HOUSE OF REPRESENTATIVES—*Wednesday, June 12, 1974*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*Lead a life worthy of the calling to which you have been called * * * eager to maintain the unity of the spirit in the bond of peace.*—Ephesians 4: 1, 3.

O Thou who are great in goodness and good in Thy greatness, kindle in our hearts a sincere desire for goodness, a true love for peace, a genuine respect for the laws of our land and a deep reverence for Thee.

Guide those who lead our Nation in these days of destiny. Bless our President in his journeys and give success to his endeavors for cooperation among the nations and peace in our world. Grant that the Members of this body may face their problems with wisdom and have the courage to seek to solve them for the good of all.

May the flag we honor and love continue to be a symbol of freedom and hope and peace in our world and may she fly forever over this land of liberty.

In the spirit of the Master we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 14592. An act to authorize appropriations during the fiscal year 1975 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 14592) entitled "An act to authorize appropriations during the fiscal year 1975 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," request a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STENNIS, Mr. SYMINGTON, Mr. JACKSON, Mr. CANNON, Mr. MCINTYRE, Mr. THURMOND, Mr. TOWER, Mr. DOMINICK, and Mr. GOLDWATER to be the conferees on the part of the Senate.

BEEF PRICE CRISIS

(Mr. ZWACH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZWACH. Mr. Speaker, prices of live cattle have slumped to a point where they are less than half of what they were only a few months ago.

This can lead only to disaster, not only to our beef and cattle industry and our consumers, but to the general economy as well. It could well trigger a general depression.

When beef prices to the consumer were high, the President authorized the importation of foreign beef over and above the statutory limits.

Today, exactly the reverse situation exists and I have contacted the President respectfully urging him to:

First. Reimpose the beef import quota as provided by law.

Second. Negotiate to open the door to beef sales to Canada, Japan, and the European Common Market countries.

Third. Increase Government buying for school lunch, military, and needy programs.

Fourth. Use the influence of the administration to bring retail prices down in relation to cattle prices.

The United States is the only beef-eating country in the world that allows unlimited beef imports.

As a Member who has a large number of beef raisers in my constituency, but more importantly, for the economic well-being of all America, I urged the President to immediately reimpose the beef import quota to save this country from an agricultural collapse.

NASA AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1975

Mr. TEAGUE. Mr. Speaker, I call up the conference report on the bill (H.R. 13998) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, 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 Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 4, 1974.)

Mr. TEAGUE (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, I assume the gentleman will take some time to explain the conference report.

Mr. TEAGUE. I will be glad to take some time and tell the gentleman exactly what is in the report.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE. Mr. Speaker, the House and Senate conferees have resolved their differences in the House and Senate passed versions of H.R. 13998, the fiscal year 1975 NASA authorization bill. The bill passed the House on April 25 and passed the Senate on May 9. In acting on the bill, the Senate struck all after the enacting clause and substituted new language.

The committee agreed to accept the Senate amendment with certain substitute amendments and with certain other stipulations insisted upon by the managers on the part of the House. There were 10 items in disagreement involving amounts to be authorized for appropriation, and 4 of the items of legislative language were to be reconciled.

The House had authorized a total of $3,259,084,000 and the Senate authorized $3,267,229,000 in its bill. Thus, the amount passed by the Senate was $8,145,000 more than the House amount.

The conference substitute would authorize $3,266,929,000 which is $300,000 less than the amount in the Senate version and $7,845,000 above the amount previously passed by the House.

In resolving language differences in the respective bills, the Senate receded on two of four items and the House receded on two. A summary of the substitutes agreed upon by all members of the committee of conference are as follows:

Space Shuttle—The House had authorized an increase of $20 million more than the National Aeronautics and Space Administration request of $800 million. The conference compromised with an authorization of $805 million, recognizing that funds have been utilized from the program management reserve to solve unanticipated technical difficulties in test facilities supporting main engine development.

Space Flight Operations—The House authorized $308,300,000 for space flight operations. A $5 million reduction was made in the Apollo/Soyuz test project and a $10 million reduction in develop-

ment, test and mission operations area. The Senate agreed with the House position on the Apollo/Soyuz test project and a compromised reduction of $5 million was made in the development, test, and mission operations area. Thus, the conference would authorize $313,300,000 for space flight operations.

Lunar and Planetary Exploration—The House authorized $266 million for lunar and planetary exploration, the amount of the NASA request, while the Senate authorized $264 million. The conferees adopted the House position.

Launch Vehicle Procurement—The House authorized $140,500,000 for launch vehicle procurement—the amount of the original NASA request. The Senate authorized $143,500,000 allowing a $3 million increase for initial procurement of the Delta launch vehicle to be used with the ERTS–C spacecraft. The conference adopted the Senate position.

Space Applications—NASA requested $177,500,000 for space applications. The House authorized an increase of $2 million and designated in the bill that $2 million of the authorized funds were to be used for research in short-term weather phenomena, $2 million for research on hydrogen production and utilization systems, and $1 million for research on ground propulsion systems.

The Senate authorized $200,500,000 for space applications, including an increase of $13 million to initiate development of the ERT–C spacecraft, $6 million for additional energy research, $2 million for research on short-term weather phenomena and $2 million for ERTS data processing.

The conference substitute authorizes $196,300,000 for space applications with $2 million designated for research on short-term weather phenomena and $1 million for research on ground propulsion systems.

The conferees agreed that NASA should promptly initiate the ERTS–C space project and apply added resources to energy research and development activities, including a solar power satellite study as previously approved by the House.

Aeronautical Research and Technology—The House authorized $170,655,000, an increase of $4,255,000 above the NASA request for additional effort in selected areas of aeronautical research. The Senate authorized $171,500,000 with similar objectives to those of the House.

The conference adopted the Senate position.

Space and Nuclear Research and Technology—The House authorized $80,500,000 for space and nuclear research and technology increasing the NASA request $5,700,000 for coal and other energy related research.

The Senate authorized $74,800,000, the amount of the original NASA request.

The conference substitute would authorize $79,700,000 designating $1 million for research on hydrogen production and utilization programs. In addition, the conferees agreed that $3,900,000 of the additional authorization is to be applied to coal-related research.

Construction of Facilities—In the area of construction of facilities, the conference agreed to the following:

The conference adopted the Senate position and agreed to the original NASA request of $6,040,000 for the infrared telescope facility to be located at Mauna Kea, Hawaii.

A compromise position was adopted authorizing $37,690,000 for modifications to launch complex 38 at the John F. Kennedy Space Center to accommodate the Space Shuttle. The amount agreed to is $5 million less than that requested by NASA.

In the House-passed version of the bill, $2 million was added to a project for the proposed construction of a hangar at the Flight Research Center, Edwards Air Force Base, to provide a capability for long-term aeronautical research, as well as to meet the requirements for the horizontal flight test of the Shuttle Orbiter. The conference adopted the House position.

The Senate-passed version of the bill authorized each individual Shuttle construction project by specific amount, while the House version authorized Space Shuttle programs facilities in lump sum, itemized, but without specific dollar amounts for each project.

The conference adopted the Senate position.

The House bill rescinded $10,900,000 of the fiscal year 1974 authorization for construction or orbiter landing facilities at the Kennedy Space Center to avoid duplication of authorization. No comparable provision was included in the Senate version. The conference adopted the House position.

It is important to note that the committee of conference has also adopted the House position opposing the NASA proposal to place the Plum Brook Station in a standby status and considers that every effort should be made to maintain this facility in a minimum operating condition so as to continue to provide support for NASA and other associated research activities for at least 1 year.

The conference report contains a detailed listing of program areas and projects, and amounts to be authorized for each as recommended by the committee of conference. The joint explanatory statement of the committee of conference provides additional details and other actions taken during conference of the various differences.

Does the gentleman from Iowa have further questions?

Mr. GROSS. Yes, if the gentleman will yield?

Mr. TEAGUE. I will be glad to yield to the gentleman.

Mr. GROSS. The conference report authorizes approximately $20 million above the budget request; is that correct?

Mr. TEAGUE. That is correct.

Mr. GROSS. And what is it above the bill as originally approved by the House?

Mr. TEAGUE. It is $8 million above the House request and $300,000 below what the Senate requested.

Mr. GROSS. I thank the gentleman, and I wish to add only that if there is no recorded vote on the conference report I want the record to show that I am opposed to it for in view of the critical financial situation of the country we can no longer afford to spend more than $3 billion a year on space exploration.

Mr. VANIK. Mr. Speaker, I am gratified that the conference committee considering H.R. 13993, the NASA authorization bill, has accepted my amendment to increase by $1 million NASA's budget authorization for research into hydrogen production and utilization systems. As I outlined in my introductory remarks to this amendment on April 25, hydrogen fuel offers a tremendous potential for abundant, pollution-free energy. However, the Federal Government has shown virtually no interest in exploring the possibilities of an economy based on hydrogen fuel. In fact, the primary burden for hydrogen fuel research has fallen on the shoulders of the private sector.

Despite this success in authorizing additional funding for hydrogen fuel research by NASA, a corresponding amendment to the energy research appropriations bill was defeated. However, I have been assured by the chairman of the Appropriations Committee that his committee will seriously consider bolstering the budget for hydrogen fuel research in the future.

Mr. Speaker, we cannot afford to eliminate our energy options for the future by simply neglecting to explore the promising technologies of today. Let us hope that the leadership exhibited by the conference committee today will initiate an aggressive new program of hydrogen research for the years ahead.

Mr. MOSHER. Mr. Speaker, I emphasize that there was unanimous agreement in the committee of conference in support of this conference report on the NASA authorization bill.

The areas of emphasis reflected in the original House bill were largely preserved, while of course at the same time a number of excellent Senate-originated recommendations were adopted.

In broad terms, the results of the conference were these. The House authorization of $3.259 billion was increased $7.8 million. Thus, the total authorization reflects an increase of $20 million above the NASA request. This represents an addition of approximately one-half of 1 percent. Although this authorization is 7 percent over that of last year, the increase will be sufficient only to permit NASA to maintain its prior year level of effort, because of inflation eroded dollars.

The two major dollar differences between the House and Senate bills were in the Space Shuttle and space applications program categories. The House voted an additional $20 million for the Space Shuttle program with the money designed to resolve shuttle engine development problems, but the Senate limited the shuttle program to the $800 million NASA request. The compromise reached was an increase of $5 million, or $15 million less than the House had sought. This compromise is a signal that

the Congress is looking to NASA to hold the Space Shuttle program to original NASA estimates; we will be very reluctant to provide supplementary funding for every minor program perturbation encountered.

The other area in which there was a major dollar difference was that of space applications. In floor action, the House added a nominal increase for research associated with the use of hydrogen as a transportation fuel. The Senate added considerably more money—$23 million—to the NASA request, with the bulk of the funding directed to a Senate-recommended new program. The program which was suggested for initiation by NASA was the Earth Resources Technology Satellite–C.

I strongly concur with the Senate recommendation that NASA should continue in aggressive fashion with the Earth Resources program. The first ERTS satellite, launched in July of 1972, has been a great success. The enthusiasm of both the science and user communities over this program has been overwhelming. This response, in fact, led the committee last year to recommend an acceleration in the schedule for the follow-on ERTS–B satellite which is now scheduled for launch early next year. The Science Committee also included an additional view in the fiscal year 1975 authorization report, that NASA should undertake an ERTS–C mission beginning next year. The purpose of the view was to emphasize to NASA that the momentum generated in the ERTS project thus far should be continued.

By adopting the Senate position and concurring in a new start for an ERTS–C program during fiscal year 1975, the House will be offering its support to a program which potentially will have the greatest economic impact on our society of any space program yet undertaken. So, I do feel the Senate initiative in this area is excellent, and I completely support our adoption of the Senate proposal.

At the same time, the House recommendations for various energy-related research and development projects were agreed to by the Senate. As this committee pointed out in the course of debate on the House bill in April, NASA has intensified its interests and activity in a number of energy fields. In particular, I would cite advanced research related to extraction and combustion of coal and the study of a solar satellite power station concept.

These items remain in the conference bill with the Committee on Conference strongly supporting the applications of space-related research to this Nation's energy crisis.

I am pleased, and I emphasize, that the Committee of Conference adopted the House Science Committee's recommendation in opposing the proposed shutdown of a most valuable and versatile, unique research and testing facility located at Plum Brook Station, near Sandusky, Ohio. Originally, NASA had intended to place that station—which NASA characterized as a "one-of-a-kind" type of facitily—on a standby status. In the course of hearings held by the Science Committee, however, it was revealed that a number of departments, agencies, and organizations are interested in negotiating for the use of the various Plum Brook facilities.

The Science Committee, and in turn the House, therefore, adopted a strong stand which opposed the intended closing. It was the recommendation of the House that a minimal 50-man operating force, over and above the small planned standby force, be maintained at the station for at least 1 year. The 1 year is thought to be sufficient to determine the outcome of negotiations with the various potential users of the facility.

In recognition of the fact that Plum Brook is a unique and valuable national resource, the committee of conference directed NASA to make every effort possible to maintain this facility in a minimum operating condition so as to provide for its fuller utilization in the future.

I welcome this provision and congratulate my fellow conferees for this farsighted recommendation.

Mr. Speaker, in summary, the conference authorization bill now before the House is the result of most careful study by the House conferees. I believe that the $3.267 billion requested is well justified and strongly deserving of our backlog. I, therefore, urge support of the report before us today, as a commitment to maintaining the strength and leadership of this country in the field of science and space.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TEAGUE. 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 just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

NO IMPEACHMENT POLITICS IN LAND USE BILL

(Mr. STEIGER of Arizona asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. STEIGER of Arizona. Mr. Speaker, I take this moment as the result of a press conference held by the gentleman from Arizona (Mr. UDALL) and the Senator from Washington (Mr. JACKSON) with regard to our action yesterday.

I have no doubt these gentlemen are disappointed in the results. I can understand their desire to rationalize the results. Also, I am pleased that they are angry, because show me a good loser and I will show you a loser; but the fact is, Mr. Speaker, that they have invoked an argument that is simply so far afield that even in this body it must be commented on. They have claimed that the results of yesterday's votes were a direct result of the impeachment proceedings and that the final tally was based on the desire of the White House to trade off for support.

Mr. Speaker, I know that our colleagues in the House recognize that as the sheerest nonsense that it is; but I am afraid that the public might be deluded if this were not refuted.

Mr. Speaker, there is no possibility of impeachment politics pervading the issue yesterday. I would simply advise my colleagues that those who have mentioned it know that is so.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 876, ADMISSION OF A LAOTIAN CITIZEN TO WEST POINT

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1168 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1168

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 876) authorizing the Secretary of the Army to receive for instruction at the United States Military Academy one citizen of the Kingdom of Laos. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.J. Res. 876, it shall be in order to take from the Speaker's table the joint resolution (S.J. Res. 206) and to consider said Senate joint resolution in the House.

The SPEAKER. The gentleman from Louisiana is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. DEL CLAWSON), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1168 provides for an open rule with 1 hour of general debate on House Joint Resolution 876, which authorizes the Secretary of the Army to receive for instruc-

tion at the U.S. Military Academy one citizen of the Kingdom of Laos.

House Resolution 1168 provides that after the passage of House Joint Resolution 876 it shall be in order to take from the Speaker's table the Joint Resolution, Senate Joint Resolution 206 and to consider Senate Joint Resolution 206 in the House.

House Joint Resolution 876 provides that the Laotian citizen shall not be entitled to any office or position in the Armed Forces of the United States by reason of his graduation from the U.S. Military Academy, or be subject to an oath of allegiance to the United States of America.

Mr. Speaker, I urge the adoption of House Resolution 1168 in order that we may discuss and debate House Joint Resolution 876.

Mr. DEL CLAWSON. Mr. Speaker, House Resolution 1168, as explained, provides for the consideration of House Joint Resolution 876, to Authorize the Secretary of the Army to permit one citizen of the Kingdom of Laos to attend the U.S. Military Academy. This is an open rule with 1 hour of debate, and provides for the consideration of the Senate joint resolution after passage of the House join resolution.

The purpose of this bill is to permit one student from the Kingdom of Laos to attend the U.S. Military Academy.

At the present time students from Laos are not included in the law covering admission of foreign students to West Point and the other academies.

Enactment of this joint resolution would not be at the expense of the United States.

Mr. Speaker, I urge the adoption of this rule.

Mr. Speaker, I have no further requests for time.

Mr. LONG of Louisiana. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF SENATE JOINT RESOLUTION 202, OFFICIAL RESIDENCE FOR THE VICE PRESIDENT

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1169 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1169

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (S.J. Res. 202) designating the premises occupied by the Chief of Naval Operations as the official residence of the Vice President, effective upon the termination of service of the incumbent Chief of Naval Operations. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the joint resolution shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Armed Services as an original joint resolution for the purpose of amendment under the five-minute rule, and all points of order against section 4 of said substitute for failure to comply with the provisions of clause 4, rule XXI, are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the joint resolution or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Louisiana (Mr. LONG) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the usual 30 minutes to the minority Member, the distinguished gentleman from California (Mr. DEL CLAWSON), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1169 provides for an open rule with 1 hour of general debate on Senate Joint Resolution 202, which designates the premises occupied by the Chief of Naval Operations as the official residence of the Vice President, effective upon the termination of service of the incumbent Chief of Naval Operations.

House Resolution 1169 provides that it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Armed Services as an original joint resolution for the purpose of amendment under the 5-minute rule.

House Resolution 1169 provides that all points of order against section 4 of the substitute for failure to comply with the provisions of clause 4, rule XXI—prohibiting appropriations in a legislative measure—are waived.

Senate Joint Resolution 202 places responsibility for the care and maintenance of the residence of the Vice President in the General Services Administration. The grounds of the residence consist of approximately 12 acres.

