing across the country recently. In fact, in my own Commonwealth of Massachusetts, we had a serious threat of the closing of Fort Devens, which really serves all New England.

Fortunately, that decision has been reversed, but at least it was on the list.

What assurance do we have regarding maintaining these installations and keeping them open and avoid the risk of closing these bases?

Say we had been in this program and then moved out of Fort Devens. The people around Ayer and Leominster, and all the surrounding towns and cities, would have suffered severely, as we would have all suffered because of this.

What provision does the Senator have in his amendment to protect against that?

Mr. JOHNSTON. Before the Secretary of HUD can exercise his or her discretion, there must be a certification from the Secretary of Defense that there is a reasonable certainty that this particular base will remain where it is.

So the Secretary of HUD has to get that certification from Defense. The Secretary of HUD can also look at the base and determine from the Government investment there and from the nature of the installation whether or not the installation is likely to be permanent.

Take, for example, the Trident base in Washington. If ever there were a permanent installation, that ought to be one. The investment there is simply gigantic.

The investment at Fort Polk in my State is also large. The Government has invested over $40 million for a hospital alone.

This is not the kind of money we spend and then move out the next day.

Mr. BROOKE. Yes, but we are talking about an extended period of years. I take it these mortgages would be 25- or 30-year mortgages.

Mr. JOHNSTON. That is correct.

Mr. BROOKE. At the minimum, 20- to 30-year mortgages.

Can the Secretary of Defense give any sort of reassurance on that basis?

At best, all the Secretary of Defense could say is that in his opinion it is reasonable to expect, given the investment that has been made at that particular base, or because of the strategic location of that base that this particular installation could reasonably qualify as being permanent.

Now, is the Senator asking for a particular definition of permanency in his amendment?

Mr. JOHNSTON. Well, here is the language of the amendment:

> The Secretary of Defense certifies that there is no intention insofar as can reasonably be foreseen to curtail substantially the personnel assigned or to be assigned to such installation.

So the Secretary of Defense gives the assurance as best as can reasonably be foreseen, which is all any human being can do.

But the Senator points out a real problem. I think the bases I have described are permanent. But if you were in the mortgage lending business and some builder came to you and said, "I want to build some private housing up at the Trident base in Washington and I want to borrow some money," you say, "Fine, it's HUD-insured, isn't it?" He says, "No, HUD says that they cannot provide mortgage insurance because they are not sure whether the base will be permanent."

What are you going to say? "No, I cannot make such a mortgage loan."

Now, we are not saving the Government money by failing to provide this mortgage insurance. To the contrary, we are costing the Government money because the Government is then going to have to go in and build those housing units itself, 100 percent.

Keep in mind, first, that private capital, which is only insured by HUD, will construct the needed housing. Second, that the individual homeowner is himself liable and HUD is only secondarily liable as the insurer.

So there first has to be a default in the mortgage payment, a primary obligation of the homeowner, in order for the Government ever to have to pay anything.

It seems to me it is a very good investment and a very cheap way to get the best housing for military personnel.

Mr. BROOKE. The Senator said "closing of the base." I think he used the word "curtail," because sometimes a base may not be closed, but it will be cut back to such an extent that it is almost closed anyway.

Could the Senator read that language again since I do not have a copy of it before me?

Mr. JOHNSTON. All right. It provides that the Secretary of HUD can exercise his discretion if he finds "first, the benefits to be derived from such use outweigh the risk of probable cost to the Government, and second, the Secretary of Defense certifies that there is no intention insofar as can reasonably be foreseen to curtail substantially the personnel assigned or to be assigned to such installation."

Mr. BROOKE. I thank the Senator.

Is any language such as the Senator is proposing in his amendment in the House bill?

Mr. JOHNSTON. In the House bill of last year, a similar, not identical, amendment passed.

Mr. BROOKE. That was lost in conference?

Mr. JOHNSTON. Yes, that is correct.

Mr. BROOKE. That is the one dropped in conference.

Mr. JOHNSTON. Lost in conference with the Senate.

Mr. BROOKE. And dropped in conference.

Mr. JOHNSTON. That is right.

Now, as I understand it, the House bill has not worked its way through. I have the language——

Mr. BROOKE. The House bill is passed. I did not know whether it was in the bill.

Mr. PROXMIRE. It is not.

Mr. BROOKE. It is not in the bill.

Mr. JOHNSTON. The distinguished chairman says that it is not.

Mr. PROXMIRE. Yes. If we adopt the amendment of the Senator from Louisiana, we would put the matter in conference.

Mr. BROOKE. In conference?

Mr. PROXMIRE. Yes.

Mr. BROOKE. I thank the distinguished Senator from Louisiana. I wanted to have this colloquy with him, which I hope has been beneficial. I will support my chairman in acceptance of this amendment.

Mr. JOHNSTON. I thank the Senator.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Louisiana yield back his time, also?

Mr. JOHNSTON. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

EXPORT ADMINISTRATION AMENDMENTS OF 1977—CONFERENCE REPORT

Mr. PROXMIRE. Mr. President, I submit a report of the committee of conference on H.R. 5840 and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. MELCHER). The report will be stated.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5840) to amend the Export Administration Act of 1969 in order to extend the authorities of that act and improve the administration of export controls under that act, and to

strengthen the antiboycott provisions of the act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the RECORD of May 18, 1977 in the proceedings of the House of Representatives.)

Mr. PROXMIRE. Mr. President, this conference report is the result of a bill that passed the Senate and passed the House and was subject to very substantial debate.

The Export Administration Amendments of 1977 improve the administration of export controls and strengthen antiboycott provisions of existing law by attempting to limit the Arab boycott of Israel.

The Senate is well aware of the Arab boycott of Israel and its various forms: The primary boycott of Israel by the Arabs, the secondary boycott where the Arabs attempt to restrict the trade of American firms with Israel, and the tertiary boycott where the Arabs attempt to restrict the trade of American firms with other American firms because they may have Jewish managers or Zionist tendencies.

This legislation was hotly contested as it developed on the one hand by the Jewish organizations and those of us who fought for the principle of free trade and those in the business community and others who cautioned that a stand on principle would benefit no one and result in only a loss of trade and jobs in the American community.

Negotiations between the Jewish organizations and the Business Roundtable culminated in an agreement on the basic differences with both sides giving up substantial ground on the questions of unilateral selection and compliance with local law. The compromise agreement was included in the Senate-passed version of the bill with the House receding to the Senate amendment in conference.

Mr. President, I intend to vote in favor of the adoption of this conference report despite my reservations over some of the provisions of the legislation. The legislation moves in the direction of eliminating the operation of the Arab boycott of Israel on Amercan companies, although many of us believe it does not go far enough.

The compromise contained in the conference report avoids what would have been a deeply divisive issue over a matter concerning which legislation is imperative at this time.

The one highly controversial part of the report deals with the attempt to limit the Arab boycott of Israel. Fortunately, a compromise was worked out between the Business Roundtable, which have an interest in trade with the Arabs, and Jewish groups, which have a very deep interest in Israel. There was a very statesmanlike and well-balanced compromise. I felt it was giving up too much to the Arab boycott. Nevertheless, I was able to support it, as were all members of the conference. The conferees for both the House and the Senate, as was pointed out, did sign the conference report. I am hopeful that the Senate can accept it. As I understand it, this has been cleared on the minority side.

Mr. BROOKE. Mr. President, it has been cleared with the minority. However, I point out for the record that both in the committee and on the floor of the Senate, I hoped we would have had a stronger bill than we ended up with. It was a compromise, as the chairman said, with the Roundtable and with Jewish organizations.

I think we did give up more than we should have, but let us hope that it will be an effective piece of legislation. I join in moving the adoption of the conference report.

Mr. JACKSON. Mr. President, I should like to inquire about the conferees' intent with respect to the section governing export of Alaskan oil. Is it the intent that the export of Alaskan oil will be prohibited during the time period provided for congressional review of the President's findings concerning the need to export Alaskan oil?

Mr. PROXMIRE. It certainly is. If we did not prohibit exports of Alaskan oil during the period provided for congressional review, the review would be a mockery. The current law is deficient because it allows exports to take place while Congress is reviewing the President's findings. The conferees clearly intend to prohibit exports until the 60-day congressional review period expires, or until both the Senate and the House have taken action approving exports. Obviously if either House disapproves the energy action by a simple resolution, the exports pursuant to the particular energy action will not be allowed.

Mr. McINTYRE. I concur with the comments of the distinguished chairman of the committee. The reference to section 551 of the Energy Policy and Conservation Act is intended to insure that exports will be prohibited during the review period. The section prohibits an "action" from taking effect until the end of the review period unless, prior to the expiration of the review period, each House of Congress approves a resolution affirmatively stating, in substance, that such House does not object to such action.

Mr. JACKSON. The legislation prohibits exports unless the President makes and publishes an express finding which will be composed of several parts. One of the parts requires that exports, "will be made only pursuant to contracts which may be terminated if the petroleum supplies of the United States are interrupted or seriously threatened." What is the intent of the conferees concerning who will have the authority to determine that petroleum supplies have been "interrupted" or are "seriously threatened?"

Mr. PROXMIRE. The finding is one that will have to be made by the President. It is our intent that he will have the authority to determine when the petroleum supplies of the United States are interrupted or seriously threatened.

Mr. McINTYRE. I again concur with the distinguished chairman of the committee. It obviously would not be our intent to have one of the North Slope producers or pipeline coowners make the finding. The President must be able to make the finding.

Mr. JACKSON. I have one last inquiry. As the Senator knows, the Senate Committee on Energy and Natural Resources has had oversight jurisdiction in this area due to our general energy jurisdiction. If the President were to make the necessary findings under this section and send an energy action to Congress for review, would the chairman of the Banking Committee concur that such an energy action would properly come under the Energy and Natural Resource Committee's jurisdiction?

Mr. PROXMIRE. I concur that the energy action would properly be referred to the Committee on Energy and Natural Resources.

BOYCOTT LEGISLATION AS APPLIED TO CHINA

Mr. SCHMITT. Mr. President, I have read the measure now under debate, and as I read the bill, it clearly covers boycotts besides the Arab boycott of Israel. I am also concerned about whether it might cover a possible future boycott, for example, by the People's Republic of China against the Republic of China, the latter being in Taiwan. The language of the bill would seem to cover that action but I am concerned that the executive branch might take the view that there is only "one China" and, therefore, the bill might be construed so as not to apply to the Chinese situation. I ask the Senator as to whether I have any legitimate concern over these issues.