Mr. Speaker, I urge the adoption of House Resolution 1169 in order that we may discuss and debate Senate Joint Resolution 202.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1169 provides for the consideration of Senate Joint Resolution 202, the official residence for the Vice President. This rule, as previously explained, is an open rule with 1 hour of general debate. In addition, the rule makes the committee substitute in order as an original joint resolution for the purpose of amendment, and waives points of order against section 4 for failure to comply with clause 4, rule XXI. Clause 4 of rule XXI deals with appropriations on a legislative bill.

The primary purpose of Senate Joint Resolution 202 is to provide that the residence of the Chief of Naval Operations on Massachusetts Avenue be made the temporary official residence of the Vice President.

This change would become effective upon the termination of service of the incumbent Chief of Naval Operations. The bill authorizes the General Services Administration to maintain the residence. The intent of the Armed Services Committee is that this residence for the Vice President be temporary pending construction of a new residence on the grounds. This bill, unlike the Senate bill, does not repeal the existing statute which authorizes the construction of a permanent residence for the Vice President.

Enactment of this legislation will provide an immediate residence for the Vice President at a cost of approximately $48,000.

Mr. Speaker, I urge the adoption of this rule in order that this legislation might be debated.

Mr. GROSS. Mr. Speaker, will the distinguished gentleman yield?

Mr. DEL CLAWSON. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, let me ask the gentleman this question:

Is there any statement or other evidence that the Vice President will occupy this House on the Naval Observatory grounds if it is made available to him?

Mr. DEL CLAWSON. Mr. Speaker, I understand that he will occupy it if it is made available, because of some of the security problems existing now in his present residence in Alexandria.

Mr. GROSS. However, there is nothing to compel him to move into this residence?

Mr. DEL CLAWSON. There is nothing in this legislation and there is no other compulsory legislation I know of that would require the Vice President to move into this residence.

Mr. GROSS. But there is evidence that he will move into the proposed residence?

Mr. DEL CLAWSON. I understand there is, yes, sir.

Mr. PRICE of Illinois. Mr. Speaker, will the gentleman yield?

Mr. DEL CLAWSON. I will be glad to yield to the gentleman from Illinois.

Mr. PRICE of Illinois. Mr. Speaker, the question has been raised whether the Vice President is aware of this plan, and is there reason to believe he definitely would move in? The answer is the Vice President is aware of the plan and he would move in if the home is made available.

Mr. DEL CLAWSON. Mr. Speaker, I understand there is evidence to that effect.

Mr. CHARLES H. WILSON of California. Mr. Speaker, will the gentleman yield?

Mr. DEL CLAWSON. Yes, I will yield to my friend and colleague, the gentleman from California.

Mr. CHARLES H. WILSON of California. Mr. Speaker, I understand that the procedure we are going to follow today is this: Rather than go into the Committee of the Whole, we are going to operate in the House as in the Committee of the Whole.

This makes a difference in the time that will be allotted to the Members; in other words, it will be under the 5-minute rule.

I think my good friend, the gentleman from California, realizes that there has to be further explanation of the costs, other than what we have here. This is entirely different from the testimony which was received in the committee. There was an indication that the security costs for the Secret Service would involve about a quarter of a million dollars. There was testimony that further refurbishing of the home would take another quarter of a million dollars, and it wound up as an amount approaching almost $750,000, which is considerably different from the figure which the gentleman mentioned.

I think we should have a full explanation of these matters somewhere along the line, as to just what the costs will be, and I hope we will have the opportunity during regular debate to get that information, unless the gentleman can answer these questions now.

Mr. DEL CLAWSON. Mr. Speaker, if the gentleman will allow me to answer, I took the figure from the report, and on page 3 of the report we find this language:

> This legislation, as amended, offers several distinct advantages over earlier proposals. Foremost, it will provide an immediate residence for the Vice President at a minimum cost estimated to be $10 to $15 thousand.

Mr. Speaker, I took this information from the report. And then on page 4 of the report, we find this language:

> The enactment of this legislation will provide an immediate residence for the Vice President with a minimum expenditure of funds, as indicated earlier in this report, of approximately $48,000.

Mr. Speaker, I realize that down the road there are other plans to be considered.

Mr. CHARLES H. WILSON of California. Mr. Speaker, if the gentleman will yield further, I understand now that this bill will be considered in the Committee of the Whole and that we will have an opportunity to get a further explanation?

Mr. DEL CLAWSON. The gentleman is correct. We will have an opportunity to get further explorations at that time.

Mr. Speaker, I have no further requests for time.

Mr. LONG of Louisiana. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BAKER. 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 388, nays 4, answered "present" 1, not voting 40, as follows:

[Roll No. 290]

YEAS—388

Abdnor	Daniel, Robert W., Jr.	Heinz
Abzug	Daniels, Dominick V.	Helstoski
Adams	Danielson	Hicks
Addabbo	Davis, S.C.	Hillis
Alexander	Davis, Wis.	Hinshaw
Anderson, Calif.	de la Garza	Hogan
Anderson, Ill.	Delaney	Holt
Andrews, N.C.	Dellenback	Holtzman
Andrews, N. Dak.	Dellums	Horton
Annunzio	Denholm	Hosmer
Archer	Dennis	Huber
Arends	Dent	Hudnut
Armstrong	Devine	Hungate
Ashbrook	Dickinson	Hutchinson
Ashley	Dingell	Ichord
Aspin	Donohue	Jarman
Badillo	Downing	Johnson, Calif.
Bafalis	Drinan	Johnson, Colo.
Baker	Dulski	Johnson, Pa.
Barrett	Duncan	Jones, Ala.
Bauman	du Pont	Jones, N.C.
Beard	Edwards, Ala.	Jones, Okla.
Bell	Eilberg	Jones, Tenn.
Bennett	Erlenborn	Jordan
Bergland	Esch	Karth
Bevill	Eshleman	Kastenmeier
Biester	Evins, Tenn.	Kazen
Bingham	Fascell	Kemp
Blackburn	Findley	Ketchum
Boggs	Fish	King
Bolling	Fisher	Kluczynski
Bray	Flood	Koch
Breckinridge	Flowers	Kuykendall
Brinkley	Foley	Kyros
Brooks	Ford	Lagomarsino
Broomfield	Forsythe	Landgrebe
Brotzman	Fountain	Landrum
Brown, Calif.	Fraser	Latta
Brown, Mich.	Frelinghuysen	Leggett
Brown, Ohio	Frenzel	Lehman
Broyhill, N.C.	Frey	Lent
Broyhill, Va.	Froehlich	Litton
Buchanan	Fulton	Long, La.
Burgener	Fuqua	Long, Md.
Burke, Calif.	Gaydos	Lott
Burke, Fla.	Gettys	Lujan
Burke, Mass.	Giaimo	Luken
Burleson, Tex.	Gibbons	McClory
Burlison, Mo.	Gilman	McCloskey
Burton	Ginn	McCollister
Butler	Goldwater	McCormack
Byron	Gonzalez	McDade
Camp	Goodling	McEwen
Carney, Ohio	Grasso	McFall
Carter	Green, Oreg.	McKay
Casey, Tex.	Green, Pa.	McKinney
Chamberlain	Griffiths	McSpadden
Chappell	Gross	Macdonald
Chisholm	Grover	Madden
Clancy	Gubser	Madigan
Clausen, Don H.	Gude	Mahon
Clawson, Del	Gunter	Mallary
Clay	Guyer	Mann
Cleveland	Haley	Martin, N.C.
Cochran	Hamilton	Mathias, Calif.
Cohen	Hammer-schmidt	Mathis, Ga.
Collins, Ill.	Hanley	Mayne
Collins, Tex.	Hanna	Mazzoli
Conable	Hanrahan	Meicher
Conlan	Hansen, Idaho	Metcalfe
Conte	Hansen, Wash.	Mezvinsky
Conyers	Harrington	Michel
Cotter	Harsha	Milford
Coughlin	Hastings	Miller
Crane	Hawkins	Mills
Cronin	Hays	Minish
Culver	Hechler, W. Va.	Mink
Daniel, Dan	Heckler, Mass.	Mitchell, Md.
		Mitchell, N.Y.
		Minsall
		Moakley
Mollohan	Rogers	Talcott
Montgomery	Roncalio, Wyo.	Taylor, Mo.
Moorhead, Calif.	Roncallo, N.Y.	Taylor, N.C.
Moorhead, Pa.	Rooney, Pa.	Teague
Morgan	Rose	Thomson, Wis.
Mosher	Rosenthal	Thone
Murphy, Ill.	Rostenkowski	Thornton
Murtha	Roush	Tiernan
Myers	Rousselot	Towell, Nev.
Natcher	Roy	Traxler
Nedzi	Roybal	Treen
Nelsen	Runnels	Udall
Nichols	Ruppe	Ullman
Nix	Ruth	Van Deerlin
Obey	Ryan	Vander Jagt
O'Brien	St Germain	Vander Veen
O'Hara	Sandman	Vanik
O'Neill	Sarasin	Veysey
Owens	Sarbanes	Vigorito
Parris	Satterfield	Waggonner
Passman	Scherle	Waldie
Patman	Schneebeli	Walsh
Patten	Sebelius	Wampler
Perkins	Seiberling	Ware
Pettis	Shipley	Whalen
Peyser	Shoup	White
Pickle	Shriver	Whitehurst
Pike	Shuster	Whitten
Poage	Sikes	Widnall
Podell	Sisk	Wiggins
Powell, Ohio	Skubitz	Williams
Preyer	Slack	Wilson, Bob
Price, Ill.	Smith, Iowa	Wilson, Charles H., Calif.
Price, Tex.	Smith, N.Y.	Winn
Pritchard	Snyder	Wolff
Quie	Spence	Wright
Railsback	Stanton, J. William	Wydler
Randall	Stanton, James V.	Wylie
Rangel	Stark	Wyman
Rarick	Steed	Yates
Rees	Steele	Yatron
Regula	Steelman	Young, Alaska
Reuss	Steiger, Ariz.	Young, Fla.
Rhodes	Steiger, Wis.	Young, Ga.
Riegle	Stokes	Young, Ill.
Rinaldo	Stubblefield	Young, S.C.
Roberts	Studds	Young, Tex.
Robinson, Va.	Sullivan	Zablocki
Rodino	Symington	Zion
Roe	Symms	Zwach

NAYS—4

Eckhardt	Schroeder	Wilson,
Edwards, Calif.		Charles, Tex.

ANSWERED "PRESENT"—1

Murphy, N.Y.

NOT VOTING—40

Biaggi	Diggs	Moss
Blatnik	Dorn	Pepper
Boland	Evans, Colo.	Quillen
Bowen	Flynt	Reid
Brademas	Gray	Robison, N.Y.
Brasco	Hébert	Rooney, N.Y.
Breaux	Henderson	Staggers
Carey, N.Y.	Holifield	Stephens
Cederberg	Howard	Stratton
Clark	Maraziti	Stuckey
Collier	Martin, Nebr.	Thompson, N.J.
Corman	Matsunaga	Wyatt
Davis, Ga.	Meeds	
Derwinski	Minshall, Ohio	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Davis of Georgia.
Mr. Hébert with Mr. Corman.
Mr. Rooney of New York with Mr. Breaux.
Mr. Staggers with Mr. Stratton.
Mr. Brademas with Mr. Stuckey.
Mr. Brasco with Mr. Blatnik.
Mr. Diggs with Mr. Dorn.
Mr. Howard with Mr. Bowen.
Mr. Matsunaga with Mr. Collier.
Mr. Meeds with Mr. Cederberg.
Mr. Boland with Mr. Evans of Colorado.
Mr. Biaggi with Mr. Gray.
Mr. Carey of New York with Mr. Holifield.
Mr. Clark with Mr. Maraziti.
Mr. Reid with Mr. Derwinski.
Mr. Moss with Mr. Martin of Nebraska.
Mr. Pepper with Mr. Minshall of Ohio.
Mr. Flynt with Mr. Wyatt.

Mr. Henderson with Mr. Robison of New York.

Mr. Stephens with Mr. Quillen.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 14592 TO AUTHORIZE APPROPRIATIONS FOR ARMED FORCES AND DEPARTMENT OF DEFENSE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14592) to authorize appropriations during the fiscal year 1975 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, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked for by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? The Chair hears none, and appoints the following conferees: Messrs. HÉBERT, PRICE of Illinois, FISHER, BENNETT, STRATTON, BRAY, ARENDS, BOB WILSON, and GUBSER.

AUTHORIZING SECRETARY OF ARMY TO PERMIT ONE CITIZEN OF LAOS TO ATTEND U.S. MILITARY ACADEMY

Mr. FISHER. Mr. Speaker, I call up the joint resolution (H.J. Res. 876) authorizing the Secretary of the Army to receive for instruction at the U.S. Military Academy one citizen of the Kingdom of Laos, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 876

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized to permit within eighteen months after the date of enactment of this joint resolution, one person, who is a citizen of the Kingdom of Laos, to receive instruction at the United States Military Academy, but the United States shall not be subject to any expense on account of such instruction.

SEC. 2. Except as may be otherwise determined by the Secretary of the Army, the said person shall, as a condition to receiving instruction under the provisions of this joint resolution, agree to be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, as cadets at the United States Military Academy appointed from the United States, but he shall not be entitled to appointment to any office or position in the Armed Forces of the United States by reason of his graduation from the United States Military Academy, or subject to an oath of allegiance to the United States of America.

The SPEAKER. The gentleman from Texas is recognized for 5 minutes.

Mr. FISHER. Mr. Speaker, I rise in support of House Joint Resolution 876, which would permit one person on a one-time basis who is a citizen of the Kingdom of Laos to receive instruction at the U.S. Military Academy without expense to the United States. The nominee would be subject to the same rules and regulations governing admission and attendance at West Point as those cadets appointed from the United States, but he would not be entitled to any office or position in the Armed Forces or be subject to an oath of allegiance to the United States of America.

As I am sure you know, Mr. Speaker, such legislation is not unique. Over the years Congress has authorized the attendance of foreign students from friendly nations to attend our service academies on an individual one-time basis, and in other instances on a year-to-year basis. Under various provisions of law the President has been authorized to designate up to four persons at any one time from the Republic of the Philippines to attend the service academies. Similarly, the President is authorized to designate not exceeding 20 persons at a time from the American Republics for attendance at the academies.

Most recently, in 1973 by virtue of Public Law 93–164 the Congress authorized two citizens of the Empire of Iran to receive instruction at the Naval Academy on a one-time basis.

On May 14, 1974, the Subcommittee on Military Personnel, of which I am chairman, held hearings on this resolution and heard testimony from the Department of the Army on behalf of the Department of Defense urging that the resolution be favorably considered. Since the appointment of such a cadet would form a favorable basis for professional training among military officers of Laos and certainly would enhance the relationship between the United States and that country, the subcommittee favorably reported the resolution and, in turn, the House Armed Services Committee on May 23, 1974, recommended enactment without amendment.

An outstanding candidate has been selected by the Kingdom of Laos in the event this resolution is enacted and we understand the young man is qualified in all respects for appointment to the Military Academy.

Therefore, I would hope, Mr. Speaker, that this resolution will be overwhelmingly approved.

I might add at this point that a similar measure has already been unanimously approved by the other body.

Mr. GROSS. Mr. Speaker, will the gentleman yield very briefly?

Mr. FISHER. I yield to the gentleman from Iowa.

Mr. GROSS. Since this young foreign citizen would not be required to take the oath of allegiance to this country, is it to be assumed that he would not be required under any circumstance to fight in any war, if this country should become involved?

Mr. FISHER. I think the gentleman is correct.

Mr. DICKINSON. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I, too, rise in support of House Joint Resolution 876 and I join Congressman FISHER, our subcommittee chairman, in his request for favorable action for this measure, which would provide for the attendance of a citizen of Laos on a one-time basis at the U.S. Military Academy. I certainly recommend this resolution for passage, not only because I believe it would have positive results for the Laotian Army but also because I believe the Kingdom of Laos have selected an outstanding candidate to fill the appointment if this legislation is enacted into law.

As our subcommittee chairman has indicated, the young man selected by the Kingdom of Laos, Mr. Vang Chong, has all of the attributes which would indicate his success as a cadet at West Point. His father, Maj. Gen. Vang Pao, has established an enviable record as a professional soldier in the Laotian Army and has received high tribute from members of the House Armed Services Committee who visited with him in Laos.

Vang Chong graduated with honors from Staunton Military Academy in Staunton, Va., and has been recommended by the headmaster in the strongest of terms. The headmaster has informed us that Vang Chong's attendance at the Academy has been marked with notable scholastic achievement and that he rose to the rank of cadet major during his matriculation there. He has been indorsed by his school with the strongest possible recommendation for admission to the Military Academy.

Mr. Speaker, over the years since 1816 foreign students from some 29 countries have been authorized to attend the Military Academy at West Point and I believe the results have been generally beneficial for those students, their countries and the United States. Of the 210 cadets admitted over that span 144 graduated and presently there are 22 in attendance. As noted, this authorization would be at no expense to the United States and certainly the facts we have presented here today would indicate that considerable mutual benefit could flow

from enactment of House Joint Resolution 876. Accordingly, Mr. Speaker, I urge passage of this resolution.

Mr. WALDIE. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from California.

Mr. WALDIE. Do I understand this is the son of Gen. Vang Pao?

Mr. DICKINSON. That is right.

Mr. WALDIE. He was a general in the Meo army?

Mr. DICKINSON. I do not have any knowledge of that.

Mr. WALDIE. It has been alleged he is a general of the Laotian Army and it is my understanding the Meo army was the army employed by the CIA and he was not a member of the Royal Laotian Army; is that correct?

Mr. DICKINSON. I do not have any knowledge whether it is correct or not.

Mr. WALDIE. I wonder if there is a member of the committee that could respond to this question?

Mr. FISHER. I will be pleased to inform the gentleman from California that the general he refers to is now attached to the Royal Laotian Army in the capacity of a general and in charge of Laos Military Region II in that country.

Mr. WALDIE. Will the gentleman yield for a further question?

Mr. FISHER. Yes.

Mr. WALDIE. Has that been a recent development? As I recall, Gen. Vang Pao was a general in the Meo army under the employ of the Central Intelligence Agency and not with the Laotian Army.

Mr. FISHER. That was some time ago when the Laotian irregulars fought so well against the North Vietnamese. He is now one of the principal officers in the Royal Laotian Army.

Mr. WALDIE. Does the Royal Laotian Government approve of this nominee?

Mr. FISHER. Yes, indeed, and this nominee has been chosen by the Royal Government of Laos.

Mr. WALDIE. Is that the new Government of Laos?

Mr. FISHER. That is the present government.

Mr. WALDIE. Is that a coalition government?

Mr. FISHER. A coalition government; that is correct.

Mr. WALDIE. Is that reflected in the hearings before the committee?

Mr. FISHER. I am sure it is reflected in the hearings and committee records.

Mr. DICKINSON. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the resolution. I think that this is an appropriate manner of giving due recognition to the Kingdom of Laos and also to affirm our support for the loyal services rendered to this Nation by Laotian Gen. Vang Pao.

The prospective candidate, Vang Chong, is the son of Gen. Vang Pao and is an outstanding young man, who has accredited himself very well in the Staunton Military Academy which he is presently attending. The adoption of this resolution should help to bring both of our nations closer together. I urge my colleagues to support its passage.

Mr. CHARLES H. WILSON of California. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I urge my colleagues in the House today to oppose House Joint Resolution 876 on several grounds. Those who would support this legislation argue that it is a good will gesture in keeping with our past policy of training selected foreign nationals at our service academies. Yet, in truth, such an action is at odds with our present foreign policy which pledges our withdrawal from involvement in the military affairs of other nations. Since President Nixon has articulated this position, sending a foreign national to our service academies would only perpetuate the kind of foreign commitment we are anxious to avoid. It certainly would intensify, rather than reduce, our involvement in Indochina.

Little opposition was encountered last year when the House passed a bill allowing two Iranian nationals to attend the Naval Academy. At that time, even a ranking member of the House Armed Services Committee such as I was unaware that the legislation was contrived because of a commitment that Admiral Zumwalt made to the Iranian Government. A similar situation exists today when Gen. Vang Pao, the commanding general of military region II in Laos, has elicited a promise from either the State or Defense Department that the necessary legislation would be passed to allow his son to attend the Academy.

Furthermore, the Government of Laos is not democratic, including as it does Communist Party members in leadership positions. I find it unconscionable to train persons who would serve such a government especially since U.S. military academies have in the past educated young people from Chile and Greece. These young men graduated only to return to their home countries where they joined armies which overthrew their own governments. I think it folly for the United States to be associated with training persons who would use this training for such illegal ends. A present situation points up this real problem: With 25 foreign cadets enrolled in our Naval Academy, a number of whom are Latin American, it is ironic to realize that these young men will join those same South American naval forces which are raiding our tuna boats.

If we deny allowing this one Laotian to attend the Military Academy, this will not mean that he—or other foreign nationals—is unable to receive military training in the United States. Various NROTC colleges and universities accept foreign nationals in their programs—at a cost to the students, of course. And, whatever the merits of allowing this young man to enter our Military Academy in order to improve the defense capability of an allied nation, the method of selection is obviously arbitrary and should be thoroughly reviewed by Congress.

Should precious slots in the academies be taken by foreign nationals at the expense of members of America's minority communities? I think not, especially at a time when minority representation in the officer corps lags behind minority presence in the enlisted ranks. It is deplorable that Congress would even consider special legislation to assist a foreign national to attend the very military academies which have barred admission to American women.

Since the academies have stated, in a form letter, that the acceptance of a female nominee is "contrary to the national interest," I find it inconsistent that foreign nationals from totalitarian countries would be accepted. The House Armed Services Committee is now holding hearings on allowing women to attend our service academies, a policy change which I believe is greatly desired if we hope to upgrade the capacity of our all-volunteer Army, until women and other minority groups are given appointments to our service academies, I see no justification whatsoever for admitting any foreign nationals.

For the above reasons, I urge your vote against House Joint Resolution 876. If you vote for this legislation, you are voting to continue military involvement in Southeast Asia as well as discrimination against women and minorities in our armed services.

Mr. STARK. Mr. Speaker, will the gentleman yield?

Mr. CHARLES H. WILSON of California. I will be pleased to yield to my colleague.

Mr. STARK. Mr. Speaker, I would like to associate myself with the gentleman's remarks and urge defeat of this bill.

When I in my own district and I am sure many Members in their districts have valid and worthy young men and young women who would like to attend the service academies and there is not room for them, I cannot countenance our going along with a deal made by the CIA or the Army in a clandestine fashion to sneak through a foreign national who would replace a constituent of mine.

Mr. Speaker, I appreciate the gentleman's vision and foresight in calling this to our attention.

Mr. CHARLES H. WILSON of California. Mr. Speaker, to respond to the gentleman, I am sorry I did not have the vision the gentleman had a year ago when he opposed the entrance of two Iranians. He was a voice in the dark at that time. There were only 24 votes against that legislation, and I hope there will be a much larger number in opposision today.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. CHARLES H. WILSON of California. Yes, I yield to the gentleman from New Jersey.

Mr. HUNT. Did I understand my colleague to say that he is going to oppose the entrance of any national of any country to a U.S. academy, which will afford them entrance so they might go back

with American ideas to their country and create a better atmosphere in their country?

Mr. CHARLES H. WILSON of California. Very likely I will. I am very disappointed in what happened in South America. We have had this problem with the navies of Chile, Ecuador, and Peru raiding our fishing vessels in South and Central American waters and on many occasions graduates of our Naval Academy have participated in these illegal acts as members of their naval forces.

Mrs. SCHROEDER. Mr. Speaker, I move to strike the last word.

I rise in opposition to this resolution that would allow a citizen of the Kingdom of Laos to attend the U.S. Military Academy.

Given the Department of Defense's position against admitting women to our academies, I find this resolution flying in the face of DOD's own stated policies. I have witnessed on occasion the Pentagon's ingeniousness in twisting official policies to fit political convenience, but this must rank among the top.

I will quote from two official Pentagon documents. The first is from the Department of Defense's unfavorable report on bills that would allow women admission to the academies. It says, in part:

> There is a great demand for the services of graduates of the three service academies. For example, at the Naval Academy, the academic program is designed to train men for duty at sea by developing in them a solid foundation for seagoing skills. Similarly, the Military and Air Force academies mission is to produce male officers to fill combat billets. It is imperative that the maximum enrollment of males who may acquire this training be maintained. The current facilities at the academies are such that to admit females would be to reduce, by the number admitted, the number of critically needed males who receive this education.

The second document is the Army's letter endorsing this resolution which appears in the committee report. It says, in part:

> This person shall not be entitled to appointment to any office or position in the Armed Forces of the United States by reason of his graduation from the United States Military Academy, or subject to an oath of allegiance to the United States of America.

Mr. Speaker, if it is so critical and imperative to deny admission of women (when the Army admits they can now fill at least 85 percent of its officer positions) because we must produce male officers to fill combat billets, then how can we allow admission of this young Laotian when clearly he will never even serve with U.S. forces? Certainly this is sexual discrimination in its most blatant form.

While I am on the subject of admitting women to our service academies, I would like to share with my colleagues a small item that appeared in the latest issue of Newsweek:

> The politics of impeachment may have forced President Nixon to do an about-face in a cause he has long championed: the admission of women to the military academies. Any such move is stoutly opposed by conservatives on Congress's armed-services committees—whom the President is counting on to defend him against impeachment. Mr. Nixon told his civil-rights advisers that although he favored the admission of cadettes, he would not fight the conservatives over the issue.

As this item represents, I suppose, a backdoor Presidential endorsement of the idea of allowing women into the academies, I certainly welcome it. I will only note in passing that the Senate led by Senator HATHAWAY and with the specific endorsement of Senators STENNIS, THURMOND and DOMINICK, chairman and ranking members of the Senate Armed Services Committee, has already gone on record as favoring the admission of women to the academies.

Beyond the issue of discrimination, affecting members of our minority communities as well as women, there are other serious matters to be addressed in considering this resolution. On April 5, 1974, Prince Souphanouvong head of the Pathet Lao, and Prince Souvanna Phouma, head of the Royal Laotian Government, signed an accord creating a coalition government in Laos. This accord ends almost a decade of fighting between the two forces, which has left one-half of the 3 million population as refugees. Contrary to the Army's opinion, I do not see how the West Point training of this young Royal Laotian General's son would enhance the relationship between the United States and the emerging coalition government of Laos.

Finally, we are currently having some good hearings on bills that would allow women into the military academies, but in good conscience I simply cannot support a resolution that would allow any foreign national to attend our academies when the majority of our own population is denied admission.

Mr. BRAY. Mr. Speaker, I move to strike the last word.

The United States has, through many administrations, taken students from abroad into its military academies. This is customary in countries throughout the world. Whether the admission of foreign students is a good idea or not is not at issue. Perhaps legislation could be introduced and discussed and studied as to whether our country could continue this policy. But at this time to practically insult a country that is friendly to the United States by repudiation of a policy that has been in existence for many years is unthinkable and would do insult in a manner that I do not believe this body would want to do.

Mr. Speaker, the appointment of foreign students in our academies has been before us many times without being objected to. Maybe it should, and maybe we should adopt a policy not to accept cadets from other countries, but that is something that we should not try to go into at this time.

Mr. Speaker, it will be a rank insult to another country if we vote this matter down.

Let us proceed with this in an orderly manner.

I can say that as ranking member of the Committee on Armed Services, if any member wants to introduce such legislation, I am sure we could get a hearing on this matter.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. BRAY. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Speaker, I thank my colleague for yielding.

I just wish to make this observation: Every time something comes up on this floor that is designed to benefit the military of this country or to enhance our relationship with a friendly nation, we get this unmitigated attack upon the CIA. Some Members must have a distinct fetish. Perhaps some day they will understand what the CIA has done for this Nation. They get up on the floor of the House and make allegations that there has been a deal with the CIA, and yet they do not have one scintilla of evidence to support it. It is merely a mouthing off and a release of intemperate remarks by some Members who want to attack the CIA and the military in order to feather their own nests. One can always be sure of the onslaught during an election year.

Mr. BRAY. Mr. Speaker, I want to close by saying that we have accepted foreign students in the Military Academy since 1916. If we want to stop that practice, we should do so in the orderly way. Let us not insult a friendly country.

Mr. FISHER. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, most of the objections that have been raised here are not valid and are probably the result of a lack of understanding as to how the system works.

The admission of a foreign student from Laos will not deprive any student in America of admission to any of the academies. It cannot, and it would not. Those who are laboring under that misapprehension have unfortunately simply not done their homework.

It was said here that this particular selection was objectionable, because, as the gentleman from California said, Gen. Vang Pao of Laos has received a commitment from either the State Department or the Defense Department that this legislation would be enacted. For that reason, the gentleman from California opposes legislation to make the son of General Pao admissible.

Let us see for a moment who General Pao is. It is true that the general's son 19 years old and an honor student, has been nominated by the Royal Laotian Government for this cadetship if this legislation is enacted.

Mr. Speaker, General Pao is one of the strongest anti-Communist military leaders in Laos. Let us talk a little bit further about this fellow, General Pao, the father of the young man who would be admitted, the young man who is an honor student from Staunton Military Academy. Some Members seem to be very disturbed about General Pao.

I will ask the Members to listen to this: The general's military career began at the age of 13 as an interpreter to the Free French officers and the men who

parachuted onto the Plain of Jars during World War II. There he was very helpful in fighting and deceiving the Japanese, who were our enemies, even though he was then in his early teens.

After World War II General Pao performed brilliantly with the French against the Communist guerrillas. He was trained and commissioned by the French and thereafter served with great courage and valor against Communist aggressors in defense of his own country.

Listen to this: The general is credited with saving a number of American lives during the invasion by Communists of South Vietnam, and in rescue work.

It is well known that Pao is very pro-American and very anti-Communist. We cannot repay the General or his confederates for what they did for Americans, but we can today extend to him and to his government a common courtesy by admitting his son to the U.S. Military Academy, with no cost to our Government.

I remind the Members again, Mr. Speaker, that an identical bill has already been approved unanimously by the other body.

Mr. CHARLES H. WILSON of California. Mr. Speaker, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from California.

Mr. CHARLES H. WILSON of California. Mr. Speaker, I hope that the gentleman did not feel by my remarks I was being derogatory toward the General. I just think that this is a poor way to appoint someone to the Military Academy. I have no question about the heroic acts of General Pao; I have no question about his friendship toward our country.

Yet I suppose if we looked at all of the countries we have been alined with in various wars—and there are probably thousands and thousands of people with similar backgrounds—we would see that this is not a proper way to appoint someone to a military academy, by rewarding a general who has been friendly with us by appointing his son to the academy.

As I said before, let us give him a medal if you want to.

Mr. FISHER. Well, I think everyone is entitled to his view.

Ms. ABZUG. Mr. Speaker, I move to strike the last word.

Mr. Speaker, one of my colleagues indicated he felt it would be an insult to the Laotians or to this particular Laotian general and his son if we did not permit him into our military academy. I merely ask a rhetorical question: What about the insult to our own American women who are still denied admission to all of our military academies?

I feel there is a great deal of hypocrisy about this issue as to whether or not our military academies are available to those who have served in other places when we do not even provide ways in which citizens of this country—53 percent of them, having a vote, by the way—will be admitted. They still are denied normal access.

I find it quite reprehensible, I must say, in the sense that this is strictly a special-interest bill which is totally unjustified with regard to our own land. Even though there may have been a practice of admitting foreign nationals, I think this has been an incorrect practice. Why should we admit a foreign national to West Point when the Pentagon continually insists that women will waste space in the academies because, unlike men, they will not be trained for combat duty in the defense of the United States?

Neither will the applicant in question. At least, I hope you will not try to train him for combat duty in our forces.

I submit this legislation adds insult to injury. I suggest that we cannot be asked in this House to pass over those American women who, although I may not be, are ready, willing, and able to serve in the academy at West Point. I am too old and I do not think I am trainable in that direction at this point. In any case, if my country needed me in case of attack, I would be there just like the rest of you. Nevertheless I say to you that to admit a young Laotian to West Point is unconscionable, and I strongly urge the defeat of this joint resolution.

I do not understand why you want to give military training to this young man whose father happens to be—and I only allege this on the basis of hearsay—a general of a tribe which is currently engaged in hostilities in northern Laos. Admitting his son to West Point might be construed as yet another instance of American intervention in the affairs of these countries in Southeast Asia, particularly since a coalition government now exists in Laos.

We have important business to conduct, gentlemen. Why not vote this bill down and get on to the business of taking care of the needs of the American people, the men and women of our country, who are in need of attention, instead of playing these ridiculous war games that are an insult to our intelligence?

Mr. MONTGOMERY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in support of House Joint Resolution 876. I will be brief in my remarks.

I might say to my colleagues that I, too, serve on this subcommittee. We had extensive hearings on this bill. Those who have opposed the bill, not on the committee, did not appear before the committee to testify against the bill.

As to the statements of the gentlewoman from New York, in this same subcommittee we are holding extensive hearings on admitting women into the academies, and we should have some type of report on this bill in the very near future.

I would like to point out, Mr. Speaker—and this has been touched on before—that there will be no additional cost to the taxpayers of this country to admit this Laotian into the academy. This young man will have to be mentally and physically qualified just like any other cadet or any other applicant to the academy.

I would like to say that the Kingdom of Laos is a friendly nation. And they have been very helpful to us during our trying times in the Far East.

This is a one-time-basis resolution. It cannot occur again unless we pass other legislation.

In closing, on this last point, Mr. Speaker, I think it is good that we have talked about Gen. Vang Pao, because I think the general is entitled to some recognition in this country because of the way that he has helped Americans. For instance, we had many Americans who were shot down over Laos, and if it had not been for Gen. Vang Pao some of these Americans would not have survived, and they would probably be dead or listed as MIA in Laos.

So I am glad that this has been pointed out by our colleagues concerning this great Laotian man.

I certainly hope the Members will support this resolution.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from New York.

Mr. KEMP. Mr. Speaker, I appreciate the leadership of the gentleman from Mississippi and associate myself with his remarks. Laos is indeed our friend and deserves better treatment from the Congress of the United States than some of those remarks seem to indicate.

It was said a bit earlier in the debate that Gen. Vang Pao was engaged in hostilities in Laos. Of course, he was defending his country from the Communist insurgency. What was not said was, that those hostilities were precipitated by the Pathet Lao, the Communist rebels of Laos, a revolution supported and exported by the North Vietnamese. Gen. Vang Pao and the Meo tribesmen, whom I met on my trip to Laos in 1971, have attempted to protect their own country from the same type of Communist insurgency being carried on in other Southeast Asian countries through the support of Hanoi. It seems to me rather than chastising Gen. Vang Pao, he should be applauded for his contributions to the cause of free Laos which shows that he is on the side of freedom, not totalitarianism and that he hardly deserves the type of remarks that have been made in the Chamber here today. These people have bravely defended their peaceful country for years against the Communists who used their children for carrying North Vietnamese supplies down the Ho Chi Minh trail. No wonder there were hostilities, at least they were defensive in nature.

Again I appreciate the gentleman yielding to me this is an act of international good will and will not prevent any U.S. appointees from attending our academies.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from New York for his very strong remarks.

Mr. RHODES. Mr. Speaker, Vang Chong, the 19-year-old son of Maj. Gen. Vang Pao, commander of Laos Military

Region Two, is applying for admission in the U.S. Military Academy class of 1978.