Mr. HEINZ. By its language, the bill is not restricted to the Arab boycott of Israel and, as a matter of fact, is intended to cover all other boycotts, present or future, that fall within its terms. A future boycott by the People's Republic on the mainland against the Republic of China on Taiwan, would certainly fall within the terms of the bill. I can see the Senator's point, and I assure the Senator that the intent of this bill would be to include any possible future boycott by the People's Republic against the Republic of China, or vice versa. The bill is not intended to get into such international legal technicalities as the Senator has described.

The PRESIDING OFFICER (Mr. MATSUNAGA). Without objection, the conference report is agreed to.

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1977

The Senate continued with the consideration of the bill (S. 1523) to amend the Housing and Community Development Act of 1974; to extend housing assistance and mortgage insurance programs; and for other purposes.

AMENDMENT NO. 361

Mr. MUSKIE. Mr. President, I call up my amendment 361, which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

Mr. BEVILL. Mr. Speaker, our colleague from Alabama, Congressman RONNIE G. FLIPPO, has successfully undergone heart surgery at the Medical Center of the University of Alabama in Birmingham this week.

Surgeons at University Hospital performed a coronary bypass procedure on Wednesday. No complications were reported and the surgery went as planned.

Congressman FLIPPO's recovery is progressing on schedule and the doctors had him out of bed to walk around his room Thursday afternoon.

I am sure all the Members of this House join me in wishing RONNIE a speedy and complete recovery. We look forward to his return to Washington in the near future.

CONFERENCE REPORT ON H.R. 5840, EXPORT ADMINISTRATION AMENDMENTS OF 1977

Mr. ZABLOCKI. Mr. Speaker, I call up the conference report on the bill (H.R. 5840) to amend the Export Administration Act of 1969 in order to extend the authorities of that act and improve the administration of export controls under that act, and to strengthen the anti-boycott provisions of the act, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of May 18, 1977.)

Mr. ZABLOCKI (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with as I intend to explain the report.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER. The gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 30 minutes.

Mr. ZABLOCKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there were very few major differences between H.R. 5840, the extension of the Export Administration Act, as it passed the House and as it was amended by the Senate. Both versions contained the same major provisions—title I aimed at improving the export licensing process and title II at strengthening the U.S. anti-boycott policy.

In title I, the major provisions were in both bills and the main divergences were in the details. The major differences involved the authorization level and the provisions dealing with agricultural and oil exports.

The House bill included a 2-year authorization figure of $14,033,000, while the Senate bill contained no figure. The conference committee adopted the House amount.

There are two provisions in the bill dealing with agricultural exports, one exempting from future export controls agricultural commodities for export abroad that are stored in this country and the other providing for congressional review of export controls imposed on agricultural exports.

Section 105 of H.R. 5840 would permit the Secretary of Commerce, in consultation with the Secretary of Agriculture, to exempt from future export controls agricultural commodities purchased and stored in this country for future shipment overseas. The main difference between the two bills on this provision was that, in the findings that must be made before an exemption can be granted, the Senate bill included findings that: First, the commodities will eventually be exported; second, neither the sale nor export will result in an excess drain of scarce materials and have a serious domestic inflationary impact; third, storage of such commodities will not unduly limit the space available for storage of domestically owned commodities; and fourth, the purpose of such storage is to establish a reserve of such commodities for later use, not including resale to or use by another country. The House provision only required findings 2 and 3—regarding the inflationary impact and availability of storage space for domestic stocks. The other difference was that the House provision required the Secretary of Commerce to act on an application within 30 days.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield at that point or would he rather finish his statement and then yield for a question?

Mr. ZABLOCKI. I am delighted to yield to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, it is my understanding that under section 105 of the bill, the exemption from an embargo for short supply provided to foreign buyers' agricultural products would be granted for a specific period of time. When the exemption expires, the buyers' goods, so long as they remained in the United States, would again be subject to export controls. For the purpose of export controls, the goods would return to the status of other goods purchased by foreign buyers which had not received the exemption under this section of the law. The bill as written merely requires that the export of the goods which receive the exemption actually take place at some time in the future. The date the exemption expires and the date the goods are exported are separate dates. The goods can be exported during or after the date the expiraton of the exemption occurs.

In the latter case, if an embargo is imposed on the goods, the goods, like any other goods, would be subject to quantity restrictions under the act.

Is that the understanding of the chairman?

Mr. ZABLOCKI. It is, and I thank the gentleman from Illinois for his observations. The gentleman makes a valid point. I have no problem with the gentleman's position. I would assume, however, that any such commodities would eventually have to be exported.

Mr. FINDLEY. Yes; there is no doubt about that.

Mr. Speaker, I thank the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Speaker, the conference committee adopted the Senate provisions, but urged the Secretary of Commerce to process such applications as expeditiously as possible.

Section 106 provides for congressional review of export controls imposed on agricultural products. The differences between the two bills was that the House bill applied to controls imposed for foreign policy reasons and the Senate bill to controls imposed for both foreign policy and short supply purposes. The other difference was that the House bill required congressional action within 30 days to continue the export controls while the Senate bill provided that the controls could be vetoed by Congress within 30 days of being imposed. The report of the conference committee extends the review to export controls imposed for both foreign policy and short supply reasons and provides for congressional veto of the export controls.

Two provisions of H.R. 5840 deal with petroleum exports. Section 108 provides that petroleum products refined in U.S. foreign-trade zones, Hawaii and in Guam, from foreign crude oil shall be exempt from quantitative export restrictions unless the Secretary of Commerce finds that a particular product is in short supply. The Senate bill did not contain this provision and the conference committee accepted the House provision.

Section 110 of H.R. 5840 as passed by the House prohibited the export of oil from Alaska, except for exchanges with contiguous countries and for temporary export because of convenience or efficiency of transportation across parts of an adjacent foreign country. The Senate rejected a similar provision by a vote of 66 to 27. So, the conference committee was faced with opposing positions of this provision.

The conference report includes the House provision, with the addition that such oil can be exported only under a very elaborate procedure, whereby there must be a specific Presidential determination that the crude oil export: First, will not diminish the total quantity or quality of petroleum available to the United States; second, will have a positive effect on consumer oil prices by decreasing the average crude oil acquisition costs of refiners; third, will be made only pursuant to contracts which may be terminated if the petroleum supplies of the United States are interrupted or seriously threatened; fourth, are in the national interest; and fifth, are in accordance with the provision of the Export Administration Act. Furthermore, the President must report these findings to the Congress and the export cannot go ahead until the expiration of a 60-day period, during which either House of Congress can veto the proposed export.

While this provision is not exactly what the House adopted—it does provide a process, obviously quite burdensome and complicated to utilize, by which Alaskan oil can be exported, rather than a flat

ban. Under the circumstances, with the Senate having taken the diametrically opposed position, the House conferees feel that the compromise provision preserves the essence of the House provision and would permit such export only under the most extraordinary circumstances and after all national interests are considered.

In title II, the foreign boycotts provision, the two versions were identical in purpose and in their major provisions and differed only in some of the detail. It therefore made little difference which version was the basis of discussion.

Because the Senate version had benefited from the latest input from the negotiations of the Anti-Defamation League and the Business Roundtable, the conference committee adopted the Senate version with several amendments taken from the House bill. These include prohibiting the furnishing of information on "any person," rather than "any other person," and extending the exemption allowing the provision of information for immigration and passport purposes to furnishing information for purposes of employment in the boycotting country. The conferees also adopted the House 2½-year grace period, rather than the Senate 5-year grace period, and made it effective for contracts entered into as of May 16, 1977.

Mr. Speaker, the conference report on H.R. 5840 retains the essence and most of the detail of H.R. 5840 as passed by the House, and I urge the House to adopt it so the authorities under the Export Administration Act can be extended.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. BROOMFIELD) for 30 minutes.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conference report on the Export Administration Amendments of 1977 represents the last step in a long and difficult legislative process that began in the 94th Congress. I am pleased to be able to express my support for this report and urge the approval of the House.

The conference report we have before us reflects a successful conference. The Senate receded to the House on nearly all items of disagreement concerning Title I—Export Administration Improvements and Extension. A principal retention is the House prohibition on the export of Alaskan pipeline oil except under circumstances where such export is clearly in the interest of the United States and of U.S. oil consumers.

I am particularly gratified, moreover, to report on the further improvements in title II, the section dealing with foreign boycotts. The conference version incorporates a series of public-spirited recommendations made by a working group to which the Anti-Defamation League and the Business Roundtable contributed representatives. Refinements have been added to the language which make for greater consistency and more comprehensive allowance for exceptions to boycott prohibitions. Let me note in particular the inclusion of a provision permitting a U.S. person resident in a foreign country to comply with the laws of that country with respect to that person's local activities.

The committee is well aware of the U.S. business community's concern over proposed congressional antiboycott statutes. However, it believes that the legislation upon which we are about to vote is sufficiently flexible in its practical application.

Finally, Mr. Speaker, I would like to pay particular tribute to the gentleman from Indiana (Mr. HAMILTON), the gentleman from New York (Mr. ROSENTHAL), the gentleman from New York (Mr. BINGHAM), the gentleman from New York (Mr. SOLARZ), and the gentleman from Ohio (Mr. WHALEN) for working out this very difficult piece of legislation, especially the foreign boycott section. Without their help, I am sure we would not have this conference report before us today.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

I want to compliment the gentleman and the chairman of the full committee on a good conference report. But I have to bring to the attention of the body great disagreement and disparities of the McKinney amendment. I think for the Members we should also go through the chronological order of the McKinney amendment. As the Representative from the State that is going to produce this oil, I think there are some disparities in the conference report concernng the McKinney amendment.

The McKinney amendment was introduced and printed in the CONGRESSIONAL RECORD on April 18, and on April 20 the McKinney amendment was accepted by a voice vote.

The Durkin amendment on May 5 on the Senate side was rejected by a vote of 66 to 27.