I have met Gen. Vang Pao in the presence of the Ambassador and consider the general to be an excellent citizen in every way. Gen. Vang Pao's long years of determined and often successful struggle against some of the best regiments of the North Vietnamese Army are well known. His combat against communism and the Communists in northern Laos began from the early age of 13 years, and endured through decades of warfare. Since 1960, at a crucial point in the U.S. involvement in Southeast Asia, he has assisted in the pursuance of U.S. Southeast Asian policy. Military analysts recognize that Vang Pao's skillful organization and tactical use of the Meo irregulars forced the North Vietnamese to assign most of two infantry divisions to North Laos—units which would otherwise have been free to oppose American soldiers in South Vietnam. He also developed a search-and-rescue capability in northern Laos which resulted in the successful pickup of numerous American airmen downed behind enemy lines.

Vang Chong has exemplified his father's traits during his years at the Staunton Military Academy, Staunton, Va., where he has been for the past 4 years. He is a cadet captain, a member of the honor society, and is also the S–2 officer of the corps of cadets. His grades are generally high and he has the enthusiastic respect of his instructors.

I heartily commend this young man for his academic achievements. I urge my colleagues to support House Joint Resolution 876.

Mr. FISHER. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CHARLES H. WILSON of California. 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 294, nays 101, not voting 38, as follows:

[Roll No. 291]

YEAS—294

Abdnor	Ashley	Blackburn
Addabbo	Bafalis	Boggs
Alexander	Baker	Bolling
Anderson, Ill.	Barrett	Bray
Andrews, N. Dak.	Bauman	Breckinridge
Annunzio	Beard	Brinkley
Archer	Bell	Broomfield
Arends	Bennett	Brotzman
Armstrong	Bergland	Brown, Mich.
Ashbrook	Biester	Brown, Ohio
	Bingham	Broyhill, N.C.
	Broyhill, Va.	Buchanan
	Burgener	Burke, Mass.
	Burleson, Tex.	Burlison, Mo.
	Butler	Byron
	Camp	Carter
	Casey, Tex.	Chamberlain
	Chappell	Clancy
	Clausen, Don H.	Clawson, Del
	Cleveland	Cochran
	Cohen	Collins, Tex.
	Conable	Conlan
	Conte	Cotter
	Coughlin	Crane
	Cronin	Culver
	Daniel, Dan	Daniel, Robert W., Jr.
	Daniels, Dominick V.	Davis, S.C.
	Davis, Wis.	de la Garza
	Delaney	Dellenback
	Dennis	Dent
	Devine	Dickinson
	Dingell	Donohue
	Downing	Duncan
	Edwards, Ala.	Erlenborn
	Esch	Eshleman
	Evans, Colo.	Fascell
	Findley	Fish
	Fisher	Flood
	Flowers	Foley
	Ford	Forsythe
	Fountain	Frelinghuysen
	Frenzel	Frey
	Fulton	Fuqua
	Gaydos	Gilman
	Goldwater	Gonzalez
	Goodling	Grasso
	Green, Oreg.	Griffiths
	Gross	Grover
	Gubser	Gunter
	Guyer	Haley
	Hamilton	Hammer-schmidt
	Hanley	Hanna
	Hansen, Idaho	Harsha
	Hastings	Hays
	Heinz	Henderson
	Hicks	Hillis
	Hinshaw	Hogan
	Holt	Horton
	Hosmer	Huber
	Hudnut	Hunt
	Hutchinson	Ichord
	Jarman	Johnson, Calif.
	Johnson, Pa.	Jones, Ala.
	Jones, N.C.	Jones, Okla.
	Kazen	Kemp
	Ketchum	King
	Kluczynski	Kuykendall
	Lagomarsino	Latta
	Leggett	Lehman
	Lent	Long, La.
	Lott	Lujan
	McClory	McCollister
	McCormack	McDade
	McEwen	McFall
	McKay	McSpadden
	Macdonald	Madden
	Madigan	Mahon
	Mallary	Mann
	Maraziti	Martin, N.C.
	Mathias, Calif.	Mayne
	Melcher	Michel
	Milford	Mills
	Minish	Mitchell, N.Y.
	Mizell	Mollohan
	Montgomery	Moorhead, Calif.
	Moorhead, Pa.	Morgan
	Murphy, Ill.	Murphy, N.Y.
	Murtha	Myers
	Natcher	Nedzi
	Nelsen	Nichols
	Nix	O'Brien
	O'Hara	O'Neill
	Passman	Patten
	Perkins	Pettis
	Peyser	Pickle
	Pike	Poage
	Podell	Powell, Ohio
	Preyer	Price, Ill.
	Price, Tex.	Quie
	Railsback	Randall
	Regula	Rhodes
	Rinaldo	Roberts
	Robinson, Va.	Rodino
	Roe	Rogers
	Roncalio, Wyo.	Roncallo, N.Y.
	Rooney, Pa.	Rose
	Rousselot	Roy
	Runnels	Ruth
	Sandman	Sarasin
	Satterfield	Scherle
	Schneebeli	Sebelius
	Shoup	Shriver
	Shuster	Sikes
	Sisk	Skubitz
	Slack	Smith, Iowa
	Smith, N.Y.	Snyder
	Spence	Stanton, J. William
	Stanton, James V.	Steed
	Steele	Steiger, Ariz.
	Steiger, Wis.	Stratton
	Stubblefield	Symington
	Symms	Talcott
	Taylor, Mo.	Taylor, N.C.
	Teague	Thomson, Wis.
	Thone	Towell, Nev.
	Traxler	Treen
	Udall	Ullman
	Vander Jagt	Vanik
	Veysey	Vigorito
	Waggonner	Walsh
	Wampler	Ware
	White	Whitehurst
	Whitten	Widnall
	Williams	Wilson, Bob
	Winn	Wolff
	Wright	Wydler
	Wylie	Wyman
	Yatron	Young, Alaska
	Young, Fla.	Young, Ga.
	Young, Ill.	Young, S.C.
	Young, Tex.	Zablocki
	Zion	Zwach

NAYS—101

Abzug	Burke, Calif.	Dellums
Adams	Burke, Fla.	Denholm
Anderson, Calif.	Burton	Drinan
Andrews, N.C.	Carney, Ohio	Dulski
Aspin	Chisholm	du Pont
Badillo	Clay	Eckhardt
Bevill	Collins, Ill.	Edwards, Calif.
Brooks	Conyers	Eilberg
Brown, Calif.	Corman	Evins, Tenn.
	Danielson	Fraser
	Gettys	Giaimo
	Gibbons	Ginn
	Green, Pa.	Gude
	Hanrahan	Harrington
	Hawkins	Hechler, W. Va.
	Heckler, Mass.	Helstoski
	Holifield	Holtzman
	Johnson, Colo.	Jones, Tenn.
	Jordan	Karth
	Kastenmeier	Koch
	Kyros	Landrum
	Litton	Long, Md.
	Luken	McCloskey
	Mathis, Ga.	Mazzoli
	Metcalfe	Mezvinsky
	Miller	Mink
	Mitchell, Md.	Moakley
	Mosher	Obey
	Owens	Parris
	Patman	Pritchard
	Rangel	Rarick
	Reuss	Riegle
	Rosenthal	Rostenkowski
	Roush	Roybal
	Ruppe	Ryan
	St Germain	Sarbanes
	Schroeder	Selberling
	Shipley	Stark
	Steelman	Stephens
	Stokes	Stuckey
	Studds	Sullivan
	Thompson, N.J.	Thornton
	Tiernan	Van Deerlin
	Vander Veen	Waldie
	Whalen	Wilson, Charles H., Calif.
	Wilson, Charles, Tex.	Yates

NOT VOTING—38

Biaggi	Diggs	Meeds
Blatnik	Dorn	Minshall, Ohio
Boland	Flynt	Moss
Bowen	Froehlich	Pepper
Brademas	Gray	Quillen
Brasco	Hansen, Wash.	Rees
Breaux	Hébert	Reid
Carey, N.Y.	Howard	Robison, N.Y.
Cederberg	Hungate	Rooney, N.Y.
Clark	Landgrebe	Staggers
Collier	McKinney	Wiggins
Davis, Ga.	Martin, Nebr.	Wyatt
Derwinski	Matsunaga	

So the joint resolution was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Rees against.
Mr. Biaggi for, with Mr. Diggs against.
Mr. Staggers for, with Mr. Flynt against.

Until further notice:

Mr. Boland with Mr. Gray.
Mr. Brasco with Mr. Dorn.
Mr. Pepper with Mr. Blatnik.
Mr. Carey of New York with Mr. Cederberg.
Mr. Reid with Mr. Collier.
Mr. Clark with Mr. Derwinski.
Mr. Davis of Georgia with Mr. Froehlich.
Mr. Howard with Mrs. Hansen of Washington.
Mr. Hungate with Mr. Landgrebe.
Mr. Matsunaga with Mr. Martin of Nebraska.
Mr. Rooney of New York with Mr. McKinney.
Mr. Moss with Mr. Minshall of Ohio.
Mr. Meeds with Mr. Quillen.
Mr. Brademas with Mr. Robison of New York.
Mr. Bowen with Mr. Wiggins.
Mr. Breaux with Mr. Wyatt.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. FISHER. Mr. Speaker, pursuant to the provisions of House Resolution 1168, I call up for immediate consideration the Senate joint resolution (S.J. Res. 206) authorizing the Secretary of the Army to receive for instruction at the U.S. Military Academy one citizen of the Kingdom of Laos.

The Clerk read the title of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 876) was laid on the table.

GENERAL LEAVE

Mr. FISHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, I take the floor to make two announcements.

Tomorrow, we will have the annual Flag Day celebration and ceremony. Our honored guest will be Hank Aaron, who is a great American and a legendary baseball star. The leaders on both sides of the aisle would appreciate a full attendance by the Members for the ceremony which we have scheduled.

Mr. Speaker, may I also say with regard to my second announcement, that we had reported earlier during the year that we would adjourn for the 4th of July weekend from Wednesday until noon on Monday.

Mr. Speaker, it is the intent of the leadership on both sides to ask that on the 4th of July weekend we adjourn from July 3 until noon on Tuesday, July 9, instead of Monday, July 8. That will be one extra day.

OFFICIAL RESIDENCE FOR THE VICE PRESIDENT

Mr. PRICE of Illinois. 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 Senate joint resolution (S.J. Res. 202) designating the premises occupied by the Chief of Naval Operations as the official residence of the Vice President, effective upon the termination of service of the incumbent Chief of Naval Operations.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois.

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 Senate joint resolution (S.J. Res. 202) with Mr. ROBERTS in the chair.

The Clerk read the title of the Senate joint resolution.

By unanimous consent, the first reading of the Senate joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Illinois (Mr. PRICE) will be recognized for 30 minutes, and the gentleman from Indiana (Mr. BRAY), will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, the legislation before the committee today is Senate Joint Resolution No. 202, to provide an official residence for the Vice President of the United States. The Armed Services Committee by a vote of 26 ayes to 5 nays recommended enactment of Senate Joint Resolution No. 202 as amended.

The purpose of this legislation is to designate the premises presently occupied by the Chief of Naval Operations as a "temporary" official residence for the Vice President of the United States. It authorizes the Administrator of the General Services Administration to provide for the care, maintenance, repair, improvement, and furnishing of the official residence and grounds. It further authorizes such appropriations as may be necessary to carry out the foregoing purposes and requires that, during the interim period before such funds are appropriated, the Department of the Navy shall make provision for staffing and other appropriate purposes.

Over 100 Members of the House cosponsored similar resolutions, so there is obviously very little, if any, controversy over the objectives of this legislation.

Under current circumstances, the Vice President must provide his own residence at such location he deems desirable and is within his means. Such a residence must be properly secured by the Secret Service to assure the proper protection of the Vice President and his family. This is often difficult to do, and can only be accomplished at reoccurring expense to the taxpayers. During the past 6 years there have been three Vice Presidents. There will be another in 2½ years. These security expenditures will continue to be necessary in the future unless an official residence is provided.

The amendment adopted by the committee, in the form of a substitute for the language passed by the Senate, differed from the Senate proposal in three major aspects:

First. It places responsibility for the care and maintenance of the residence in the General Services Administration;

Second. It clearly contemplates that the residence for the Vice President be "temporary" pending construction of a new residence on the grounds; and

Third. It, unlike the Senate bill, does not repeal Public Law 89–386 which authorizes the construction of a permanent residence for the Vice President in the District of Columbia.

The resolution, as passed by the Senate, would place the responsibility for the custody, control, and maintenance of the residence and grounds to be occupied by the Vice President under the jurisdiction of the Secretary of the Navy. Despite the fact that the responsibility for the staffing, maintenance, and operation of these premises is now, and has been for many years, under the jurisdiction of the Secretary of the Navy, the committee believes that these responsibilities should be transferred to the Administrator of the General Services Administration during the period that this residence is occupied by the Vice President.

Further, the committee felt that the provision in the Senate-passed resolution repealing Public Law 89–386, which authorizes construction of an official residence for the Vice President of the United States in the District of Columbia, which was section 6 in the original House resolution and section 7 in the Senate-passed resolution, should not be included in the final version of this legislation. Our committee does not see the wisdom in repealing existing legislation which should be utilized in the next few years to construct a permanent resident on the grounds of the Naval Observatory for the Vice President. That is the reason the committee included in the language of the resolution a qualification that the present residence of the Chief of Naval Operations would be the official "temporary" residence of the Vice President. The committee believes that when the Vice President moves into a permanent residence and vacates the temporary official residence, that it should revert to the Navy Department for its further use as determined by the Secretary of the Navy.

As set forth in the committee report this bill will provide for an immediate residence for the Vice President at a cost of approximately $15,000 for minimal renovations and redecorations and approximately $33,000 for security equipment and installation. Thus, the legislation contemplates an estimated cost of approximately $48,000 to provide an immediate residence for the Vice President on a temporary basis.

In summary, I recommend enactment of this legislation to provide an official residence on a temporary basis for the Vice President until the Congress sees fit to appropriate funds for the construction of a permanent residence as authorized in Public Law 89–386. I urge unanimous support for this legislation.

Mr. CHARLES H. WILSON of California. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from California.

Mr. CHARLES H. WILSON of California. Mr. Chairman, I will say to the distinguished gentleman from Illinois that I certainly am not opposed to a home for the Vice President. I think it is long overdue, and we should have one. Yet I do have some concerns about the possible costs we are going to get involved in here to provide for something on a temporary basis. It is my understanding there has already been $73,000 spent on the Vice President's home in Alexandria, and that another $8,300 has been spent for security in his home on top of that.

Now, what is "temporary," and what is "permanent?" Will the gentleman tell me, when does something become permanent?

Mr. PRICE of Illinois. Mr. Chairman, the reference to "temporary" here denotes that the present facilities comprising the residence of the Chief of Naval Operations would be a temporary home for the Vice President. The home itself is the key to the reference of "temporary."

Mr. CHARLES H. WILSON of California. Mr. Chairman, the thing that concerns me and other Members of the Committee is that we were given a set of figures as to what it would cost in the event this were to be a permanent residence.

Mr. PRICE of Illinois. The gentleman is correct. We were given a set of figures as to what the actual cost would be if the Vice President moved in, as quickly as possible, to the existing facilities, and that cost would be $15,000 for the minimal renovations that would be required, including the redecorations, and so forth, and approximately $33,000 for security equipment and installation, and that makes a total of about $48,000.

Now, we were given other figures. We received other figures, and we were told these were in the event the Vice President should make this a permanent residence, and then it would come to a figure that could perhaps go up to about $762,000.

Mr. CHARLES H. WILSON of California. That is right.

Mr. Chairman, if the gentleman will yield further, the representative of the General Services Administration gave us those figures. They are here in another report.

Those figures would be as follows: $276,000 for improvements to the Capitol area; $359,000 for permanent installations for protective purposes, the command post, lights, alarms, and so forth; and $127,000 for protective equipment, making a total of about $762,000.

Mr. PRICE of Illinois. The gentleman is correct. That is $762,000 that we would have to expend if we were to make it a permanent residence for all Vice Presidents.

Mr. CHARLES H. WILSON of California. The gentleman is assuring the House today that the expenses of this type are definitely not to be considered as expenses for the temporary residence of the Vice President?

Mr. PRICE of Illinois. Mr. Chairman, this is what this legislation calls for. This is the thinking of everyone who has studied this matter, and the feeling is that it would be a very unwise thing to make the present home of the Chief of Naval Operations the permanent residence for the Vice President. We do look forward to the day when we will comply with the provisions of Public Law 89–386, authorizing the construction of an official residence for the Vice President. This is what we think provides a permanent solution.

Mr. CHARLES H. WILSON of California. Mr. Chairman, if the gentleman will yield further, can the gentleman tell us what the plans are for the Chief of Naval Operations now? Is he going to move back into this residence when the Vice President's permanent home is built?

Mr. PRICE of Illinois. This is something which is to be decided in the future. For the present, he is going to move to a home on the naval base here.

Mr. CHARLES H. WILSON of California. Mr. Chairman, I think the gentleman will recall that the testimony by the Navy was that if that were done, it is going to take about $125,000 to renovate the home of the Chief of Naval Operations which he is moving into on the naval base.

Mr. PRICE of Illinois. I think that is right. I have no quarrel with the figure the gentleman has mentioned.

Mr. CHARLES H. WILSON of California. Again I would just like to say that I wish we could get started on the permanent home of the Vice President. I think we need one; I think it is long overdue.

Mr. PRICE of Illinois. It was four Congresses ago that the House made that determination, but there have never been any funds allocated for it.

Mr. ICHORD. Will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman.

Mr. ICHORD. I strongly support the concept of a Vice-Presidential home. However, I am one of the five who voted against this legislation in the committee. The reason why I did was because of the talk that I heard about the Navy using this bill to come back to lay the groundwork for building another expensive mansion for the Naval Chief of Staff. That was the reason for my vote, as a protest.

I understand from the staff now that the Navy has abandoned any ideas at this time of asking the committee and the Congress in the public works construction bill for a new mansion for the Naval Chief of Staff. Is that correct?