Then on May 10 my colleague, the gentleman from Connecticut (Mr. MCKINNEY) prevailed in a motion to instruct the House conferees to the bill H.R. 5840, by a vote of 240 to 166, and the motion read:

> Be it moved that the Managers on the part of the House, at the Conference on the disagreeing votes of the two Houses on the bill H.R. 5840, be instructed to insist upon section 110 of the House-passed bill.

The conferees met; they discussed the Alaskan oil amendment for a total of 10 minutes. The McKinney amendment was never read. No House conferee said a word in support of the McKinney amendment. The chairman simply announced the fact that he had been instructed as a result of his own capital mistake in accepting the amendment by a voice vote in the first place. Each conferee of the House then disclaimed any support for the amendment. The Senate chairman then said a compromise was in order.

Senator JACKSON'S staff assistant then rose to present a verbatim copy of the law (section 28(u)) of the Mineral Leasing Act as amended by the Trans-Alaska Pipeline Authorization Act of 1973. The House had twice voted to suspend for 2 years.

Mr. Chairman, I can say that what has been adopted by this conference report is exactly what we have had verbatim before except for 2 smaller provisions, one requiring export contracts to be interrupted in the event of "any supply interruption". The second is that for 60 days no oil can be exported.

There is nothing in this conference report which encourages the development of a transport system on Alaskan oil from the west coast to the east coast. There are no provisional factors, except producers will be able to make a few more cents because they do not have to build a line. There is no saving to the consumer.

The conference committee has said: "Let us make the price of oil cheaper to the consumers so they can consume more." I do not think that is what Mr. Carter is saying on energy.

It deeply disturbs me. I recognize the conference report as a whole is a good report, but we have not come to grips with the Alaskan oil exports problem and if we do not encourage the transportation of this oil then we are doing ourselves and our constituents a disservice.

I do not know what reluctance there was on the Senate or on the House side on the part of the conferees. I think the conferees should have done as they were instructed, and this was not done. If anyone can really explain to me what happened in the conference I would like to have some type of explanation either from the chairman or the ranking minority member. Would they explain why they did not follow the instructions of the House?

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Speaker, I must correct several of the comments made by the gentleman. First, the conference did not spend just 10 minutes discussing the McKinney amendment. In fact, it took over an hour to resolve this matter. Second, several of the House conferees expressed strong support for the amendment and, contrary to the gentleman's statement, "each conferee" did not then "disclaim any support for the amendment." I do not know from whom the gentleman obtained his information, but it is contrary to the facts of the situation.

The gentleman must understand the House conferees and the conference committee were confronted with a very difficult situation. The House and Senate, as I said earlier, were diametrically opposed in their positions on this matter. We were then forced by the nature of the situation to make compromises even if we were not fully satisfied with them. I would trust the body would understand that. I would hope the gentleman would understand the predicament the conferees were in and realize, that in fact, the House emerged from the conference with this section being much closer to the original House provision than to the Senate position. The Senate had no language in their bill.

This is the purpose of a committee on conference. Certainly we cannot stand fast with every word and dot every "i" in conference even though instructed. If we are going to come back with a conference report we must negotiate. I submit to the gentleman, if I may, that the House stood fast and did a good job.

Mr. YOUNG of Alaska. I respect the chairman and I know the difficulties he faced.

Can I ask one question? Was there any interest in the possibility of not allowing this in the conference report in the sense that there is any indication to the conferees that there is going to be a proposition brought forth from the administration to export this oil? As I read this it says in the national interest and for the benefit of consumers, and that applies on many different exports. If we are going to do this then again I say this body has let down the American people. We did not build that pipeline for oil to be shipped to Japan. We did it for Americans.

Possibly the gentleman does not know what is going on down there, but if the President brings a proposal to ship this oil to Japan, how can this basically stop that within the 60-day period of time if he brings it by July and the period ends on the first of September, and while we are in recess he would be able to ship it to Japan by September 1. Is that not true?

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Let me assure the gentleman I personally am not anxious to see oil exported from this country, particularly as long as we are faced with a serious energy crisis.

I would advise the gentleman that there was no indication, no signal from the administration one way or the other, that they are going to or they are intending to export Alaskan oil. I hope the gentleman will trust this administration and the wisdom of the Congress. Should the administration choose to export oil and not conform with some of the very strict procedures setting forth the circumstances under which the oil could be exported, than the Congress could act expeditiously and veto such a proposal.

Mr. YOUNG of Alaska. Mr. Speaker, I appreciate that answer, because if I know that the good wisdom of Congress would see and understand the capacity in this Nation if we start exporting oil and we have an embargo and under the conference report it says they continue to export Alaskan oil, I think it would be a great mistake.

Mr. BROOMFIELD. Mr. Speaker, I reserve the balance of my time.

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Speaker, I rise in strong support of the conference report on H.R. 5840, export administration amendments of 1977.

My colleagues know of my long interest in ending American participation in the divisive and discriminatory Arab boycott of Israel and firms doing business with Israel. Title II of these amendments will take us a long way toward this goal. At the same time, as a result of the creative participation in the legislative process of responsible members of the business community, the restrictions of title II will not interfere with legitimate commercial activities in Arab States.

I would be remiss if I did not admit that there are several parts of the antiboycott provisions which still trouble me. The conference report would, for example, allow Americans in Arab States to comply fully with those country's boycott laws, including laws which may require discrimination against hundreds of blacklisted American firms except under certain narrow circumstances. I would have preferred the House provision which would have left to the President the decision as to which American firms in Arab States would have been allowed to comply with which laws. I felt this solution would have better preserved American principles and created an incentive for the President to negotiate an exemption from Arab boycott requirements for American firms. On the other hand, I recognize that the Senate provision which is embodied in the conference report has the benefit of specificity and may avoid a conflict with the Arab States over the claim to broad jurisdiction over the activities of all companies operating within their national boundaries.

A second provision of the conference report which concerns me is the wide latitude granted American firms to comply with the so-called unilateral selection of particular companies and goods to be used in individual transactions with the Arab States. To the extent that such unilateral selection is motivated by principles other than furtherance of the boycott, then such selection should be respected as a usual and normal custom of domestic and international trade. But where the sole motivation behind the selection of a particular business partner is the freedom of that partner from any boycott-related taint, then compliance with that selection would manifestly further and support boycott-based discrimination and should be restricted.

The House bill would have prohibited compliance with any unilateral selection premised solely upon the boycott. The Senate bill lifted that prohibition entirely except where the goods being selected were not "identifiable by source." As a conferee, I agreed to accede to the Senate provision because of the greater certainty which it provided and because of the understanding that any pattern of repeated and flagrant recourse to unilateral selection will be carefully scrutinized to assure that it is consistent with the intent of the unilateral selection exception.

One other provision which troubles me is the language, taken from the Senate bill, limiting the scope of the bill's provisions to activities "in" the interstate or foreign commerce of the United States. As the Senate report which accompanied its bill makes clear, this language is intended to restrict the bill's coverage largely to transactions involving U.S. goods or services.

The equivalent House language would have extended the bill's jurisdiction to activities "which affect" the interstate or foreign commerce of the United States. This provision had the benefit of subjecting to the bill's coverage transactions in non-U.S. goods which nevertheless could have had a substantial and foreseeable effect upon U.S. commerce. Such transactions might have included ones in which goods manufactured with U.S. technology or under a U.S. license were involved.

I am afraid that the narrow compass of the conference report language might encourage the flight of U.S. trade to foreign subsidiaries manufacturing similar products based upon American know-how but utilizing components made overseas. My reluctant willingness to accept the Senate provision was based solely on the understanding that, if diversion of trade does occur, corrective steps can be taken when the Congress considers renewal of the law some time prior to September 30, 1979.

In the above remarks, I have outlined my principal reservations about the conference report. I have not discussed the many laudable and welcome features of the antiboycott provisions. I am sure these are quite familiar to my colleagues who voted overwhelmingly to include them in the bill. In brief, the antiboycott provisions for the first time give sharp teeth to the longstanding policy of this country opposing restrictive trade practices and boycotts. These provisions meet effectively the vast majority of instances in which American firms have been forced to succumb to anticompetitive boycott pressures by outlawing such compliance. The conference report represents a significant legislative accomplishment of which this body and the entire country can be proud. For this reason, I urge its prompt passage.

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SOLARZ).

Mr. SOLARZ. Mr. Speaker, during the conference committee deliberations on the Export Administration Act Amendment of 1977, the House and Senate conferees crafted a compromise on the issue of disclosure of personal information in compliance with boycott-related requests. The compromise has caused some concern so I would like to take this opportunity to clarify the intent of the language.

The concern involves paragraph 4A (a)(2)(E) which excepts from the prohibition contained in paragraph 4A (a)(1)(E) against "furnishing information with respect to the race, religion, sex, or national origin of any U.S. person or any owner, officer, director, or employee of such person" compliance by an individual or agreement by an individual to comply with requests for information regarding requirements of employment of such individual within the boycotting country.

The exception involving employment requirements was put in at the insistence of the Senate conferees, in return for

their agreement to extend the initial prohibition against furnishing personal information with respect to race, religion, sex, or national origin to individuals providing information about themselves. Previously, the prohibition was limited to persons furnishing such information with respect to "other" persons and did not prohibit an individual from providing such information about himself.

In agreeing to the language offered by the Senate conferees, the House conferees were mindful of subsection 4A(a)(4) which states that—

Nothing in this subsection may be construed to supersede or limit the operation of the antitrust or civil rights laws of the United States.

Given subsection (4) it is clear that the amendment offered by the conference committee does not in any way sanction or condone inquiries put by foreign employers about race, religion, or sex for the purpose of withholding employment for those reasons; nor does it permit or authorize, conduct or activities that would violate or constitute evidence of violations, of Federal civil rights enactments.

The amendment regarding employment requirements was merely intended to facilitate the employment of Americans abroad and to eliminate any procedural impediments to such employment.

Mr. ZABLOCKI. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. DODD).

Mr. DODD. Mr. Speaker, many of the points I would raise have been raised by my colleague, the gentleman from Alaska (Mr. YOUNG).

However, I would like to take this opportunity to comment on the conference's treatment of a provision which was authored by our colleague STEWART MCKINNEY and which would suspend for 2 years the President's authority to export Alaskan oil.

I would not stand here, Mr. Speaker, if it were not for the fact that my colleague, the gentleman from Connecticut (Mr. MCKINNEY) is recuperating from a serious illness.