Mr. PRICE of Illinois. The gentleman is correct. The Navy at no time was the one that fostered this idea or even suggested the use of the home of the Chief of Naval Operations. I think perhaps the Navy might be a little reluctant even because of the possibility of somebody just staying there, and the Navy would then be losing the property entirely.

Mr. ICHORD. I just want to serve notice that if the Navy does come in here asking for a new mansion for the Chief of Staff of the Navy, they will have considerable opposition. I think we should spend that money on hardware and many other things to fight a possible war with, rather than building a new mansion for the Naval Chief of Staff. We have plenty of homes available that could be rehabilitated for the Naval Chief of Staff.

Mr. PRICE of Illinois. Let me quote a few figures that show the wisdom of finally putting into effect the provisions of Public Law 93–386. Since 1964 here are some expenditures on maintenance of homes for the Vice President.

The Government spent $123,193 for various security matters and work on the residence of the Vice President in Minnesota and his apartment here. These are all involved in the area of security. In the Agnew administration there was $175,000 spent by the GSA for renovation and other things connected in some way with the installation of security measures. The GSA spent $175,000 and the Secret Service spent $70.000, so there is a total of $245,000 in the Agnew administration.

So far for Vice President Ford the GSA spent $73,400 and the Secret Service spent $8.465, for a total of $81,000. This is all related to renovations necessary for the installation of security and protection devices.

Mr. EVINS of Tennessee. Will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman.

Mr. EVINS of Tennessee. I thank the gentleman for yielding.

I merely want to point out that the gentleman referred to the GSA's architectural plans. A few years, in the Subcommittee on Independent Offices of the Committee on Appropriations, the subcommittee which I head, the GSA recommended $1 million or $1.5 million for architectural plans for the building of a mansion at the same site for the Vice President, at that time Vice President Agnew. It was debated in the committee and there was a very close vote, and we went to the full committee with it and debated it again. The gentleman from Ohio rose and said that we love our Vice President Agnew, but we love economy more.

So, Mr. Chairman, I urge my colleagues to vote against this because it will be very costly in the long run.

So the matter was deleted, it was taken out in the committee at that time. The GSA had plans for an elaborate mansion for the Vice President. We did not do this for Vice President Johnson, or for Vice President HUMPHREY, and while I have the highest regard for the present Vice President, I do not believe we should do this.

As a matter of fact, when President Nixon nominated the now Vice President I was the first to publicly announce my support for him in my State, and I of course did vote for him. So my vote in oppositon to this legislation means no reflection of my high regard for the present Vice President. I simply object to this because this would open the door to a very costly and elaborate mansion building for the Vice-Presidency.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from New York.

Mr. PIKE. Mr. Chairman, I find myself in a somewhat unaccustomed role here today because the gentleman from Missouri (Mr. ICHORD) who voted against this in the committee, and was one of the five members to do so, that on this particular legislation, although I usually am one of those five, on this occasion I do want to say that I am not one of the five who voted against this in committee. I think we do owe the Vice President of our Nation a home. I think this

is a reasonable manner in which to achieve a home for the Vice President, and a fine home for the Vice President. I support this legislation.

I want to commend the gentleman in the well, Mr. PRICE of Illinois, for bringing this legislation to the floor.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I thank the gentleman for yielding. I want to commend the gentleman for the comments he has made. The committee has studied this legislation carefully and the amendments they have added are most appropriate. There is a definite immediate need for this temporary residence for the Vice President. This legislation fills that need; it also takes into account the need for an adequate permanent residence to insure that Vice Presidents will be able to fulfill the obligation and responsibilities of their office.

The CNO's residence was originally commissioned as the Observatory Superintendent's home in 1893 and has become known as the Admiral's House when Congress approved Public Law 630 in 1928 which authorized the Secretary of the Navy to assign the quarters to the Chief of Naval Operations. In light of the Naval Observatory Circle's long history and tradition, there is no appropriate reason why the Admiral's House should permanently change hands and I commend the committee for making this a temporary move.

The bill as amended takes this into account and in addition, its temporary thrust clears the way for approval of a supplemental appropriation to construct a permanent home on an adjacent 10-acre site on the Observatory grounds. To this end, it is very important that the present and former Vice Presidents be consulted in order to determine the needs of the Vice President in developing a plan for a permanent residence. The planning of the permanent residence should be carefully carried out so the residence meets the needs of the Vice President's obligations but is not lavish beyond the democratic tradition of the second highest office of our country.

The present path which the committee is following in designating the Admiral's House as a temporary move is clearly a permanent savings to the taxpayers of the United States. Security costs involved with each change of private residence for the Vice President are a recurring item with which the taxpayer should not be saddled.

In this the 198th year of our Republic, it is fitting to resolve the matter of a home for the Vice President in time to celebrate our Nation's Bicentennial and I commend the committee for its prompt action on this legislation.

Mr. BRAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to commend my colleague, the gentleman from Illinois, for his presentation to the Committee and the detailed explanation of the legislation now before us.

There does not seem to be any disagreement with the fact that the Vice President of the United States should be provided with an official residence. I say this because of the passage in the 89th Congress of Public Law 89-386 authorizing the construction of a permanent residence for the Vice President. However, no funds have been requested so far by the executive branch.

As mentioned by the gentleman from Illinois, during the past 6 years there have been three Vice Presidents. There will be another in 2½ years. Security expenditures made necessary because of so many different residences will continue to be necessary in the future unless an official residence is provided. Even though some of the equipment which the Secret Service requires to be installed is eventually recoverable, much of it is not. There are many man-hours of labor involved in each individual installation as well as the permanent structural changes. These are nonrecoverable expense factors. I believe the choice of the residence now occupied by the Chief of Naval Operations as a temporary official residence for the Vice President is a good one. The legislation now on the books authorizing construction of a permanent residence calls for it to be on the grounds of the Naval Observatory. Therefore, the expenditures to be made for security purposes when the Vice President moves into the temporary residence will not be wasted and can be used when the permanent residence is constructed.

For these and other good and sufficient reasons, I urge all my colleagues to unanimously support this legislation.

Mr. CHAMBERLAIN. Mr. Chairman, will the gentleman yield?

Mr. BRAY. I yield to the gentleman from Michigan.

Mr. CHAMBERLAIN. Mr. Chairman, I want to commend the members of this committee for bringing this legislation to the floor, and I rise in support of this resolution. As a matter of fact, it is my opinion that we should have acted on such legislation many years ago.

The bill before us, if enacted, would provide a temporary official residence for the Vice President of the United States and will, in part, follow up on the commitment made by Congress back in 1966 when we authorized the construction of an official residence.

While the recommendations of the Armed Services Committee view this as a temporary solution, it seems to me entirely satisfactory as it provides an immediate residence for our country's second highest officeholder, and at a physical site that is both attractive and which lends itself to the security protection necessary for Vice Presidents and their families for years to come.

It is my understanding that more than 174 of our colleagues, from both sides of the aisle, have joined in cosponsoring this or similar legislation, which indicates the broad support for some form of legislation to provide an official residence for our Vice Presidents.

This is a good bill. It is my hope that it will pass, for it takes care of a serious problem of many years' standing and insures that our Vice Presidents in the future will have a suitable residence. This not only means that they will not have to be concerned with the difficult task of finding adequate housing, but it will be helpful to the Secret Service in alleviating the responsibility and expense of revising their activities in protecting our Vice Presidents every time there is a change in this high office.

Mr. Chairman, I urge the passage of this resolution.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in opposition to this legislation.

I cannot see how this legislation is designed to do anything more than shuffle people around at the taxpayers expense. There is, already, a law which authorizes the construction of a residence for the Vice President, and this legislation would only move the present Vice President into the Chief of Naval Operation's residence until the permanent facility, for which funds have yet to be appropriated, has been completed. In addition, it will cost the taxpayers more money, because there will have to be funds for a new residence for the CNO somewhere in Washington, possibly at the Navy Yard or Fort Meyer. Since the legislation does not solve the problem of providing a permanent residence for the Vice President, I am compelled to vote against it.

Mr. RHODES. Mr. Chairman, I believe it is high time that Congress move to establish a permanent national residence for the Office of the Vice President of the United States.

I believe it is time we cease to view the Vice Presidency as an appendix of Government without responsibility or function. It has been obvious over the past two decades that the Vice President has become an active participant in national policy—with important duties and assignments.

It is improper that we do not grace the office of the second highest rank in our land with a residence. We now have an opportunity to do so.

The site selected by Senate Joint Resolution 202 is ideally suited, both in location and facilities.

There are pure and simple economic reasons for making this move. It is much more economical for the taxpayers to utilize an already federally owned site than to go into the real estate market in an attempt to procure property with the necessary size and suitable location.

In addition, recent circumstances have revealed that it is costly to attempt to install makeshift security equipment in the home residences of the Vice President. It creates public misunderstanding and discomfort, both for the Vice President's family, and those assigned to guard them.

A permanent home for the Nation's Vice Presidents would seem to me to be an idea whose time is long overdue. I urge that the Committee take favorable action in that direction by approving Senate Joint Resolution 202.

Mr. MILLER. Mr. Chairman, I rise in support of Senate Joint Resolution 202. This resolution would make the residence of the Chief of Naval Operations

the official residence of the Vice President. It is a measure that is long overdue. Not only will it add dignity to the office of Vice President, it will save the American taxpayer a considerable amount of money.

In 1966 Congress authorized the construction of a permanent home for the Vice President on the grounds of the Naval Observatory. However, that home has never received an appropriation for the needed funds. Since that time the average costs of security adaptations on the private homes of Vice Presidents HUMPHREY, Agnew, and FORD have been almost $120,000 each. The bill we are debating today, similar to one that I have cosponsored in the House, will end this needless waste of the taxpayer's money. It will enable the Government to make one final set of security adaptations. The continued spending of funds for each new Vice President will come to an end. The Vice President of the United States will have a home that can serve as an appropriate permanent residence—or a suitable temporary residence until such time as a permanent one may be constructed.

Mr. CLEVELAND. Mr. Chairman, I rise in opposition to Senate Joint Resolution 202, a measure to establish an official Vice President's residence.

This is consistent with the position I have taken on similar proposals under previous administrations, though I concede that this one at least has the merit of using an existing facility. Thus, it should in no way be interpreted as any desire to detract from the office or to withhold any expression of respect or affection for the incumbent Vice President—see my remarks in connection with his confirmation, in the RECORD, volume 119, part 30, page 39886.

At this of all times, Government must—in ways large and small—be a lot more sparing in its generosity with public funds. The people of this country are suffering unmercifully from the ravages of inflation, partly induced by profligate Government spending. I, for one, have no wish to be party to an action which appears, at least, to disregard the need for fiscal restraint.

Again, without reference to our friend and former colleague JERRY FORD, I would suggest as a general proposition that we have already gone too far in the way of bestowing perquisites and prerogatives on our public officeholders. Over the years, the trappings of power and the emoluments of office have turned the heads of too many in public service.

My plea is really for a return to the realities, and that our public servants, regardless of rank, should to the extent reasonable, live in the manner of those whom they serve. Some of the reasons given for providing the Vice President with special quarters could be invoked with equal persuasiveness for providing similar facilities for a rather long list of high-ranking public servants.

Mr. PICKLE. Mr. Chairman, I am pleased to rise in strong support of Senate Joint Resolution 202. As a cosponsor of a very similar House measure, I am convinced of the compelling need to create a publicly owned residence for the Vice President of the United States.

The present situation requires that each Vice President's home receive extensive and costly security modifications. This necessity repeatedly places a drain on the public's pocketbook which would be eliminated by creating a permanent residence.

It is also clear that a publicly owned residence would lend itself more effectively to the diplomatic and other official duties of the Vice President.

A law is already on the books for construction of a new Vice-Presidential home on the grounds of the Naval Observatory, and I am hopeful Congress will provide the necessary appropriations to complete this project.

In the interim, the joint resolution before us will allow use of the present structure at the Observatory as a temporary residence, and at a cost which is very reasonable.

It is true that the Navy Department will have to secure a new residence for its chief of operations, and I can understand the reticence of the Department in leaving a structure which has housed its chief for 40 years.

In the balance of things, however, I believe Congress is fully justified and correct in designating this structure as a temporary Vice-Presidential home.

From both an economic and a practical perspective, a publicly owned Vice-Presidential residence makes excellent sense. I urge my colleagues to support the joint resolution now before us.

Mr. MINSHALL of Ohio. Mr. Chairman, there does not seem to be any disagreement with the fact that the Vice President of the United States has great responsibilities and should be provided with an official residence. Nor does there seem to be any disagreement with the fact that the Vice President needs facilities in which to entertain visiting heads of state. And there certainly can be no opposition to saving money by providing security improvements for one residence rather than individual residences of future Vice Presidents.

I support the choice of the house now occupied by the Chief of Naval Operations as a temporary residence for several reasons. Such an attractive house and grounds are worthy of being the residence of such a high official as the Vice President. Since the house is already Government owned, expenditures would be for security improvements and furnishings alone. The grounds and entranceway seem to be custom made for security purposes.

It would be most advantageous to act now in this matter. The present Chief of Naval Operations, Adm. Elmo R. Zumwalt, will be completing his term of office this June, and it would be nice to have the Vice-Presidential residence in time for our Nation's Bicentennial. As a cosponsor of similar legislation, I urge my fellow Members to vote in favor of Senate Joint Resolution 202.

Mr. HOGAN. Mr. Chairman, I rise in support of this legislation to provide a temporary official residence for the Vice President of the United States.

As many of my colleagues know, I have been urging for some time the establishment of a permanent residence for the Vice President, and passage of this temporary measure would represent a giant step toward that ultimate goal.

Two years ago, I introduced legislation to designate Oxon Hill Manor, the historic and beautiful landmark residence in Prince Georges County, Md., as the permanent official residence for the Vice President.

Its classical Georgian architecture, its scenic and convenient location, its grand dimensions, and its long and distinguished history make Oxon Hill Manor a most appropriate choice for the permanent residence of the Nation's second highest public official.

While the U.S. Naval Observatory property should be suitable as a temporary residence, it cannot compare with Oxon Hill Manor in terms of historical, cultural and architectural values.

The manor land was acquired by a prominent Maryland family in 1685. John Hanson, the first President of the United States under the Articles of Confederation, died there and is said to be buried on the manor grounds. Later, the property belonged to Sumner Welles, the Under Secretary of State during Franklin Roosevelt's administration.

The stately mansion is surrounded by 95 acres of beautiful land, providing both scenic and security values; it commands a beautiful view of the Potomac River; its elegance and spaciousness makes it ideal for the many ceremonial functions the Vice President is called upon to host; and it is only about 10 minutes from Capitol Hill.

All of these characteristics make Oxon Hill Manor a compelling choice for designation as the permanent home of the Vice President, and when we are ready to make a decision on establishing a permanent residence—and the sooner the better—then Oxon Hill Manor should be at the top of the list for consideration.

Mr. BRAY. Mr. Chairman, I have no further requests for time.

Mr. PRICE of Illinois. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute now printed in the reported Senate joint resolution as an original joint resolution for the purpose of amendment.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That effective upon termination of service by the incumbent in the office of Chief of Naval Operations, Department of the Navy, the Government-owned house together with furnishings, associated grounds and related facilities which are and have been used as the residence of the Chief of Naval Operations, shall thenceforth be available for, and shall be designated as, the official temporary residence of the Vice President of the United States.

SEC. 2. As in the case of the White House, the official residence of the Vice President shall be adequately staffed and provided with such appropriate equipment, furnish-

ings, dining facilities, services, and other provisions as may be required, under the supervision and direction of the Vice President, to enable him to perform and discharge appropriately the duties, functions, and obligations associated with his high office.

SEC. 3. The Administrator of General Services is authorized to provide for the care, maintenance, repair, improvement, alteration, and furnishing of the official residence and grounds, including heating, lighting, and air conditioning, which services shall be provided at the expense of the United States.

SEC. 4. There is hereby authorized to be appropriated such sums as may be necessary from time to time to carry out the foregoing purposes. During any interim period until and before such funds are so appropriated, the Department of the Navy shall make provision for staffing and other appropriate services in connection with the official residence of the Vice President, subject to reimbursement therefor out of any contingency funds available to the Executive.

SEC. 5. It is the sense of Congress that living accommodations, generally equivalent to those available to the highest ranking officer on active duty in each of the other military services, should be provided for the Chief of Naval Operations.

Mr. PRICE of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENTS OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer several amendments.

The Clerk read as follows:

Amendments offered by Mr. GROSS:

On page 4, line 1, immediately after the word "official" add the word "temporary"; and

on page 4, line 11, immediately after the word "official" add the word "temporary"; and

on page 4, line 20, immediately after the word "official" add the word "temporary".

Mr. GROSS. Mr. Chairman, I ask unanimous consent that the amendments may be considered in bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Chairman, page 3 of the Senate joint resolution contains this language: "shall thenceforth be available for, and shall be designated as, the official temporary residence of the Vice President of the United States."

Turning to page 4, there are three references to the "official residence" in which the word "temporary" is omitted.

Mr. PRICE of Illinois. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. PRICE of Illinois. I thank the gentleman for yielding.

Since it is the intent of the committee that this should be a temporary residence, I would consider the gentleman's amendment merely technical, and I would be willing to accept the amendment.

Mr. GROSS. I think it is a needed clarifying amendment to state in all references that it is either an official temporary residence or an official residence. It ought to be one way or the other—I do not care which.

Mr. PRICE of Illinois. I agree with the gentleman.

Mr. BRAY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Indiana.

Mr. BRAY. I thank the gentleman for yielding.

I have no objection to the suggested amendment.

The amendments to the amendment in the nature of a substitute were agreed to.

Mr. GRAY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, first, I want to commend my distinguished friend, the gentleman from Illinois (Mr. PRICE), Chairman EDDIE HÉBERT, and members of the Committee on Armed Services, for reporting out this resolution. For the benefit of those Members who may not have been here 8 years ago, I should like to say that our Committee on Public Works reported out a bill that I had the honor of authorizing that was signed into law providing for a permanent home for all Vice Presidents on a 10-acre site adjacent to the home of Chief of Naval Operations at 34th and Massachusetts Avenue, and because of the Vietnam war, the project has never been funded.

I want to commend my friend, the gentleman from Iowa (Mr. GROSS) for offering the amendment, and commend the committee for accepting it, designating the Chief of Naval Operations' home only as a temporary home for the Vice President, because next door on this 10-acre tract which is a beautiful site, we should construct a permanent home for all future Vice Presidents. The home should have at least three floors so the bottom floor could be used for ceremonial functions.

Many of the obligations of the President could be relegated to the Vice President, particularly official entertaining. We could have the second floor for the permanent residence of the Vice President, and the third floor for guests or for housekeepers and the Secret Service.

The present Chief of Naval Operations quarters is not suitable for official entertainment. Only 20 people can sit in the dining room. It has only four bedrooms, and it is a very old structure. I think we should go ahead and house the Vice President in the Chief's home, but I think we should ask the Congress now to go ahead and provide the $750,000 that is authorized by public law.

If I could digress for just a moment, I would point out that almost at this hour the President of the United States is in the country of Egypt, and over 2 million people turned out to see his motorcade, which I think points out the great need for people-to-people diplomacy.

If the future Vice President had a permanent home where he could entertain foreign people coming here, that could do more good to solidify our friendship with other nations than millions and millions of dollars spent overseas, in radio and other propaganda.

Mr. Chairman, I think that we need a permanent home for the Vice President. Since I have been in Congress, we have had five different Vice Presidents. We have spent more money on security to secure the homes of those Vice Presidents than it would have cost to build a brand-new structure. We have more than paid for a new home but do not have it.

Mr. ECKHARDT Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to my friend, the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, would we not have the same problem with respect to the new home, that we would still have to hire security officers, as we do at the White House?

Mr. GRAY. I am glad my friend raised that question. It is a very important question. At the site of the present home of the Chief of Naval Operations we already have security protection. The area is all fenced in and it is very well policed and it is in the middle of the Embassy Row area where we have the Executive Protective Service which was created by our committee and this Congress, a force of 750 men who are really in control of that particular area, and whatever security we put in for the home of the Chief of Naval Operations will be suitable for the new permanent home for the Vice President which will be built next door on the 10-acre site already authorized by law.

We already have built-in security at the Chief's home and with a guardhouse at the entrance to the home, very little additional security will be required. I think it was testified that only $48,000 would be required as additional security devices and equipment which will be needed to secure the home of the Chief of Naval Operations as the Vice President's home. That is very infinitesimal compared to the one-quarter million dollars which was spent on the former Vice President's home, which was bought for $180,000 and sold for $325,000 a few months later due in part to the improvements attached to his home. So a much too long answer is, no, it will not require much to secure this temporary home.

Mr. ECKHARDT. I thank the gentleman for his answer. Of course, I suppose we would deprive the Vice President of a good real estate investment by this action.

How much would the bill cost?

Mr. GRAY. This bill only $48,000. The bill I offered in 1966 calls for $750,000 for the new permanent Vice President's home. We already own the 10-acre site, so there would be no land acquisition.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. GRAY was allowed to proceed for 2 additional minutes.)

Mr. GRAY. Mr. Chairman, the $750,000 would build a very comfortable home with a bottom level, similar to the White House, which can be used for ceremonial purposes. The home of the Chief of Naval Operations as I pointed out is not suitable for entertainment. The dining room will accommodate only 20 people. It will make a nice home for the Vice President to live in but will not serve the very important function I pointed out of people-to-people diplomacy.

There are untold numbers of foreign diplomats and foreign citizens who come to this country who never see the White House and never have the hand of fellowship extended to them. I think in dollars and cents it would mean a great deal more for this Nation to have our Vice President extend that personal diplomacy than it does for us to spend the money overseas on information services and so on. Those people come to this country and they see our backs instead of our faces. This would be a great thing for our people to practice personal diplomacy. It also would provide a much better and much more secure home for the second family.

I hope we can unanimously support the resolution before us and I further hope that we can fund the $750,000 and get on with construction of a new permanent home for the Vice President. We can design and build a facility in 24 months, and allow the Vice President to live in the Chief's Home in the interim. This will bring dignity to the office and show progress for our Nation. The need is great and the hour is late for this action. Thank you.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, simply because I offered an amendment and it was adopted does not mean I support this bill. The cost of what is here proposed temporarily and, looking down the road, the cost of a new and permanent home for the Vice President are seemingly impossible to obtain. I have heard all manner of figures dished out this afternoon, but none of them seem to add up to any kind of intelligible total. I wish someone would tell us what this is going to cost in all its ramifications. We now get a figure of $750,000 from the gentleman from Illinois (Mr. GRAY) for the construction of a superduper Vice Presidential palace somewhere, I guess on the Naval Observatory grounds. This thing is fast running into money, especially when there is no cost for land acquisition on which to locate a $750,000 residence for the Vice President. That is a lot of house.

Mr. PRICE of Illinois. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. PRICE of Illinois. This estimate was given by the GSA of the cost and the Secret Service protection would cost $48,000 under this present plan.

Mr. GROSS. I have great respect for the gentleman from Illinois, but somehow I just cannot believe that figure. The resolution is completely open-ended. It provides for whatever the Committee on Appropriations wants to appropriate.

I am talking now about the whole train of expense, the $48,000 plus the security, plus the refurbishing of a home for the Chief of Naval Operations, the whole ball of wax.

Mr. PRICE of Illinois. The figure that I quoted, according to GSA, contains the necessary renovation for occupancy and the security.

Mr. GROSS. Are we going to renovate the present structure?

Mr. PRICE of Illinois. The gentleman will recall that I did mention if we did nothing in the future about a new permanent plan and we suddenly decide he can stay in this home, then to make that a permanent home would reach around $762,000.

Mr. GROSS. This is what I am talking about. This is the foot in the door and we are on the way, with the passage of this resolution, to something I do not know what or where it will end.

I am not one of those who thinks that we should at this time, especially with the critical financial situation that confronts us, inflation and all that, ought to start building a $750,000 home for the Vice President and creating a kind of political aristocracy. I do not believe we should do that.

Mr. PRICE of Illinois. Will the gentleman yield further?

Mr. GROSS. I yield.

Mr. PRICE of Illinois. Actually if we adopt this bill and we do not go into a permament home or anything else, but just stay there, we might have to have other renovations; but actually by this present rule we are saving money.

For the last 8 years to provide security at the homes of Vice Presidents has cost the Government $450,000.

Mr. GROSS. There is talk in this report of renovation of the residence with facilities for state functions. Let me say to the gentleman from Illinois——

Mr. PRICE of Illinois. That is not in this bill. That is for a permanent residence.

Mr. GROSS. Why, under any circumstances, should we provide a home for the Vice President sufficient to accommodate state functions? I take it that "state functions" means large dinners and all that sort of thing, wining and dining. We now have the State Department's "Top of the Mark," a pretty lavish dining room, and there are several others the Vice President could use. He might even borrow the White House dining room on occasion, if he had to.

Mr. PRICE of Illinois. This temporary housing for the Vice President would have no relation to that thing at all, building something for state functions, because this bill does not go into that at all.

Mr. GROSS. I opposed similar legislation in the past and I am sure I do not begin to have the actual cost figures for this home and the relocation of the Chief of Naval Operations.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent Mr. GROSS was allowed to proceed for an additional 2 minutes.)

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. O'HARA. I want the gentleman from Iowa to know I share many of his reservations. I think we will be committed irrevocably to a course of action that is going to lead to much unnecessary expense, and to the construction of yet another Imperial Palace here.

I do not think it is really necessary or appropriate to our democratic institutions.

As far as official entertainment goes, the gentleman from Iowa could have mentioned the availability of the Blair House, which is used at the present time for official functions by the Vice President. I do not know why it could not continue to be used for that purpose.

Mr. GROSS. Let me make one other observation before my time again expires.

We had a man, who became Vice President of the United States, who bought a property out in Maryland and lived in it, which had a racial covenant. We had a man, who ran for the Presidency of the United States, who bought a residence out in Maryland with a racial covenant on it, and lived in that property.

I hope the gentleman can tell me whether there are any racial covenants on the property in the Naval Observatory grounds.

Mr. PRICE of Illinois. Mr. Chairman, I would not assume so because it is Government property.

Mr. GROSS. I would not assume so either, but I just wondered if the present Vice President would be living in a property on which there was such a covenant.

The CHAIRMAN. The question is on the Committee amendment in the nature of a substitute, as amended.

The Committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose, and the Speaker having resumed the Chair, Mr. ROBERTS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the Senate joint resolution (S.J. Res. 202) designating the premises occupied by the Chief of Naval Operations as the official residence of the Vice President, effective upon the termination of service of the incumbent Chief of Naval Operations, pursuant to House Resolution 1169, he reported the Senate Joint Resolution back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment adopted in the Committee of the Whole? If not, the chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the Senate Joint Resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SCHERLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a 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 380, nays 23, not voting 30, as follows:

[Roll No. 292]

YEAS—380

Abdnor	Esch	Luken
Adams	Eshleman	McClory
Addabbo	Evans, Colo.	McCloskey
Alexander	Fascell	McCollister
Anderson, Calif.	Findley	McCormack
Anderson, Ill.	Fish	McDade
Andrews, N.C.	Fisher	McEwen
Andrews, N. Dak.	Flood	McFall
Annunzio	Flowers	McKay
Archer	Foley	McSpadden
Arends	Ford	Macdonald
Armstrong	Forsythe	Madden
Ashbrook	Fountain	Madigan
Ashley	Fraser	Mahon
Aspin	Frelinghuysen	Mallary
Badillo	Frenzel	Mann
Bafalis	Frey	Maraziti
Baker	Froehlich	Martin, N.C.
Barrett	Fulton	Mathias, Calif.
Beard	Fuqua	Mathis, Ga.
Bell	Gaydos	Matsunaga
Bennett	Gettys	Mayne
Bergland	Giaimo	Mazzoli
Bevill	Gibbons	Melcher
Biaggi	Gilman	Metcalfe
Biester	Ginn	Mezvinsky
Bingham	Goldwater	Michel
Blackburn	Gonzalez	Milford
Boggs	Goodling	Miller
Boiling	Grasso	Mills
Bray	Gray	Minish
Breckinridge	Green, Oreg.	Minshall, Ohio
Brinkley	Green, Pa.	Mitchell, Md.
Brooks	Griffiths	Mitchell, N.Y.
Broomfield	Grover	Mizell
Brotzman	Gubser	Moakley
Brown, Calif.	Gude	Mollohan
Brown, Mich.	Gunter	Montgomery
Brown, Ohio	Guyer	Moorhead, Calif.
Broyhill, N.C.	Haley	Moorhead, Pa.
Broyhill, Va.	Hamilton	Morgan
Buchanan	Hammer-schmidt	Mosher
Burgener	Hanley	Murphy, Ill.
Burke, Calif.	Hanna	Murphy, N.Y.
Burke, Fla.	Hanrahan	Murtha
Burke, Mass.	Hansen, Idaho	Myers
Burleson, Tex.	Hansen, Wash.	Natcher
Burlison, Mo.	Harrington	Nedzi
Burton	Harsha	Nelsen
Butler	Hastings	Nichols
Byron	Hawkins	Nix
Camp	Hays	Obey
Carney, Ohio	Hechler, W. Va.	O'Brien
Carter	Heckler, Mass.	O'Neill
Casey, Tex.	Heinz	Owens
Chamberlain	Helstoski	Parris
Chisholm	Henderson	Passman
Clark	Hicks	Patman
Clausen, Don H.	Hillis	Patten
Clawson, Del	Hinshaw	Perkins
Clay	Hogan	Pettis
Cochran	Holifield	Peyser
Cohen	Holt	Pickle
Collins, Tex.	Holtzman	Pike
Conable	Horton	Poage
Conlan	Hosmer	Podell
Conte	Huber	Powell, Ohio
Conyers	Hudnut	Preyer
Corman	Hungate	Price, Ill.
Cotter	Hunt	Price, Tex.
Coughlin	Hutchinson	Pritchard
Crane	Ichord	Quie
Cronin	Jarman	Railsback
Culver	Johnson, Calif.	Randall
Daniel, Dan	Johnson, Colo.	Rangel
Daniel, Robert W., Jr.	Johnson, Pa.	Rarick
Daniels, Dominick V.	Jones, Ala.	Rees
Danielson	Jones, N.C.	Regula
Davis, S.C.	Jones, Okla.	Rhodes
Davis, Wis.	Jones, Tenn.	Riegle
de la Garza	Jordan	Rinaldo
Delaney	Karth	Roberts
Dellenback	Kastenmeier	Robinson, Va.
Dellums	Kazen	Rodino
Denholm	Kemp	Roe
Dennis	Ketchum	Roncalio, Wyo.
Dent	Kluczynski	Roncallo, N.Y.
Dickinson	Koch	Rooney, Pa.
Dingell	Kuykendall	Rosenthal
Donohue	Kyros	Rostenkowski
Downing	Lagomarsino	Roush
Duiski	Landgrebe	Rousselot
Duncan	Landrum	Roy
du Pont	Latta	Roybal
Edwards, Ala.	Leggett	Runnels
Edwards, Calif.	Lehman	Ruppe
Eilberg	Lent	Ruth
Erlenborn	Litton	Ryan
	Long, La.	St Germain
	Long, Md.	Sandman
	Lott	Sarasin
	Lujan	Sarbanes
	Luken	Scherle
	McClory	Schneebeli
	McCloskey	Sebelius
	McCollister	Selberling
	McCormack	Shipley
	McDade	Shoup
	McEwen	Shriver
	McFall	Shuster
	McKay	Sikes
	McSpadden	Skubitz
	Macdonald	Slack
	Madden	Smith, Iowa
	Madigan	Smith, N.Y.
	Mahon	Snyder
	Mallary	Spence
	Maraziti	Stanton, J. William
	Martin, N.C.	Stanton, James V.
	Mathias, Calif.	Steed
	Mathis, Ga.	Steele
	Matsunaga	Steelman
	Mayne	Steiger, Ariz.
	Mazzoli	Steiger, Wis.
	Melcher	Stephens
	Metcalfe	Stokes
	Mezvinsky	Stratton
	Michel	Stuckey
	Milford	Studds
	Miller	Sullivan
	Mills	Symington
	Minish	Symms
	Minshall, Ohio	Talcott
	Mitchell, Md.	Taylor, Mo.
	Mitchell, N.Y.	Taylor, N.C.
	Mizell	Teague
	Moakley	Thompson, N.J.
	Mollohan	Thomson, Wis.
	Montgomery	Thone
	Moorhead, Calif.	Thornton
	Moorhead, Pa.	Tiernan
	Morgan	Towell, Nev.
	Mosher	Traxler
	Murphy, Ill.	Treen
	Murphy, N.Y.	Udall
	Murtha	Ullman
	Myers	Van Deerlin
	Natcher	Vander Jagt
	Nedzi	Vander Veen
	Nelsen	Vanik
	Nichols	Veysey
	Nix	Vigorito
	Obey	Waggonner
	O'Brien	Waldie
	O'Neill	Walsh
	Owens	Wampler
	Parris	Ware
	Passman	Whalen
	Patman	White
	Patten	Whitehurst
	Perkins	Whitten
	Pettis	Widnall
	Peyser	Wiggins
	Pickle	Williams
	Pike	Wilson, Bob
	Poage	Winn
	Podell	Wolff
	Powell, Ohio	Wright
	Preyer	Wydler
	Price, Ill.	Wyman
	Price, Tex.	Yatron
	Pritchard	Young, Alaska
	Quie	Young, Fla.
	Railsback	Young, Ga.
	Randall	Young, Ill.
	Rangel	Young, S.C.
	Rarick	Young, Tex.
	Rees	Zablocki
	Regula	Zion
	Rhodes	Zwach
	Riegle	
	Rinaldo	
	Roberts	
	Robinson, Va.	
	Rodino	
	Roe	
	Roncalio, Wyo.	
	Roncallo, N.Y.	
	Rooney, Pa.	
	Rosenthal	
	Rostenkowski	
	Roush	
	Rousselot	
	Roy	
	Roybal	
	Runnels	
	Ruppe	
	Ruth	
	Ryan	
	St Germain	
	Sandman	
	Sarasin	
	Sarbanes	

NAYS—23

Bauman	Gross	Stark
Chappell	King	Wilson, Charles H., Calif.
Clancy	Mink	Wilson, Charles, Tex.
Cleveland	O'Hara	Wylie
Collins, Ill.	Reuss	Yates
Devine	Rogers	
Drinan	Rose	
Eckhardt	Satterfield	
Evins, Tenn.	Schroeder	

NOT VOTING—30

Abzug	Davis, Ga.	Moss
Blatnik	Derwinski	Pepper
Boland	Diggs	Quillen
Bowen	Dorn	Reid
Brademas	Flynt	Robison, N.Y.
Brasco	Hébert	Rooney, N.Y.
Breaux	Howard	Sisk
Carey, N.Y.	McKinney	Staggers
Cederberg	Martin, Nebr.	Stubblefield
Collier	Meeds	Wyatt

So the Senate joint resolution was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Davis of Georgia.
Mr. Boland with Mr. Moss.
Mr. Brademas with Mr. Stubblefield.
Mr. Hébert with Mr. Flynt.
Mr. Sisk with Mr. Dorn.
Mr. Carey of New York with Mr. Diggs.
Mr. Howard with Mr. Blatnik.
Mr. Reid with Mr. Cederberg.
Mr. Pepper with Mr. Collier.
Mr. Staggers with Mr. Derwinski.
Mr. Meeds with Mr. Martin of Nebraska.
Mr. Breaux with Mr. McKinney.
Mr. Brasco with Mr. Quillen.
Ms. Abzug with Mr. Robison of New York.
Mr. Bowen with Mr. Wyatt.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

A WAY TO HALT INFLATION: THE TREASURY SECRETARY'S BLUEPRINT

(Mr. SCHNEEBELI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCHNEEBELI. Mr. Speaker, the June 17 issue of U.S. News & World Report contains an impressive interview which their editors held recently with the new Secretary of the Treasury, William E. Simon. In view of the high respect and great credibility which both branches of Congress have placed in the new Secretary, his basic position of a balanced Federal budget and reduced Federal spending to help control inflation, puts into proper perspective this important influence on our economy.