My colleagues will recall that on two occasions this House expressed its view that Alaskan oil should not be exported.

First of all, I do wish to compliment our chairman. Despite the Senate's opposition to the McKinney amendment, the House conferees were able to obtain approval or certain provisions which make it easier for the Congress to prohibit exportation of Alaskan oil. But, we still are faced with a situation in this country that should not be allowed to continue much longer, that is, the lack of a system which will allow for the efficient shipment of Alaskan oil from the west coast to the east coast. We are not taking those necessary steps towards building up a strategic reserve of oil in this country. That should be done. We all recognize that.

Possibly more important than any single element of the national energy program, even more important than the equity of the program, is the sustainability of the program. If we are going to go forward with an energy program that the American people will believe in, we have to convince the American people of the seriousness of the issue. Despite the good intentions of our colleagues in the other body and the President, if we allow our domestic supply to be exported to a foreign nation, we lose the impetus we have now in terms of the American people believing in the seriousness of this situation. How can we expect the people of this country to practice strict conservation, believing there to be a severe shortage in our domestic energy supply, if the Federal Government follows a policy of exporting oil from our own richest oil field.

Through a suspension of the President's authority to export Alaskan oil, I believe we must face the industry to develop an efficient domestic distribution system. Until such a system is in place, Alaskan oil can be shipped through the Panama Canal, at no greater cost to consumers and refiners than the President's proposal to enter into a swap arrangement with Japan whereby we would exchange Alaskan oil for OPEC oil. But it was never the intent of Congress that this oil should be exported. However, despite industry assurances that development of a domestic distribution system would keep pace with the development of Alaskan oil, today no such system has been instituted.

Lastly, I would point out that my colleague, the gentleman from Connecticut (Mr. MCKINNEY) has introduced legislation that would institute, in effect, a 2-year suspension of Alaskan crude oil, pending development of a distribution system or plan from the west coast to the east coast.

Mr. Speaker, 240 Members of the House voted to ask the conferees to stand firm on the House position. I would suggest that we join with my colleague, the gentleman from Connecticut (Mr. MCKINNEY) in asking the Committee on the Interior to at least hold hearings on the issue of exporting Alaskan crude. That way, we can get full hearings for the issues that surround this important question.

Mr. Speaker, again I want to emphasize that while I support my colleague (Mr. MCKINNEY), I am speaking today on this issue, because my colleague, the gentleman from Connecticut (Mr. MCKINNEY) is unable to be with us due to his illness.

Mr. Speaker, I compliment my colleague, the gentleman from Alaska (Mr. YOUNG) for the points the gentleman made, and again compliment the chairman of the committee and the conferees for doing a fine job and working out the best possible solution under the circumstances.

Mr. ZABLOCKI. Mr. Speaker, I yield myself 30 seconds. I want to take this time to express our appreciation for the remarks of the gentleman from Connecticut (Mr. DODD) recognizing the efforts of the conference committee. We tried our best, and I certainly understand his point of view. He made some very valid and worthwhile arguments, and I am sure that we will have another go-around on this matter.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Can the gentleman from Michigan explain briefly, although we have had some discussion on this, how the foreign boycott section of the conference report—title II—is different from the version passed by the House?

Mr. BROOMFIELD. Basically, it is not much different. This was probably the most difficult part of this entire bill, and there were some further refinements made in the conference with the Senate. I think it developed pretty well. The language reflects the compromise worked out by the Business Roundtable and the ADL.

I think probably the best way to analyze title II is that no one is completely happy with it. Some groups do not feel we went far enough, but basically I think the Congress worked out a compromise everybody can live with, and this is a step in the right direction.

A great deal of credit goes to the chairman of the committee (Mr. ZABLOCKI) for bringing this about.

Mr. ROUSSELOT. So the gentleman can assure us that the concerns which many business groups have when dealing overseas are taken care of in the compromise arrived at in conference.

It is my understanding that the conference provided an improved flexibility in dealing with various business transactions in what have come to be known as "host countries." The first relates to the portion of the bill concerning designations of "unilateral selection." I understand the House accepted the Senate provisions which permits a U.S. person—that includes a corporation or business—to comply or agree to comply with the unilateral and specific selection by the boycotting country or a national or resident thereof of carriers, insurers, suppliers of services to be performed within the boycotting country, or specific goods which, in the normal course of business, are identifiable by source when imported into the boycotting country. Therefore, an entire product line or service cannot be terminated because of one "starter switch" or some other single production item. Another point providing greater acceptability was the adoption by the conference committee of the House amendment relating to a grace period through December 31, 1978. Written contracts entered into as of May 16, 1977, can be reviewed for an extension grace period could be obtained for 1 additional year where there are good faith negotiations to eliminate provisions that are inconsistent with the antiboycott prohibitions of this legislation. Since this legislation expires on September 30, 1979, it will, hopefully, provide adequate possibility for individual contractors to deal in an acceptable way under this time frame and the Congress will have another opportunity to review these antiboycott amendments as to their workability by September 30 of 1979. Therefore, my colleague can assure me that the conference has provided a more appropriate mechanism for negotiation than existed under the original House bill?

Mr. BROOMFIELD. Yes, I think it will.

Mr. ROUSSELOT. I thank my colleague.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas

(Mr. TUCKER).

Mr. TUCKER. I thank the distinguished gentleman for yielding to me.

Mr. Speaker, I want to join in the remarks of my colleague from Alaska and my colleague from Connecticut. I think we should recognize that by this compromise we are authorizing the export of one-half million barrels of American oil a day. That flies in the face of the President's determination that this country should be reducing imports of oil by 2 million barrels of oil per day.

It has been argued that if we make sensible exchange arrangements for these exports, we might save money for American consumers. But that argument also flies in the face of the policy that has been recommended. That is, the President hopes for a gradual increase in the price of petroleum products to encourage a move to alternative sources of energy. Yet, proponents attempt to justify this provision on the basis of lower prices.

But, most importantly, the great danger we face in this agreement is that we do absolutely nothing to provide a method of transportation so that we can use our own domestic oil for our own people. We do nothing, in this agreement, to provide protection for our people against another embargo by foreign producers.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. Mr. Speaker, I wish to compliment the members of the committee for the hard work that is apparent in the provisions of this conference report regarding protecting American citizens against the operation of the Arab boycott. I do regret, Mr. Speaker, that these provisions are not as strong as they could be. The premise that a foreign government can dictate business practices to American businesses within the United States is offensive and intolerable. There should be no compromise with that position. Unfortunately, the conference report does.

Mr. SKUBITZ. Mr. Speaker, I learned a long time ago that half a loaf of bread is better than none at all. Consequently, I will not oppose that provision of the conference report dealing with agricultural exports.

When the House bill, H.R. 5840, was before us, this body accepted an amendment of mine, providing that unless the Congress—by concurrent resolution—approved within 30 days an export restriction on agricultural products and unless the restriction was modified—the restriction would automatically expire at the end of 30 days. If the President decided to alter the agricultural trade restriction—he would be permitted an additional 30 days before the measure would expire unless the Congress approved of his modification. My amendment provided that—at a maximum—there would be a 60-day period before an agricultural trade restriction would expire without congressional approval.

I believe that basically my approach is preferable to that contained in the conference report. To substantiate this, I ask unanimous consent that a letter I have received from the National Association of Wheat Growers be included in the RECORD:

NATIONAL ASSOCIATION
OF WHEAT GROWERS,
Washington, D.C., May 18, 1977.

Hon. JOE SKUBITZ,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN SKUBITZ: The National Association of Wheat Growers, as you know, has been keenly interested in the development of legislation to modify and extend the Export Administration Act, and we were extremely disappointed to learn that House and Senate conferees on HR 5840 failed to adopt language similar to that contained in your amendment to the House-passed bill.

Section 105, as contained in both House and Senate bills, provided for Congressional review of export controls imposed by the President on agricultural commodities. Under the Senate version, which was adopted by the conference committee, an export restriction imposed on agricultural commodities would remain in effect as imposed by the Executive Branch unless Congress, within 30 days, adopted a concurrent resolution disapproving the prohibition or curtailment. Under the House bill, as modified by the Skubitz amendment, the prohibition or curtailment would automatically cease to be effective at the end of 30 days (or, in some instances, at the end of 60 days), unless extended by an affirmative action of the Congress.

The House provision, we felt, provided the Congress greater responsibility with regard to agricultural exports and the nation's economy, and we would certainly support an effort aimed at reconsideration of Section 105 and inclusion of language along the lines of the House-passed bill.

In this regard, we would suggest that the possibility of a 30-day extension of the Executive Branch controls, as contained in the Skubitz amendment, be deleted. The basic intent of both the House and Senate versions seems to be that controls that are not approved by the Congress should not remain in force for more than 30 days. This would hold the period of uncertainty that might result pending Congressional action to a minimum. While the additional 30 days under the Skubitz amendment would be triggered only by an Executive Branch modification of the export controls, it is likely that the Executive Branch would issue such a modification for the purpose of extending the control period, in the event controls were imposed. Therefore, the practical effect of the extension provision would be to give the President 60 days, rather than 30 days, to keep controls in effect, even when they were opposed by a majority of the Congress. We see no affirmative justification for the 30-day extension period.

We appreciate your strong interest in agricultural exports and the importance of protecting against unwise and unwarranted restrictions of future sales. We are hopeful that you will be able to effect reconsideration of Section 105 at the time that the conference report on H.R. 5840 is considered.

Sincerely yours,

JERRY REES,
Executive Vice President.

At another time and on another bill I will again pursue my efforts to have any trade restriction on agricultural embargoes automatically expire without congressional approval.

I want to thank Mr. ZABLOCKI for his attentiveness to my cause and I do appreciate the substantial gains made for the American farmer on the question of trade restrictions that are contained in this conference report. Mr. Speaker, I just think we can do better.

Mr. BINGHAM. Mr. Speaker, I rise in support of the conference report on H.R. 5840, the Export Administration Amendments of 1977, and urge my colleagues in the House to support this important measure.