I hope that many people will read the fine statement of our new Secretary of the Treasury—it is an auspicious beginning of his administration in this position of great impact on our future economy:

A WAY TO HALT INFLATION: THE TREASURY SECRETARY'S BLUEPRINT

Q. Mr. Secretary, is this country going to be able to bring inflation under control?

A. We can do it. But it is going to require a curb on Government spending, and the key to that is better co-operation between the Congress and the White House. It also requires a will on the part of the American people to stop demanding or accepting the largesse of the Federal Government without paying for it. It's just as fundamental as that. We must work toward balance in fiscal and monetary policy in this Government.

I won't buy for one minute the idea that 75 per cent of the budget is uncontrollable. That is a cop-out. We've got to quit saying there's nothing we can do about it—that "Congress has passed the laws, and here they are, even if we don't like some of them."

I'm suggesting that we—both the Congress and the executive branch—had better take a brand-new look at this and begin to get some fiscal sanity back into the picture.

Q. Can you cite some examples of what you consider bloated federal spending?

A. I'm not going to be specific on recommendations right now because we're doing a budget study on the controllable side—as well as on the uncontrollable side, which is our big problem.

Q. Just what do you mean by "controllable" and "uncontrolable" items in the budget?

A. Essentialy, "uncontrollable" refers to budget items provided for by laws passed in previous years. In other words, laws already on the books spell out some obligations for more than one fiscal year. For instance, Social Security payments are spelled out by law. As the number of persons receiving Social Security increases, the amount of money goes up, too, in almost uncontrollable fashion.

Q. Who is to blame for the expansion of the uncontrollable side of the budget?

A. You can't just point the finger at Congress—or at the White House. It has come from both sides. Anyway, what's the difference whether it was an Administration plan or a congressional action that locked in new spending on an ever-escalating basis? The fact of the matter is that it's there.

Congress is about to pass—I hope—a budget-reform bill which is a step in the right direction, but only a first step. Congressmen are now hearing from their constituents that something has to be done about the budget and about inflation. That's why we're seeing action. I met with the Republican side of the House Ways and Means Committee just the other day, and to a man they are hearing this from back home. It's a genuine ground swell.

Q. Do you mean that people are urging a cut in Government spending to deal with inflation?

A. Yes, sir—and these Congressmen say that this will be the most popular thing that they can do to get re-elected this year. They tell me that their people are simply fed up with the way the Government's budget shoots up year after year. It took this country 185 years to get to 100 billion dollars of annual spending in the budget. But it took only nine more years to get to 200 billion, and only four more after that to get to the third hundred billion.

Q. In the past when people talked about cutting federal spending they were for it as long as it didn't affect them—

A. Yes, in the past that's been correct. But in the past we've never had double-digit inflation. It's always been well under 10 per cent. But now that we're above that into two digits, people are scared. And if we wait another year or two to meet this head on, we'll be back in the same mess we are right now, only at a higher rate of inflation, because it's going to start from a higher base than the one we started at two years ago, which was 3 percent.

It's the same with interest rates. Interest rates this time started up from 8 or 8½ per cent. During the credit crunch in '66, they started at 6 per cent.

Each year we're grinding more and more inflationary expectation and actual inflation into our economy, and if we don't begin to turn it around, not only on the fiscal side—on the spending side—but on the financing side of it, this country is headed for disaster.

The financing side is little understood. But it is staggering when you realize that borrowing by the Federal Government and its agencies today takes about 60 per cent of the funds raised in the securities markets.

Q. Do you believe that in an election year Congressmen are going to vote to cut Government spending?

A. I certainly do. For the first time we have a chance of doing something because of the double-digit inflation. If we ever had a chance to cut back, now is the time. I'm not saying we can balance the fiscal '75 budget [for the year starting July 1, 1974]. I don't think it's advisable to slam on the fiscal brakes that quickly. But we must make a step in that direction and then move toward balance in '76.

Q. How much of a budget cut would be a step in the right direction? Roy Ash, Director of the Office of Management and Budget, has said you couldn't find as much as 5 billions—

A. It all depends whether one wants to take a look at the uncontrollables. You probably couldn't find 5 or 6 billions if you just wanted to look at the controllable portion of it. I'm talking about the uncontrollable side.

You're going to say, "Well, how do you get that done?" The answer is that you identify programs that are overfunded—whether it's food stamps or the many programs of the Department of Health, Education and Welfare—or wherever it is that the budget has grown tremendously.

Q. Don't you have to go to Congress, though, and get a change in the law?

A. That's right—you do.

Q. Isn't it a fact that every time the President has done that—one school lunches, milk programs, almost anything—he's been beaten down?

A. That's been true. But I'm not going to take the attitude: "Ah, hell, we've tried that before; it doesn't work." I suggest that it's never really been tried before with everybody's heart behind it.

Q. Are you suggesting a fundamental change in attitude toward things like the full-employment budget?

A. I am not a full-employment-budget man. I don't think 1 per cent of the people in this country understand the full-employment concept. It's a good concept, useful to those who fully understand it, but there are problems with how it is interpreted and how it is calculated.

For example, almost everybody agrees that a goal of no more than 4 per cent unemployment is unreasonable in view of the change in the labor force over the last 20 years. But what I am talking about is actually heading toward balance in the unified budget as we know it.

Q. Mr. Secretary, has the Administration's ability to deal with this in Congress been damaged by the Watergate mess?

A. I can honestly say—and I don't know anybody in this Administration who spends more time on the Hill and on the telephone talking to Congressmen than I do—that it hasn't bothered me one iota.

Q. You don't think the authority of the President has been eroded with Congress?

A. I certainly do not.

I'm suggesting that things have changed, and events are going to make Congress want to go in the budget-cutting direction because at this point in time it's the right thing to do politically. They're getting the ground swell from home. Double-digit inflation is a tax that's being levied on the American people, and they don't like it.

Let me tell you something: I think there's such a change in sentiment that we should put what you might call a "full-court press" on this whole subject and really fight to cooperate and get together. And I've talked to Democrats and Republicans alike on the Hill, and that is the attitude I find.

Q. Historically, hasn't inflation of the sort we have now been solved only by the country going into a recession?

A. I don't know that we can go back and say that every single time it's gone that way. I agree that the danger is there when you're relying solely on monetary policy to control inflation. But if we use fiscal policy to restrain federal spending and give monetary policy a chance to work, which Arthur Burns [Chairman, Federal Reserve Board] would certainly like to do, then we can lick this problem.

I'm a realist. I don't know that over the long run this great country will do all these things, but I'm only here once, and so shouldn't I try to get done what's right?

Q. Mr. Simon, how much is this out of your control in the sense that inflation is being imported through high prices for oil and other basic commodities?

A. Our energy policy will correct the oil problem over time. Until that time, obviously, we're going to be paying these high prices for foreign oil. But they're not going to triple again—we certainly know that. If anything, they're going to be lower a year from now, or even sooner, than they are right now. I'd bet on it, if I were a betting man.

Now, we haven't had a complete pass-through, yet, of this big run-up in oil prices. We won't see that until the end of the year. For example, in petrochemicals we have yet to see the full impact. And there isn't much that you touch during the course of the day that isn't made in one form or another in the petrochemical industry. The high cost of oil is going to come out in the form of higher prices for toothbrushes, plastic cups, and so on down the line.

Q. What about wages? Now that controls are ended, will they leap upward and add to inflation?

A. My judgment is that while wage increases aren't going to be in the 15 to 20 per cent bracket, they are going to be significantly above the 5.5 per cent guideline that we had in effect the past couple of years.

Q. Does that mean you need a new incomes policy?

A. No, it most certainly does not, because if we learned anything from wage and price controls it is that they produce distortions and compound and postpone your problems.

What we must have is restraint on federal spending so that the Government won't be putting all this pressure on the economy and the money markets, forcing interest rates higher than they should be and keeping the inflation fires burning. This is what has to be reversed. This is fundamental. Then you can deal with shortages and other inflationary problems by acting rather than reacting.

Q. Are you worried that present interest rates—as high as 12 per cent or more—will restrain business borrowing enough to prevent recovery from the current slump?

A. There's a lot of talk about the slump, but actually it is isolated to energy-related activities. Automobiles are the prime case in point.

It's true that high interest rates are postponing borrowing. There's no question about that. But I'm not worried about too little capital investment. The McGraw-Hill survey shows an increase of 19 percent in outlays for plant and equipment this year. The Commerce Department figure is 12.2 percent But whether it's 12.2 percent or 19 percent, the evidence is compelling that this is a source of great strength in our business outlook right through 1975.

Another point that we must stress as far as this inflation problem is concerned is that we have to give incentives to business to expand production of fuel, paper, steel and other commodities so that the U.S. doesn't have to rely on foreign nations for these key items.

Q. Do you have a plan that would do this?

A. One thing we're talking about is accelerated depreciation. It works, and it works quickly. This was proven back in the Korean War. In the Treasury Department, we are taking a look at the various plans to expand production of these vital products. We're discussing whether it should be done on an over-all basis or whether it should be done by specific industries.

Q. What is your position on an income-tax cut for individuals?

A. It would be highly inflationary.

All it would do is fuel a demand that's already excessive. People would just go out and buy the small-ticket items that are already in short supply.

Q. Do you think Congress will vote against a tax cut for individuals, but approve reductions for business?

A. We're not talking about cutting taxes for business. We're talking about accelerated depreciation and other incentives for some of our basic industries to assure the consumer that he can get commodities at a reasonable price, rather than forcing him to rely on foreign sources at a much higher price.

Don't misunderstand me. I'm not saying it will be easy to get this through Congress. But we're hopeful, and we're talking with the leaders on the Hill. We're going into this study with the encouragement of Mike Mansfield, the Senate Majority Leader, and Speaker Carl Albert in the House. Senator Hugh Scott and Representative John Rhodes, the Republican leaders in Congress, are taking part in these discussions.

Q. Mr. Simon, economists seem to be in disarray. Many are confessing they're baffled by this double-digit inflation—that many of the old rules don't seem to apply. How can anybody speak with much confidence of what the cure is?

A. I'm sorry, but I don't buy the first part of your comment—that those in the economic profession are in such disarray that they can't find agreement. The economists whose opinions I respect, whether it's Paul McCracken [a former Chairman of the Council of Economic Advisers] or many others, are in fundamental agreement that, leaving the politics of the situation aside, for a sustained period of time there is one fundamental thing that's needed, and that's prudent fiscal and monetary policies.

Let me tell you something to make my point: Go back and trace America's prosperity. At the end of World War II it was the

only country in the world with any real power, economically and otherwise. As the rest of the world recovered its economic strength, however, the dollar became overvalued. We should have changed that somewhere around the mid-50s or late '50s, but we continued with a fixed exchange rate and an overvalued dollar. And as we were creating all of those deficits and sending the IOU's around the world, you could find a lot of economists who were predicting—some almost to the year—that a fundamental change would have to be made in our international monetary system. And they were correct; some economists, at least, understood what was going on. A lot of them talked about it, but it wasn't very popular to print what they said.

I can give you a score of statements I made before I came to Washington. I haven't changed my tune one iota.

Q. Some well-known economists are saying that the 1975 federal budget, which you say must be cut, is too tight—

A. Sure. There's a group who believe that the American people have grown to expect each year that all of their needs are going to be met by Washington, and "let's just ignore the inflationary consequences."

It isn't going to be easy to turn this thing around. But, at this particular point in time, I believe sincerely we have an opportunity to do it, due to the unprecedented inflation rate and interest rates. Now that we've got people's attention, damn it, let's do what's right.

Q. But what is right? President Nixon's proposed national health program would add 5 or 6 billion dollars to the budget. Are you going to drop the program and say, "Well, we're at a point where we can't take on anything that costly"?

A. I think you're going to see some of that, but I wouldn't pinpoint a particular program, because these things are being worked out right now. I don't know what the President will come down on. But he'll make the individual decisions—that I'll promise you.

We've got to slow the growth of the budget to a pace that will provide normal expansion of the economy, rather than the inflationary growth rate that started with the "guns and butter" policy in 1964 during the Vietnam War. Some say this will entail itself sacrifice on the part of the American people. My answer is that when you're dealing with a budget as massive as 305 billion dollars, there is enough latitude to get back to fiscal responsibility without sacrifice.

Q. Is your attitude toward the budget accepted within the Administration generally?

A. I'll put it this way: I'm making significant progress compared to where I started a month ago when I became Secretary of the Treasury. At that time, the whole idea was considered ridiculous. And I'm picking up a lot of support in Congress.

INDIA'S NUCLEAR POWER

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, India has recently become the world's sixth nuclear power. A country that once denounced nuclear ambition and admonished those participating in the development and testing of nuclear weapons is now a member of that group. Prime Minister Indira Gandhi maintains that India's motives are for purely peaceful purposes—mining, prospecting for oil and gas, the discovery of underground sources of water, and the diversion of rivers for scientific and technological knowledge. However, if this is indeed the case, why then has India refused thus far to sign the Non-Proliferation Treaty of 1968?

As most of my colleagues are undoubtedly aware, that treaty provides for the supply of nuclear materials to both nuclear weapon and nonnuclear weapon states for peaceful purposes to all parties of the treaty at cost, when nuclear materials are safe and an economic credit. In addition, the treaty further urges the cooperation of all states in the attainment of this objective.

Let me briefly describe the current deplorable situation which exists in India today. The population of 580 million faces famine—with 80 percent of the Indian people suffering from malnutrition—and that population is increasing dramatically each year by 13 million. Seventy-five percent of those 580 million are illiterate, 75 percent of India's university graduates are unemployed, and one-half the population lives on 10 cents a day.

Given these facts, there can be no justification whatsoever for the $173 million which the Government of India spent from 1968 to 1973 for nuclear weapon development, or the $315 million which they intend to spend for this purpose over the next 5 years.

One-third of all Indians live below the poverty level of $30 per year. Housing is badly needed, yet the Indian Government only allocated $200 million for housing during the same period in which it spent $173 million for nuclear development. India's nuclear program will not provide more jobs, will not increase production, or solve the deficit balance-of-payments crisis.

Even more important, the suspicion and fear that surrounds the Indian motives for the recent nuclear detonation could set off a wave of nuclear proliferation around the world if left unchecked.

Mr. Speaker, I believe it is time for the United States, which between 1950 and 1971 contributed over $10 billion in foreign assistance to India—and in 1972 and 1973 an additional $400 million—to cut off all economic assistance of any sort to that country until it becomes a signatory of the Non-Proliferation Treaty. If not, we have no way of guaranteeing that the money we so eagerly hand out to India each year will not be used for further nuclear weapon development, rather than to deter a famine which appears imminent.

Accordingly, I am today joining my distinguished colleague—Senator MARLOWE COOK—in introducing legislation to accomplish this objective. Under the terms of this bill, which the senior Senator from Kentucky is introducing in the other Chamber, all military and economic assistance, all sales of agricultural commodities, and all licenses with respect to the transportation of arms, ammunitions, and implements of war to the Government of India would be suspended until such time as India becomes a state party to the Treaty on the Non-Proliferation of Nuclear Weapons. I would hope that this body will proceed expeditiously to secure the enactment of this legislation.

CONGRESSIONAL SENIOR INTERN PROGRAM

The SPEAKER pro tempore (Mr. MCFALL). Under a previous order of the House, the gentleman from Pennsylvania (Mr. BIESTER) is recognized for 30 minutes.

Mr. BIESTER. Mr. Speaker, I am pleased to share with my colleagues a few observations on the third year of the senior intern program—a congressional internship designed specifically for constituents over age 60.

Back in April of 1972 I initiated an experimental program in my Washington office for the purpose of helping improve communication and understanding between the older residents of my district and their Representative and Government in Washington. Two constituents spent 2 weeks here familiarizing themselves with Federal activities relating to the elderly—study legislation, attending hearings, participating in briefings with authorities from the Government and private groups involved with the concerns of the older American.

Last May several other House and Senate colleagues jointly sponsored the program with me. Senator WILLIAM ROTH and Congressman BUD HILLIS and ROGER ZION each had two senior constituents here to participate in the internship.

This past month the program expanded further with Senator JOSEPH BIDEN and Congressmen BERT PODELL, RALPH REGULA, and JOHN WYDLER joining our original group.

Pauline and Joe Seborowski of Trevose, Pa., were my senior interns this year, selected by senior citizens groups in my district on the basis of their involvement in senior citizens activities and their interest in the program. The Seborowskis did a commendable job as senior interns, and I hope they profited from their stay as much as I benefited from their contributions to my thinking on the problems of the older American.

The program this year provided a broad overview of the Federal response to the needs of the elderly. The senior interns were briefed on the legislative process, pending senior citizen legislation and the programs of the Administration on Aging. From the perspective of the older American, discussions were held with experts in the fields of housing, transportation, national health insurance and volunteer service programs. Briefings also were conducted on social security, supplemental security income, social services and medicare. In addition, tours of the Capitol, State Department, two embassies and a special tour and meeting at the White House were arranged.

Although the 16 participants ranged in age up to 83, they did not fit any common stereotypes of older Americans. They were an energetic and diverse group with differing backgrounds and life experiences. Large cities and rural areas were represented. Each senior intern had his or her own special concerns, and they did not hesitate in the least to express themselves and press for answers to questions which troubled them. They were eager to

learn as much as they could about programs and policies of the Government toward older Americans, and they were anxious to take this information back to their homes where it could be shared with others and put to practical use.