This legislation contains a number of significant provisions. But I think it can be said that the provisions relating to foreign boycotts constitute a real legislative milestone. For the first time it is not simply the policy of the United States to discourage compliance and cooperation by Americans with foreign boycotts directed at nations friendly to the United States, but Americans are to a significant extent prohibited from complying with such boycotts. This bill contains the first antiforeign boycott requirements in U.S. law. It is the result of legislative efforts going back more than a decade. I am proud to say that I have been involved in these efforts since I came to the Congress in 1965. I can only say now that it is about time—in fact long past time—that complicity by Americans in foreign boycotts that have pitted us against our friends abroad and even against our fellow Americans based upon their race or religion is outlawed.

The major current example of a foreign boycott of a country friendly to the United States which is imposed upon Americans is the economic boycott by Arab countries of Israel. This boycott has been going on since Israel came into being as an independent nation. At first the effects of the boycott, both on Israel and on Americans, was small. I was one of the first Members of the House to introduce legislation to prohibit American compliance with this insidious boycott, and I can recall the State Department pointing out that the impact was not great and the way to deal with it was through quiet diplomatic persuasion.

But such persuasion, if it was ever seriously attempted by the State Department, was ineffective. Particularly following the Arab oil embargo and the dramatic increase in the wealth of Arab nations, the impact of their boycott of Israel increased equally dramatically. According to reports filed with the Commerce Department, only 785 U.S. export transactions involved demands for compliance with the Arab boycott of Israel in 1974, but in one 6-month period alone in 1976 more than 72,000 transactions were subject to Arab boycott demands. The Commerce Department estimated that about $10 million in U.S. business was affected by this foreign boycott in 1974, but by 1975 the figure was $630 million and by 1976 more than $10 billion. In more than 90 percent of the cases in 1976 when American firms reported receiving Arab boycott demands they actually decided to comply with those demands.

Mr. Speaker, this legislation does not prohibit or interfere in any way with the direct economic boycott of Israel by the Arab nations. Regrettable as that embargo is, it is the right of any sovereign nation to refrain from direct trade

with any other nation, and I believe that this direct embargo can only be resolved as part of a just and lasting peace in the Middle East for which we are all hoping and striving. This legislation does, however, deal with the most insidious aspects of the Arab boycott, namely the refusal of Arab nations to do business with American firms which do business with Israel or which associate with persons or other American firms which do business with Israel. These are the so-called "secondary" and "tertiary" aspects of the Arab boycott. They are boycott forms which are most unusual and far-reaching and which we have not used broadly or generally ourselves although we have, of course, conducted direct primary boycotts against countries like Cuba.

It has frequently been said in the course of the long consideration of this legislation that discrimination was not involved in the Arab boycott and that discrimination was not an issue in this legislation. I am aware that the Arab nations have repeatedly stated that it was not their intent through the boycott to discriminate against Jews or any other eligious, ethnic, or racial group. Whether or not it was their intention, discrimination was and certainly is one of the effects of the boycott requirements that Americans, in order to do business in or with Arab countries, comply with and help implement their boycott of Israel by refusing to do business with Israel or anyone associated with Israel. Not only are American Jewish businessmen more likely than non-Jewish businessmen to have business associations with Israel, but many Americans interpret the Arab boycott as requiring them to refrain from doing business with Jews—even in some cases to refuse to hire Jews and to remove them from any positions of corporate responsibility they might hold.

There are some who say or will feel that this legislation does not go far enough in prohibiting compliance with foreign boycotts—that it contains loopholes. Admittedly, it does not go as far as it might. It does not go as far, in fact, as bills which I and others originally introduced. Certain exceptions to the prohibitions had to be made in order not to totally preclude business with Arab nations, to permit certain normal business practices to be followed even if, in a boycott context, they might be used to further the boycott, and to recognize the sovereign right of the Arab nations to conduct their direct primary boycott.

Although I would have preferred a stronger bill, I do not feel there is any reason to feel that this legislation is inadequate simply because it contains some exceptions and potential loopholes. The legislation is for a period of 2 years. The Congress authorizes the funds to carry it out. Those of us who are deeply concerned about this problem of foreign boycotts will watch carefully its implementation. It contains excellent reporting requirements that will give us sound and detailed information on the extent to which the boycott might continue to be applied against Americans and complied with by Americans. If some of the exceptions we have granted in good faith for the reasons I have stated turn out to be loopholes, we have plenty of opportunity and authority to close them when we review this legislation, and we will do so.

We should concentrate instead on what this bill does. It does prohibit discrimination on the basis of foreign boycotts. It does prohibit the furnishing of any kind of information that would further a foreign boycott. It does prohibit Americans from refusing to do business with anyone on the basis of a foreign boycott demand. And it has teeth. Violators would be subject to both criminal and civil penalties. Those are major improvements in U.S. law, which at present only encourages Americans to refrain from complying with foreign boycotts. That is why I say this legislation is a milestone in the continuing fight for civil rights, nondiscrimination, and free enterprise.

As I have noted, Mr. Speaker, this bill is the product of an unusually long, complicated, and difficult legislative process spanning several years, although the most intensive activity and effort has been in recent months. I am proud to have taken a direct part in this effort—as a sponsor of one of the major bills that led to this legislation, as chairman of the subcommittee that first took action on it, as a member of the committee that approved it, and of the conference committee that produced this final version by resolving differences between the Senate and House.

This important legislation would not have been possible without the dedicated concern, effort and support of many Members and outside groups. I want to mention and praise particularly the efforts undertaken by the Anti-Defamation League and other Jewish groups, and the Business Roundtable, who worked so hard to find areas of agreement and compromise between business and the Jewish organizations on a problem of great importance to both of them.

The consensus and recommendations they forged on this legislation seem to me an unprecedented achievement in cooperation through voluntary negotiation of differences. Their work greatly influenced and helped the Congress in its deliberations on this difficult issue, and I thank and salute all those associated with the Business Roundtable and Anti-Defamation League conferences. I want also again to thank and compliment the work of my colleagues, including particularly Messrs. ROSENTHAL, SOLARZ, HAMILTON, and WHALEN, whose efforts helped make this legislation both workable and effective.

Finally, Mr. Speaker, I would note that this legislation makes a number of small, but I think significant improvements in the policies and procedures governing our program of export controls for purposes of preserving the national security. Many of those provisions came from the Subcommittee on International Economic Policy and Trade, which I have the honor to chair. I believe they better assure that U.S. exports restricted or controlled are limited to those that really might have a significant negative effect on our national security, and that the people who administer the export control program focus their attention on the exports most likely to have significance from a national security point of view rather than unnecessarily delaying or restricting ordinary export business in goods with no possible importance to the national security. These changes, I believe are in the best interests both of increased U.S. foreign trade and the maintenance of our national security, and are a further reason that I urge the support of my colleagues for this conference report.

Mr. PEASE. Mr. Speaker, I support the conference committee report on the 1977 amendments to the Export Administration Act, but I do so with some misgivings and disappointment. When the amendments first came to the House floor, the House saw fit to accept several amendments that I offered in the House International Relations Committee which helped make the bill more understandable and workable. Unfortunately, the thrust of these amendments was negated by the House acceptance of Senate language.

First, I offered an amendment that would allow farmers and other exporters of agricultural commodities to make firm sales commitments to foreign governments or private purchasers. In addition, it established a procedure whereby farmers and exporters could get a prompt decision on whether they could enter into exporting agreements and store commodities here free from export controls.

The House language included adequate safeguards to protect American consumers and our domestic storage capacity. It is regrettable that the weaker Senate language was accepted. It provides the Secretary of Commerce with additional grounds for negating exporting agreements entered into on a good faith, contractual basis. Furthermore, the Senate language leaves farmers and agricultural exporters in limbo with respect to their ability to negotiate firm exporting agreements and to deliver on their part of the agreements. The marketing position of our farmers and agricultural exporters will continue to be undercut in the international marketplace since the contracts they enter into with foreign buyers remain susceptible to ill-founded Government manipulation and bureaucratic delays.

Second, the conference report does not reflect a good balance between the right of an individual applicant to be informed of issues raised in review of his application for an export license and the need to expeditiously process thousands and thousands of applications for export licenses. My amendment provided that an applicant must be informed of "any substantial" questions raised and negative considerations or recommendations made if an application for an export license is not acted upon within 90 days. The Senate language does not require that the outstanding questions, considerations, or recommendations be substantial at all. Unfortunately, the Senate language prevailed. So, the prospect of more paper being shuffled back and forth as corre-

spondence between the Commerce Department and applicants for export licenses becomes very real since Commerce Department officials could be compelled to notify applicants of unsubstantial, insignificant considerations. I certainly give high priority to the right of the applicant to be informed, but this consideration should be evaluated in conjunction with a realistic appraisal of the administrative and processing capabilities of the Commerce Department.

Third, the House language would have provided Congress with more information about the potential hazards of exports of technical information than will the approved Senate language. The House language required a study of export information by agreements for scientific or technical cooperation which might prove detrimental to the national security or foreign policy of the United States. The Senate language requires a study of only transfers of technical data and other information to any country to which exports are restricted for national security purposes. The study that will be conducted now will probably shed little light upon the various means by which technical information is currently exchanged nor will it probably reflect the potential hazards of transferring certain kinds of technical information like nuclear technology to countries currently friendly to the United States but which may be antagonistic toward the United States in the not too distant future.

In summation, I recognize the wide range of issues that had to be addressed in this bill as well as the complexity of each one of the issues. The conference committee is to be commended for arriving at a good compromise. I feel the bill would have been easier to interpret and to administer had my amendments been left intact, but I welcome the opportunity to offer them again and to try again to persuade my colleagues in Congress that they are sound and constructive.

Mr. ZABLOCKI. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROOMFIELD. 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 306, nays 41, not voting 86, as follows:

[Roll No. 331]

YEAS—306

Abdnor	Anderson, Ill.	Bafalis
Addabbo	Annunzio	Barnard
Akaka	Applegate	Baucus
Alexander	Archer	Beilenson
Ambro	Armstrong	Benjamin
Ammerman	Aspin	Biaggi
Anderson, Calif.	AuCoin	Bingham
	Badham	Blanchard
Blouin	Gore	Obey
Boggs	Gradison	Ottinger
Boland	Grassley	Panetta
Bolling	Gudger	Patten
Bonior	Guyer	Patterson
Bowen	Hamilton	Pease
Brademas	Hanley	Pepper
Breaux	Hannaford	Perkins
Brinkley	Harkin	Pettis
Brodhead	Harris	Pickle
Broomfield	Heckler	Pike
Brown, Calif.	Hefner	Pressler
Brown, Mich.	Heftel	Preyer
Brown, Ohio	Hightower	Price
Buchanan	Hillis	Pritchard
Burgener	Holt	Pursell
Burke, Calif.	Holtzman	Quayle
Burke, Fla.	Horton	Quie
Burke, Mass.	Howard	Rahall
Burlison, Mo.	Huckaby	Railsback
Burton, Phillip	Hughes	Rangel
Butler	Hyde	Regula
Byron	Ireland	Reuss
Caputo	Jacobs	Rhodes
Carr	Jeffords	Richmond
Carter	Jenkins	Rinaldo
Cavanaugh	Jenrette	Rodino
Cederberg	Johnson, Calif.	Rogers
Chisholm	Jones, N.C.	Rooney
Clausen, Don H.	Jones, Okla.	Rose
	Jordan	Rosenthal
Clay	Kasten	Rousselot
Cleveland	Kastenmeier	Russo
Cohen	Kemp	Santini
Coleman	Keys	Sarasin
Collins, Ill.	Kildee	Sawyer
Conable	Kindness	Scheuer
Conte	Kostmayer	Schroeder
Conyers	Krebs	Schulze
Corcoran	LaFalce	Seiberling
Corman	Lagomarsino	Sharp
Cornell	Le Fante	Shipley
Cornwell	Leach	Shuster
Cotter	Lederer	Sikes
Coughlin	Leggett	Simon
D'Amours	Lehman	Sisk
Danielson	Lent	Skelton
Davis	Levitas	Skubitz
de la Garza	Long, La.	Slack
Delaney	Long, Md.	Smith, Nebr.
Dellums	Lujan	Solarz
Derrick	Lundine	Spellman
Derwinski	McClory	Spence
Dickinson	McCloskey	Staggers
Dicks	McEwen	Stangeland
Dingell	McFall	Stanton
Dodd	Madigan	Stark
Downey	Maguire	Steed
Drinan	Mann	Steiger
Duncan, Tenn.	Markey	Stockman
Early	Martin	Stratton
Edgar	Mathis	Studds
Edwards, Ala.	Mazzoli	Stump
Edwards, Calif.	Metcalfe	Treen
Edwards, Okla.	Michel	Trible
Eilberg	Mikulski	Tsongas
Emery	Miller, Calif.	Udall
English	Miller, Ohio	Van Deerlin
Ertel	Mineta	Vanik
Evans, Ga.	Minish	Vento
Evans, Ind.	Mitchell, N.Y.	Volkmer
Fary	Moakley	Walgren
Fascell	Moffett	Walker
Fenwick	Mollohan	Walsh
Fish	Moore	Watkins
Fisher	Moorhead, Calif.	Weaver
Flood	Moorhead, Pa.	Weiss
Flowers	Mottl	White
Flynt	Murphy, Ill.	Whitehurst
Foley	Murphy, N.Y.	Whitley
Ford, Mich.	Murphy, Pa.	Wilson, Bob
Ford, Tenn.	Murtha	Wilson, C. H.
Forsythe	Myers, Gary	Wilson, Tex.
Fountain	Myers, Michael	Winn
Fowler	Myers, Ind.	Wirth
Fraser	Natcher	Wolff
Frenzel	Neal	Wright
Gammage	Nedzi	Wylie
Gaydos	Nichols	Yates
Gephardt	Nix	Young, Alaska
Gibbons	Nowak	Young, Fla.
Gilman	O'Brien	Young, Mo.
Glickman	Oakar	Young, Tex.
Goldwater	Oberstar	Zablocki
Goodling		Zeferetti

NAYS—41

Allen	Daniel, Dan	Hansen
Bauman	Daniel, R. W.	Harsha
Bennett	Duncan, Oreg.	Hubbard
Bevill	Findley	Ichord
Burleson, Tex.	Gonzalez	Jones, Tenn.
Clawson, Del	Hall	Kazen
Cochran	Hammer-schmidt	Kelly
Collins, Tex.		Latta
Lloyd, Tenn.	Montgomery	Satterfield
Lott	Risenhoover	Smith, Iowa
McDonald	Roberts	Snyder
Mahon	Robinson	Taylor
Mattox	Rudd	Tucker
Milford	Runnels	Waggonner

NOT VOTING—86

Andrews, N.C.	Florio	Nolan
Andrews, N. Dak.	Frey	Pattison
	Fuqua	Poage
Ashbrook	Giaimo	Quillen
Ashley	Ginn	Roe
Badillo	Hagedorn	Roncalio
Baldus	Harrington	Rostenkowski
Beard, R.I.	Hawkins	Roybal
Beard, Tenn.	Holland	Ruppe
Bedell	Hollenbeck	Ryan
Bonker	Johnson, Colo.	Sebelius
Breckinridge	Ketchum	St Germain
Brooks	Koch	Steers
Broyhill	Krueger	Stokes
Burton, John	Lloyd, Calif.	Symms
Carney	Luken	Teague
Chappell	McCormack	Thompson
Crane	McDade	Thone
Cunningham	McHugh	Thornton
Dent	McKay	Traxler
Devine	McKinney	Ullman
Diggs	Marks	Vander Jagt
Dornan	Marlenee	Wampler
Eckhardt	Marriott	Waxman
Erlenborn	Meeds	Whalen
Evans, Colo.	Meyner	Whitten
Evans, Del.	Mikva	Wiggins
Fithian	Mitchell, Md.	Wydler
Flippo	Moss	Yatron

The Clerk announced the following pairs:

Mr. Thompson with Mr. Andrews of North Carolina.

Mr. Teague with Mr. Frey.

Mr. Waxman with Mr. Quillen.

Mr. Baldus with Mr. Whalen.

Mr. Fuqua with Mr. McDade.

Mr. Rostenkowski with Mr. Luken.

Mr. Chappell with Mr. Ketchum.

Mr. Dent with Mr. Ashbrook.

Mr. Eckhardt with Mr. Ruppe.

Mr. Fithian with Mr. Symms.

Mr. McHugh with Mr. Andrews of North Dakota.

Mrs. Meyner with Mr. Hagedorn.

Mr. Mitchell of Maryland with Mr. Hollenbeck.

Mr. Stokes with Mr. Broyhill.

Mr. St Germain with Mr. Beard of Tennessee.

Mr. Hawkins with Mr. Crane.

Mr. Harrington with Mr. Marks.

Mr. Ginn with Mr. Marlenee.

Mr. Brooks with Mr. Cunningham.

Mr. Breckinridge with Mr. Dornan.

Mr. John L. Burton with Mr. Erlenborn.

Mr. Diggs with Mr. Vander Jagt.

Mr. Florio with Mr. Wiggins.

Mr. McKay with Mr. Marriott.

Mr. Meeds with Mr. McKinney.

Mr. Nolan with Mr. Steers.

Mr. Flippo with Mr. Sebelius.

Mr. Moss with Mr. Rowe.

Mr. Yatron with Mr. Holland.

Mr. Ullman with Mr. Krueger.

Mr. Ryan with Mr. Devine.

Mr. Roybal with Mr. Ashley.

Mr. Pattison of New York with Mr. Thone.

Mr. Koch with Mr. Wampler.

Mr. McCormack with Mr. Wydler.

Mr. Carney with Mr. Roncallo.

Mr. Badillo with Mr. Beard of Rhode Island.

Mr. Bedell with Mr. Lloyd of California.

Mr. Mikva with Mr. Bonker.

Mr. Evans of Colorado with Mr. Evans of Delaware.

Mr. Whitten with Mr. Traxler.

Mr. Giaimo with Mr. Thornton.

Mr. JONES of Tennessee changed his vote from "yea" to "nay."

So the conference report 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. ALLEN. Mr. Speaker, I voted against the conference report on the Export Administration Amendments of 1977 because of the insertion of a provision at the insistence of the Senate permitting the exportation of Alaskan oil to Japan or other foreign countries under certain conditions.

AUTHORIZING TECHNICAL CORRECTIONS IN THE ENROLLMENT OF H.R. 5840

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution, Senate Concurrent Resolution 26, authorizing technical corrections in the enrollment of H.R. 5840, and ask for its immediate consideration.

The clerk read the title of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 28

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives is authorized and directed, in the enrollment of H.R. 5840, An Act to amend the Export Administration Act of 1969 in order to extend the authorities of that Act and improve the administration of export controls under that Act, and to strengthen the antiboycott of that Act, to make the following technical corrections:

In section 201(a) of the bill—

(1) in the proposed section 4A(a)(1)(D) of the Export Administration Act of 1969, strike out "with or in the boycotted country" where it appears immediately before the first period and insert in lieu thereof "with or in the boycotting country"; and

(2) in the proposed section 4A(a)(2)(A)(ii) of such Act, strike out "boycotted country, on a carrier of the boycotted country," and insert in lieu thereof "boycotting country on a carrier of the boycotted country."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on H.R. 5840 just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AUTHORIZING APPROPRIATIONS FOR NATIONAL SEA GRANT PROGRAM DURING FISCAL YEAR 1978

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4301) to authorize appropriations for the National Sea Grant Program Act during fiscal year 1978, and for other purposes, with a Senate amendment thereto, and disagree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Strike out all after the enacting clause and insert: That (a) the first sentence of section 205(c) of the National Sea Grant Program Act (33 U.S.C. 1125), is amended by striking out "1977." and inserting in lieu thereof the following: "1978, and not to exceed $5,500,000 for the fiscal year ending September 30, 1979.".

(b) The first sentence of section 212 of such Act (33 U.S.C. 1131) is amended by striking out "1977." and inserting in lieu thereof "1978, and not to exceed $50,000,000 for the fiscal year ending September 30, 1979.".

SEC. 2. The first sentence of section 3(c) of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a) is amended by striking out "1977." after "September 30,", and inserting in lieu thereof "1978, and not to exceed $3,000,000 for the fiscal year ending September 30, 1979.".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 7073 TO EXTEND THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT, AS AMENDED

Mr. LONG of Louisiana, from the Committee on Rules, submitted a privileged report (Rept. No. 95-403), on the resolution (H. Res. 620) providing for the consideration of the bill (H.R. 7073) to extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, which was referrred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 7553, MAKING APPROPRIATIONS FOR PUBLIC WORKS FOR WATER AND POWER DEVELOPMENT AND ENERGY RESEARCH FOR FISCAL YEAR ENDING SEPTEMBER 30, 1978

Mr. LONG of Louisiana, from the Committee on Rules, submitted a privileged report (Rept. No. 95-404) on the resolution (H. Res. 621) waiving certain points of order against the bill (H.R. 7553) making appropriations for public works for water and power development and energy research for the fiscal year ending September 30, 1978, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6135 TO AMEND THE U.S. GRAIN STANDARDS ACT WITH RESPECT TO RECORDKEEPING REQUIREMENTS AND SUPERVISION FEES

Mr. LONG of Louisiana, from the Committee on Rules, submitted a privileged report (Rept. No. 95-405), on the resolution (H. Res. 622) providing for the consideration of the bill (H.R. 6135) to amend the U.S. Grain Standards Act with respect to recordkeeping requirements and supervision fees, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, FISCAL YEAR 1978

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 615 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 615

Resolved, That during the consideration of the bill (H.R. 7556) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1978, and for other purposes, all points of order against the following provisions in said bill for failure to comply with the provisions of clause 2, rule XXI are hereby waived: beginning on page 2, line 2 through page 13, line 11; beginning on page 19, line 4 through page 20, line 7; beginning on page 23, line 6 through line 18; beginning on page 29, line 3 through line 21; beginning on page 31, line 10 through page 32, line 24; beginning on page 40, line 15 through page 41, line 9; beginning on page 42, line 1 through line 8; beginning on page 45, line 9 through line 18; beginning on page 46, line 6 through line 11; and beginning on page 48, line 15 through page 51, line 18.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. LONG) for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 615 provides for consideration of H.R. 7556, making appropriations for the Departments of State, Justice, Commerce, the Judiciary, and related agencies for the fiscal year 1978.

Appropriations bills are privileged and ordinarily come to the floor for immediate consideration without a rule. In this case, however, the Appropriations Committee has sought a rule granting waivers of points of order which could be raised against the bill. H.R. 7556 contains numerous sections which are not in full compliance with clause 2 of rule XXI, which precludes appropriation of funds for expenditures not yet authorized by law. In all cases except one, the Rules Committee granted the waivers requested by the Appropriations Committee, in the interest of facilitating the appropriations process.

Deadlines imposed by the Congressional Budget Act require very close scheduling of appropriations measures. The authorizing bills for the appropriations in H.R. 7556 for which waivers have been granted have been in all cases reported by the House authorizing committees. Some of these authorization bills have been passed by the House and are awaiting action by the other body. Still

the Department of the Treasury and the Post Office Department even claimed such a right to inspect foreign mail without the consent of the addressee or a warrant issued upon probable cause. This is so even though the statute under which the inspection authority is now claimed has been on the books since 1866.

I now call on my colleagues to join with me to swiftly amend 19 U.S.C. section 482 to withdraw from the Customs Bureau this highly dangerous and antidemocratic authority which the Supreme Court has now legitimated.

PERSONAL EXPLANATION

The SPEAKER. Under a previous order of the House, the gentleman from West Virginia (Mr. RAHALL) is recognized for 5 minutes.

Mr. RAHALL. Mr. Speaker, on rollcall 326, an amendment offered by Mr. McCORMACK to the Interior Department and related agencies appropriations, I was delayed in getting to the House floor because I was with the majority leader discussing flood related relief legislation. Had I been able to vote I would have voted "no."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ALLEN (at the request of Mr. WRIGHT), for today, on account of official business.

Mr. JEFFORDS (at the request of Mr. MICHEL), for today, on account of official business.

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. EMERY) to revise and extend their remarks and include extraneous material:)

Mr. SARASIN for 5 minutes today.

Mr. ANDERSON of Illinois for 30 minutes today.

Mr. MICHEL for 5 minutes today.

Mr. CONABLE for 5 minutes today.

Mr. KEMP for 15 minutes today.

Mr. WALKER for 10 minutes today.

(The following Members (at the request of Mr. WEISS) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO for 5 minutes today.

Mr. GONZALEZ for 5 minutes today.

Mr. DRINAN for 5 minutes today.

Ms. HOLTZMAN for 30 minutes today.

Mr. CAVANAUGH for 5 minutes today.

Mr. COTTER for 5 minutes today.

Mr. RODINO for 5 minutes today.

Mr. VANIK for 5 minutes today.

Mr. DIGGS for 10 minutes today.

Mr. THOMPSON for 5 minutes today.

Mr. RAHALL for 5 minutes today.

Mr. BRADEMAS for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BOB WILSON to revise and extend his remarks under the 5-minute rule in the Committee of the Whole today on the Holtzman amendment on LEAA on H.R. 7556.

Mr. WHITTEN to revise and extend his remarks and include extraneous material during general debate in the Committee of the Whole today on H.R. 7553.

Mr. CONTE to revise and extend his remarks and include extraneous matter during general debate on H.R. 7553.

Mr. BROWN of California to revise and extend his remarks in connection with the Flowers amendment to H.R. 7553.

(The following Members (at the request of Mr. EMERY), and to include extraneous matter:)

Mr. DERWINSKI in three instances.

Mr. STEIGER.

Mr. SYMMS in three instances.

Mr. THONE.

Mr. KEMP.

Mr. ABDNOR.

Mr. COHEN.

(The following Members (at the request of Mr. WEISS), and to include extraneous matter:)

Mr. ANDERSON of California in three instances.

Mr. GONZALEZ in three instances.

Mr. ANNUNZIO in six instances.

Mr. BROWN of California in 10 instances.

Mr. BINGHAM in 10 instances.

Mr. VENTO in two instances.

Mr. COTTER.

Mr. MURTHA.

Mr. MURPHY of Pennsylvania in two instances.

Mr. LEHMAN.

Mr. SIMON.

Mrs. SCHROEDER.

Mr. MURPHY of Illinois.

Mr. JACOBS.

Mr. JOHNSON of California.

Mr. DELANEY.

Mr. NOLAN.

Ms. MIKULSKI.

Mrs. BURKE of California in three instances.

Mr. WHITE.

Mr. DRINAN.

Mr. EDWARDS of California.

Mr. VANIK.

Mr. MYERS of Pennsylvania.

Mrs. SPELLMAN.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 263. An act to provide for interim regulatory reform as to certain independent regulatory agencies; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5840. An act to amend the Export Administration Act of 1969 in order to extend the authorities of that act and to improve the administration of export controls under that act, and to strengthen the antiboycott provisions of that act; and

H.R. 6206. An act to authorize appropriations for fiscal years 1978, 1979, and 1980 to carry out the Commercial Fisheries Research and Development Act of 1964.

ADJOURNMENT

Mr. WEISS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 14, 1976, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1682. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a cumulative report on rescissions and deferrals of budget authority as of June 1, 1977, pursuant to section 1014(e) of Public Law 93-344 (H. Doc. No. 95-171); to the Committee on Appropriations and ordered to be printed.

1683. A letter from the Comptroller General of the United States, transmitting his review of the proposed rescission, deferral, and revised deferrals of budget authority contained in the message from the President dated May 18, 1977 (H. Doc. No. 95-158), pursuant to section 1014 (b) and (c) of Public Law 93-344 (H. Doc. No. 95-172); to the Committee on Appropriations and ordered to be printed.

1684. A letter from the Director, Office of Legislative Affairs, Department of the Navy, transmitting notice of the Navy's intention to sell certain naval vessels to the Government of Italy, pursuant to 10 U.S.C. 7307; to the Committee on Armed Services.

1685. A letter from the Director of Personnel, Overseas Private Investment Corporation, transmitting notice of a proposed change in a records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1686. A letter from the Assistant Secretary of State for Congressional Relations, transmitting the annual report on the Department's Special Domestic Assignment Program, pursuant to section 576(e) of the Foreign Service Act of 1946, as amended; to the Committee on International Relations.

1687. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to section 1 U.S.C. 112b; to the Committee on International Relations.

1688. A letter from the Director, Defense Security Assistance Agency transmitting notice of the Army's intention to offer to sell certain defense services to Saudi Arabia (Transmittal No. 77-35), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

1689. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment to Jordan (Transmittal No. 77-43), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

1690. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act (66 Stat. 182); to the Committee on the Judiciary.

1691. A letter from the Comptroller General of the United States, transmitting a report on problems Federal law enforcement agencies have in handling seized drugs, firearms, currency, and vehicles (GD-76-105, May

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

CLEAN AIR AMENDMENTS OF 1977

Mr. RANDOLPH. Mr. President, I ask unanimous consent that H.R. 6161 be laid before the Senate.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

H.R. 6161, an act to amend the Clean Air Act, and for other purposes.

Mr. RANDOLPH. Mr. Presdent, I move that the Senate insist on its amendments to H.R. 6161 and request a conference with the House of Representatives on the disagreeing votes of the two Houses; and that the Chair be authorized to appoint conferees on behalf of the Senate.

The motion was agreed to; and the Chair appointed Mr. RANDOLPH, Mr. MUSKIE, Mr. CULVER, Mr. HART, Mr. ANDERSON, Mr. STAFFORD, Mr. BAKER, Mr. MCCLURE, and Mr. DOMENICI conferees on the part of the Senate.

FRAUDULENT HEALTH INSURANCE

Mr. CURTIS. Mr. President, a potentially very serious and shocking situation, concerning the possible widespread sale of fraudulent health insurance, has recently been brought to my attention. Two of my constituents in Nebraska appear to have been victimized by a most callous operation that now appears to be one of many operating in several States.

These so-called health and retirement schemes offer unsuspecting individuals what appear to be health insurance policies allegedly under the terms of the Retirement Income Security Act of 1974. Insufficiently capitalized and operating, reportedly, almost entirely on a mail-order basis, they try to pretend that they are outside the purview of State insurance codes and regulations. Their total modus operandi appears to be one of an intensive advertising campaign, the scooping up of premiums, and then departure from the scene. An injunction against further operation has already been secured by the insurance commissioner in one State, but there is no telling how many other States may be the situs for this mobile endeavor.

This victimization of innocent individuals, many of whom may have dropped their former health insurance coverage, appears to be of such potential magnitude that I am addressing letters to the Secretary of Labor, the Attorney General, and the Postmaster General requesting an immediate thorough investigation to determine: First, if, in fact, State insurance commissioners may assert jurisdiction and bring these operations to a halt; second, if not, what is being done federally to stop this kind of reported deception; third, if any criminal statutes, including those for mail fraud, have been violated; and fourth, if remedial legislation is required to stop such practices once and for all.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 12:36 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 5840. An act to amend the Export Administration Act of 1969 in order to extend the authorities of that Act and improve the administration of export controls under that Act, and to strengthen the antiboycott provisions of that Act.

H.R. 6206. An act to authorize appropriations for fiscal years 1978, 1979, and 1980 to carry out the Commercial Fisheries Research and Development Act of 1964.

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

At 1:10 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 6138) to provide employment and training opportunities for youth; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. PERKINS, Mr. HAWKINS, Mr. DENT, Mr. BEARD of Rhode Island, Mr. MICHAEL O. MYERS, Mr. LE FANTE, Mr. WEISS, Mr. CLAY, Mr. CORRADA, Mr. QUIE, Mr. SARASIN, Mr. JEFFORDS, and Mr. PURSELL were appointed managers of the conference on the part of the House.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following communications which were referred as indicated:

EC–1495. A letter from the Assistant Secretary of Defense transmitting, pursuant to law, notice of the intent to obligate $52.1 million of funds available in the Army Stock Fund for additional war reserve inventories; to the Committee on Appropriations.

EC–1496. A letter from the Deputy Secretary of Defense transmitting, pursuant to law, notice that the plan to dispose of the remaining M–139 and E–139 bomblets at the Dugway Proving Ground, Utah will commence approximately 1 July 1977, but in no event less than 30 days after 7 June 1977; to the Committee on Armed Services.

EC–1497. A letter from the Director of Personnel of the Overseas Private Investment Corporation transmitting, pursuant to law, notice of the intent to change a system of records from a manual to a computerized system, in accordance with the Privacy Act (with an accompanying report); to the Committee on Governmental Affairs.

EC–1498. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Landsat's Role in an Earth Resources Information System" (PSAD–77–58) (with an accompanying report); to the Committee on Governmental Affairs.

EC–1499. A letter from the Acting Staff Director of the United States Commission on Civil Rights transmitting, pursuant to law, a report on the administration of the Freedom of Information Act during the calendar year 1976 (with an accompanying report); to the Committee on the Judiciary.

EC–1500. A letter from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals for June 1977 (with an accompanying report); jointly, pursuant to the order of January 30, 1975, to the Committees on Appropriations; the Budget; Foreign Relations; Commerce, Science, and Transportation; Armed Services; Environment and Public Works; Environment and Natural Resources; the Judiciary; Agriculture, Nutrition, and Foresty; Human Resources; Finance; Governmental Affairs; Banking, Housing, and Urban Affairs; and the Select Committee on Small Business, and ordered to be printed.

EC–1501. A letter from the Chairman of the Board of Governors of the Federal Reserve System transmitting, for the information of the Senate, a copy of the Sixty-Third Annual Report of the Board of Governors of the Federal Reserve System for the calendar year 1976 (with an accompanying report); to the Committee on Banking, Housing, and Urban Affairs.

EC–1502. A letter, dated June 9, 1977, from the Assistant Legal Adviser for Treaty Affairs of the Department of State transmitting, pursuant to law, international agreements other than treaties entered into by the United States within the past sixty days (with accompanying papers); to the Committee on Foreign Relations.

EC–1503. A letter from the Commissioner of the Immigration and Naturalization Service of the Department of Justice transmitting, pursuant to law, orders in the cases of aliens who have been found admissible to the United States (with accompanying papers); to the Committee on the Judiciary.

EC–1504. A letter from the Director of the Community Services Administration transmitting, for the information of the Senate, specifying the state's allocation for the emergency funds for mitigation of the increased energy and fuel cost burden upon the poorer of the citizens of this Nation (with an accompanying letter); to the Committee on Human Resources.

PETITIONS

The ACTING PRESIDENT pro tempore laid before the Senate the following petitions which were referred as indicated:

POM–228. Legislative resolution 96 adopted by the Legislature of the State of Nebraska memorializing the Congress of the United States to reject any proposed legislation to amend the McCarran-Ferguson Act by pro-

rejoice in which applause has been granted in this auditorium to different personalities and presentations—to give the biggest applause of all to the one which deserves it the most—the United States of America!

TALENTED POET

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, Mr. Gene Griener, a very talented poet in Miami, has written many beautiful poems which are not only excellent from a literary standpoint but reflect deep understanding and feeling. Recently Mr. Griener wrote a short poem about President Carter, emphasizing the President's identification with the people. He dated his poem March 5, 1977, that being the day President Carter answered public telephone calls on television. I think it is an excellent poem reflecting a deep understanding of the President's compassion and concern for people. I have sent the poem to President Carter and I am sure he is very grateful for being the subject of his poem.

Mr. Speaker, I include this excellent poem in honor of the President by Mr. Gene Griener in the body of the RECORD following my remarks:

PRESIDENT JIMMY CARTER

MARCH 5, 1977.

A man of the people
And for the people
A man who understands
For on this day in history
Our nation's minds held hands.

GENE GRIENER,
CRM,
U.S. Navy-retired.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. MICHAEL O. MYERS (at the request of Mr. WRIGHT, for today, on account of a death 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. BADHAM) and to revise and extend their remarks and include extraneous matter:)

Mr. WYDLER, for 5 minutes, today.
Mrs. FENWICK, for 10 minutes, today.
Mr. WALKER, for 4 minutes, today.
Mr. WHALEN, for 5 minutes, today.
Mrs. HECKLER, for 5 minutes, today.
Mr. MCDADE, for 5 minutes, today.
Mr. ASHBROOK, for 30 minutes, today.

(The following Members (at the request of Mr. KOSTMAYER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. METCALFE, for 10 minutes, today.
Mr. FASCELL, for 5 minutes, today.
Mr. FLOOD, for 5 minutes, today.
Mr. LE FANTE, for 10 minutes, today.
Mr. LAFALCE, for 15 minutes, today.
Mr. BRADEMAS, for 5 minutes, today.
Mr. KOCH, for 10 minutes, today.
Mr. AUCOIN, for 15 minutes, today.
Mr. BEDELL, for 5 minutes, today.
Ms. HOLTZMAN, for 5 minutes, today.
Mr. RODINO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DINGELL, to extend his remarks in the body of the RECORD, notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $2,415.

Mr. FLYNT, during consideration of H.R. 7553 in Committee of the Whole, to include as part of his remarks extraneous material.

Mr. ASHBROOK, to revise and extend his remarks just prior to the vote on the Conte amendment.

(The following Members (at the request of Mr. BADHAM) and to include extraneous material:)

Mr. ERLENBORN.
Mr. GRADISON.
Mr. MCCLORY.
Mr. COLLINS of Texas in two instances.
Mr. SCHULZE.
Mr. DORNAN.
Mr. BADHAM.
Mr. HYDE.
Mr. O'BRIEN.
Mr. SYMMS.
Mr. WALKER.
Mr. ABDNOR in two instances.
Mr. LAGOMARSINO.
Mr. COLEMAN.
Mr. DERWINSKI in three instances.
Mr. KEMP in four instances.
Mr. JEFFORDS in three instances.
Mr. ROUSSELOT in two instances.
Mr. ASHBROOK in three instances.

(The following Members (at the request of Mr. KOSTMAYER) and to include extraneous matter:)

Mr. ANDERSON of California in three instances.
Mr. GONZALEZ in three instances.
Mrs. BURKE of California in three instances.
Mr. FASCELL in two instances.
Mr. FARY.
Mr. BLOUIN in five instances.
Ms. CHISHOLM.
Mr. SMITH of Iowa.
Mr. LAFALCE.
Mr. SIMON.
Mr. LEGGETT.
Ms. SCHROEDER in three instances.
Mr. MOAKLEY in two instances.
Mr. DICKS.
Mr. TEAGUE.
Mr. HANNAFORD.
Mr. MINISH.
Mr. WON PAT.
Mr. WHITE.
Mr. RYAN.
Mrs. SPELLMAN.
Mr. CORNWELL.
Mr. BRADEMAS in 10 instances.
Mr. BEILENSON.
Mr. DELANEY.
Mr. GEPHARDT.
Mr. KOSTMAYER.
Mr. CARR.
Mr. RANGEL.
Mr. EARLY.
Mr. PEPPER.
Mr. MANN in eight instances.
Mrs. OAKAR.
Mr. ZEFERETTI.
Mr. DAN DANIEL.
Mr. HARKIN.
Mr. WEISS.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 62. Joint resolution recognizing the contributions of school volunteers; to the Committee on Post Office and Civil Service.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on June 13, 1977, present to the President, for his approval, bills of the House of the following title:

H.R. 5840. An act to amend the Export Administration Act of 1969 in order to extend the authorities of that act and improve the administration of export controls under that act, and to strengthen the antiboycott provisions of that act; and

H.R. 6206. An act to authorize appropriations for fiscal years 1978, 1979, and 1980 to carry out the Commercial Fisheries Research and Development Act of 1964.

ADJOURNMENT

Mr. KOSTMAYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 42 minutes p.m.) the House adjourned until tomorrow, Wednesday, June 15, 1977, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1693. A letter from the Chairman of the Board of Governors, Federal Reserve System, transmitting the 63d Annual Report of the Board of Governors, covering calendar year 1976, pursuant to section 10 of the Federal Reserve Act, as amended; to the Committee on Banking, Finance and Urban Affairs.

1694. A letter from the Chairman, National Labor Relations Board, transmitting a report on cases heard and/or decided by the Board during fiscal year 1976, pursuant to section 3(c) of the Labor Management Relations Act of 1947, as amended; to the Committee on Education and Labor.

1695. A letter from the Administrator, Office of Federal Procurement Policy, Office of Management and Budget, Executive Office of the President, transmitting the annual report of the Office for calendar year 1976, pursuant to section 8(a) of Public Law 93-400; to the Committee on Government Operations.

1696. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new records system for the Defense Mapping Agency, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1697. A letter from the Acting Assistant Administrator for Legislative Affairs, Agency