I do not believe we, as Members of Congress, can emphasize enough the importance of two-way communication and sharing of ideas with our constituents. Certain segments of the population require greater opportunities to communicate their special needs, and it has been my experience that the elderly represent such a group. The internship program offers a unique educational and communicative mechanism for a few constituents which can have, through them, a wider impact on a much more extensive audience. Invariably, when I mention the senior intern program to others, the reaction is, "That's a great idea." After 3 years of working with this idea, I am firmly convinced it is more than a good idea—it has become a very workable and integral part of my office operation.

Forty-three colleagues have joined me as cosponsors of or have introduced similar resolutions making the senior intern program available to all House Members as are the summer college intern and the L.B.J. teacher intern programs. Very briefly, the resolution sets aside time during the month of May each year for the internship program and allows a Member to hire for this period two additional employees over age 65. I might add at this point that since there is no real magic in 65 as the qualifying age for becoming a senior citizen, the age requirement probably should be reduced to 60 years to include many of those individuals who are retiring at earlier ages.

In the very near future several of us who have been involved with this legislation will be circulating a dear colleague to recruit additional cosponsors. I am encouraged by and wish to thank those Members who have had the interest and initiative to conduct senior intern programs in their own offices in the absence of a formal legislative authorization, and I trust even more will become involved in this ad hoc program in the future.

I commend senior internships to your consideration, and I yield at this time to my colleagues who may wish to discuss their impressions of the program.

Mr. HILLIS. Mr. Speaker, it gives me pleasure to participate in this Special Order today. For the second year in a row my office has sponsored a Senior Citizen Intern program. My staff and I have benefited greatly from the experience and it has given me the opportunity to communicate more effectively with the elderly in my district.

For 2 weeks this spring, Mr. and Mrs. Chester Edwards of Anderson, Ind., served as congressional interns in my Washington office. In addition to attending briefings and meetings with committee and individuals involved with matters relating to the elderly, the Edwardses became acquainted with the everyday happenings in a congressional office. They became a part of my staff and reported each morning to their desk and proceeded to work on their assignments.

Upon their return to Indiana, my interns wrote a report on their thoughts and experiences while in Washington. (It was printed in the CONGRESSIONAL RECORD of May 22, 1974.) This report is now being mailed to senior citizens in my district and distributed by the Edwardses when they meet with senior citizen organizations.

We need to involve ourselves with the elderly and allow them to involve themselves with us. Parceling them out to old age and retirement homes is not the answer. All over this great land of ours, citizens are complaining about the lack of community, the lack of caring in our towns and cities. Maybe one reason is because we are not utilizing the experience and wisdom of all our human resources, particularly our elderly. A community where the elderly do not play an important and central role is not really a community. Our elderly have lived where we have not, have lived when we have not—they can teach us much and we should begin to listen.

The elderly in this country are assuming a new importance that they have never known. Nationwide, those 65 and older make up 10 percent of our population. This amounts to well over 20 million people and this figure has grown seven times since the beginning of the century.

This Nation is finally beginning to realize that our senior citizens are the firm foundation—the backbone—of our society. And, no matter how superficially youth-oriented our culture becomes, we should never forget this.

Mr. PODELL. Mr. Speaker, recently I shared my congressional duties for 2 weeks with three hard-working interns. They were not college students, more eager than experienced. They were senior citizens—genuine, qualified students of the world—both eager and experienced. Though brief, the association was rewarding for me. I learned a great deal and was reminded of things one tends to forget.

Those interns, Mr. and Mrs. Harold Gershowitz and Mrs. Celia Zeidman, all residents of the 13th Congressional District, represented for 2 weeks in Congress all our senior citizens. Though beyond retirement age, they are young and vibrant—ready for the second time around.

Mrs. Zeidman is associated with the Blanche Schuldiner League Day Center of the Brooklyn Hebrew Home and Hospital for the Aged. Mrs. Nettie Gershowitz is president of the Friendship Club of the Shorefront YM–YWHA in Brooklyn. Both these ladies, and Mr. Gershowitz as well, alive with energy and endurance, greeted each Washington morning as an opportunity to learn something new.

They enjoyed learning the detailed business of a congressional office and contributed to the excellent program of seminars that comprised the senior intern program.

I take this opportunity to thank these friends for another chance to learn from my elders. I was reminded of the contributions they have made and are making now to the world we live in. It is a better place because of them. The future will be bright for me and my children if we bring to the task what I saw in them—pride, integrity, ability, a willingness to work and an indomitable sense of humor.

It was particularly fitting that Mr. and Mrs. Gershowitz and Mrs. Zeidman were here on the day the House of Representatives passed H.R. 6175 by a vote of 379 to 1, establishing the National Institute of Aging as part of the National Institutes of Health. It was a giant step for senior citizens, who are all too often neglected by the Government to which they paid taxes for so many years.

Governmental indifference to the needs of senior citizens is changing, and the Gershowitzes' and Mrs. Zeidman's work in Congress is the beginning of that change. Passing the National Institute of Aging Act is a part of the progress. If we are to construct Government services responsive to the needs of senior citizens, then senior citizens must take an active part in the political process. Their participation must extend beyond simply voting every 2 or 4 years.

We will continue the congressional senior intern program until the elderly are sharing in the benefits of the Government. There should be no less concern for the welfare of senior citizens than for the welfare of oil cartels and industrial conglomerates whose needs are traditionally favored over the needs of the elderly.

It reminds those charged with administering programs for the elderly that the people they serve are real human beings, not statistics to be manipulated for private purposes.

And so, thanks to Harold and Nettie Gershowitz and Celia Zeidman for working with me. It was my pleasure, and to my benefit. I hope their experience in Washington will be useful to them as they work with me to improve the condition of all the senior citizens who live in our 13th Congressional District.

Mr. REGULA. Mr. Speaker, I would like to take the opportunity of this special order to officially thank the two fine people who served as senior citizen interns in my office, Harry and Mary Jane Rankin, for their efforts in behalf of older American's in Ohio's 16th Congressional District.

The Rankins came to Washington to study legislation of interest to senior citizens and to learn about programs and policies affecting the elderly. But they accomplished much more than that.

Through the efforts of the Rankins and the other senior citizen interns the Members of this body have a greater insight into the problems of aging. This internship program has proven itself as a valuable way to focus the attention of Congress on the problems of older Americans.

Mr. and Mrs. Rankin learned a great deal about the Government's program for older citizens, their perspective and observations have been helpful to me in seeking better ways to deal with these problems. I intend to continue to draw on their views with regard to senior citizens.

Improving the awareness of Congress by itself makes the senior citizen internship worthwhile, but there are other advantages. The interns themselves gain governmental experience and knowledge

of Federal programs affecting the elderly. In addition to these largely personal gains the senior citizen interns share their Washington experience with their peers. They go to meetings, talk with their friends, work with local leaders, and in a variety of ways disseminate the fruits of their internship to those who are most interested.

One tangible result of this internship program was the introduction of a bill to amend the Urban Mass Transportation Act of 1964 to authorize senior citizen subsidies to mass transportation systems for reduced fares for the elderly.

From my conversations with the Rankins I learned that the Urban Mass Transit Administration (UMTA) cannot now fund reduced fare programs for the elderly. This UMTA bill would authorize reimbursement of communities or transportation companies for their losses on fares reduced by up to two-thirds of the normal rate.

Transportation Department studies show that where local communities have lowered fares for senior citizens, ridership by the elderly has increased anywhere from 20 to 50 percent. It has been shown that the cost of the transportation fare is a major restraint against the widespread use of mass transit facilities by the elderly. This bill will help reduce that barrier.

In other words, the benefits of this program include the focusing of attention on the problems of the elderly, the free exchange of ideas to meet those problems, the communication of existing policies and programs to local citizens, and with luck some productive legislation. This list of benefits makes a strong case for expanding this excellent program.

Mr. WYDLER. Mr. Speaker, the congressional senior citizen intern program was introduced in my Fifth Congressional District of New York this year. I was genuinely impressed by the enthusiasm it stimulated in senior citizen circles and, more importantly, by the effectiveness of the program, which was designed to include local participation in the formulation of legislation and programs affecting senior citizens.

Mrs. Hazel Sandy, 394 Hawthorne Street, Uniondale, N.Y., and Col. Emanuel Singer, 1094 Fulton Street, Woodmere, N.Y., were selected to represent the senior citizens in my district.

I believe the sentiments expressed in the reports which they submitted to me upon completion of their 2 weeks' assignment in the Nation's Capitol bespeak their better understanding of the legislative process and their enthusiastic approval of the program. I would like to read them into the RECORD for the benefit of my colleagues. The reports follow:

REPORT OF HAZEL SANDY

This report pertains to the Senior Citizens Intern Program conducted from April 29 to May 10, 1974, in Washington, D.C. This program relating to legislation of all the bills pertaining to Senior Citizens is the basis of my letter.

In my opinion, it is going to take many years to obtain all the objectives in these bills.

Having this Senior Citizen Intern Program, to me, is a very good idea as I have gotten a different perspective of what the government is doing and planning to do for the aged. It is a tremendous undertaking and it certainly will take time and money to give to the aged all the benefits they plan to give. By attending these meetings I have gotten a good idea how the legislation works and will try and convey these findings to the Senior Citizens.

SOCIAL SECURITY

In talking with Senior Citizens one of their great concerns is Social Security. They feel that every time it is raised they have deductions taken out, which means they do not receive a sizable increase or as much as they thought they would receive. With the supplementary program they are receiving a little more but not enough to insure better living. I know that the context of Social Security is changing all the time so there are different phases in the workings of the bill which have to be ironed out.

I understand that in Sen. Church's bill he advocates making Social Security independent and to be taken out of HEW I think this would be a good idea.

THE MEDICAL PROGRAM

This is one program I have heard a lot of comments on. With the deductible amount being raised to $60.00 and the increase in cost of medicine and doctors' fees continually rising, it has another bad effect on the Senior Citizen. One way to alleviate this would be to have the cost of medical coverage lowered. Also give deductions for medical needs covered by Medicare.

NATIONAL HEALTH INSURANCE

Insurance is another important factor of income spending. The cost of financing and administrating full National Health Insurance would be very high and the Government could not maintain the cost.

On the three major proposals for National Health Insurance, is there a possibility that they might take different portions of these bills and consolidate them? In learning of the contents of these bills, I think the Administration bill is the best, wherein the private insurance companies carry the insurance and the government subsidizes same.

SOCIALIZED MEDICINE

I heard a program on T.V. regarding Socialized Medicine in England. They discussed the program and stated that they were having problems pertaining to same. Each person has to pay $2.00 per week for this service. The doctors in the program receive approximately $13,000 per year. They went on to say that it is a very expensive program and that if the American Government (we have many more people to take care of than they have) went into socialized medicine it would be a very expensive undertaking and cost billions of dollars.

TAXES ON PROPERTY

People who own their own homes have a hard time paying taxes. Those persons having an income up to $5,000 have a tax deduction. It would be a help if they would raise the income on this program so that more people could benefit thereby.

ACTION PROGRAM

Here are a few of the services on Action. This program was set up by President Nixon. These are very worthy programs.

1. Foster Grandparents: Serve in a variety of settings: pediatric wards of hospitals, Institutions for menatlly retarded, the physically handicapped correctional facilities, etc. Each grandparent is assigned two children and devotes two hours each day. The grandparent receives small benefits for this service.

2. RSVP: The Retired Senior Volunteer Program is a part of Action. You can contribute your time, experience, knowledge and interest to others in your community who need you.

3. Senior Companions: Congress passed a bill authorizing older people working for older people. They receive $1.60 per hour, tax free.

Would it be possible or feasible to put all programs pertaining to the aged in one package or under one department?

This report covers some of my thoughts and opinions on these Federal activities.

REPORT OF COL. EMMANUEL SINGER

This report pertains to the reference title conducted in Washington, D.C., during early May 1974.

The observations, statements and questions of other participants in this symposium, the government designees assigned to render certain facts relating to legislation pertaining to senior citizens, is the basis for my opinion.

(1) It is my opinion that legislation related to the subject title cannot be put into active legislation for several years to come.

NATIONAL HEALTH INSURANCE

(2) National Health Insurance is the most important thought of senior citizens. Costs and care are the prime thought of our group, based upon discussions.

(3) If the three (3) bills now in discussion can be consolidated, that is, the workable good points of each bill incorporated into one bill, some headway will result.

(3) (a) The cost of financing and administrating full maintenance of the requirements of senior citizens would be astronomical and possibly cannot be a function of government.

(3) (b) All persons eligible to participate in the overall benefits derived from legislation of the nature involved should be subject to pay amounts of money at regular periods, depending upon their respective age and earned income. Also included in payments to the government must be monies received from investments, regardless of the fact that the income results from tax exempt sources.

(3) (c) In England, and Sweden, government-financed socialized medicine, as it is termed, is not entirely successful. People are taking unnecessary advantage of the service by visiting doctors and medical facilities for the most minor or imaginary ailments. I feel that this condition would not occur if the public participated in the costs and that certain precautions be taken to prevent unwarranted visits.

(3) (d) I believe that the best way of handling a National Health Insurance program is by a legislative bill which would provide for the government to subsidize private insurance companies.

(3) (e) At the present time, the sole source of reimbursement for medical services is Medicare. The sixty dollars which must be paid by the individual before he or she is eligible for collecting monies is rather high. This amount should be reduced.

(3) (f) Some attempt should be made to reduce the cost of medical services. This I feel will be very difficult because of the effect it will have on the doctor's income. I know that the average doctor in England only earns approximately $13,000 per year. This amount certainly is not adequate for physicians in this country.

(3) (g) I have reviewed, carefully, Publication RA413U.S.B., 74-87 ED entitled "National Health Insurance."

SOCIAL SECURITY

Regardless of the terminology, social security is an insurance policy in the form of annuity.

It provides a rather poor income for the low income individual, whereas the high income individual does not need its benefits. The middle strata, unless they have pension benefits are greatly affected.

I would recommend that those individuals who have large incomes, particularly those individuals with tax exempt incomes, be made to pay some amount towards increas-

ing the source of monies for use in the lower echelon of income.

TAXATION—SENIOR CITIZENS

I believe that this area could be the most advantageous help for the senior citizen. It would be more acceptable to the general public in that it would eliminate or reduce payments to senior citizens.

(1) Give a greater tax allowance to those over 65 years of age.

(2) Reduce the allowance on Medicare.

(3) Eliminate through some means School taxes for those over 65 years of age.

(4) Reduce property taxes for those over 65 years of age.

(5) Give added deductions for medical needs not covered by Medicare.

(6) Reduce by a ticket arrangement the cost of transportation and tax charges.

(7) Reduce by a ticket the sales taxes.

I believe that if the area of taxes were reviewed that a considerable amount would be saved for use in other areas by the senior citizen.

LAISON OFFICE IN WASHINGTON

I believe that if a Laison Office was formed here in Washington to coordinate the activities of all branches of the government the cost and the efficiency of legislation pertaining to senior citizens would be more productive.

This report covers my thoughts pertaining to Federal activities. There are many points that can be taken on a lower level, such as transportation, etc.

GENERAL LEAVE

Mr. HUDNUT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the special order taken by the gentleman from Pennsylvania (Mr. BIESTER) today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

BEEF INDUSTRY TROUBLES DESERVE IMMEDIATE ATTENTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. SHRIVER), is recognized for 10 minutes.

Mr. SHRIVER. Mr. Speaker, the cattle industry in this country is facing a major crisis. Our Nation has long led the world in beef production and quality. The livestock industry of Kansas is the No. 1 industry insofar as my State's economy is concerned. Cattlemen from my congressional district and from over the State have sounded the alarm. At present, dire circumstances threaten this industry, and prompt action is imperative to prevent complete financial disaster.

There is little question that the price freeze last year was ill advised, and the resulting buyer boycott had serious impact on the cattle industry.

In response to the shortages of beef last summer, cattlemen increased production. At the same time, production costs to the industry rose dramatically—the result of inflationary conditions, the energy crisis, and increased transportation costs. Consumer purchase of beef, in this a land of many beef eaters, has dropped off, and the industry is left with an oversupply of beef.

Fed cattle prices have declined severely since February. In February, the wholesale price of choice beef in the Midwest was a record 91 cents per pound. It is now about 65 cents a pound. Only yesterday, the price dropped 3½ cents a pound. While retail prices of beef have apparently started a slow decline, the decrease at the retail level is not as dramatic. The drop in retail prices from February to May has been less than 10 cents per pound.

The loss to the feeders is mounting daily, and is in excess of $125 a head. The Agriculture Department's index of prices received by farmers fell 8 percent during the month ended May 15, 1974.

Mr. Speaker, the cattle industry is on the brink of financial disaster, through no fault of its own, and is sustaining losses which amount to over a quarter of a billion dollars per month. It is time to act now to protect this industry which is so vital to Kansas and the Nation.

On May 30, I joined with two of my colleagues in the Kansas delegation, Mr. SEBELIUS and Mr. SKUBITZ, in sponsoring legislation which would prohibit, for 180 days, the importation of beef into the United States.

Last December, the Secretary of Agriculture announced that meat import quotas, which the President suspended in 1973, would continue to be lifted for 1974. As required by law, the Secretary will review the situation every 3 months, at which time the suspension could be reconsidered.

I believe the situation is so serious now that Congress should insist that meat imports be stopped immediately, and that the halt be imposed for a long enough period to allow domestic supplies to come more in line with demand. Our bill calls for the embargo to continue for 180 days, or about 6 months.

Other colleagues in the House have introduced other legislation to help the cattle industry—to prevent importation of contaminated meat, and of meat slaughtered under inhumane conditions.

Legislation also has been introduced to provide for an insured loan fund to be administered by the Farmers Home Administration, to enable cattlemen to secure Government guaranteed or insured loans. Such a fund may well be necessary because many of these livestock people are confronted with disaster as great as any flood or tornado. I seriously doubt if concessionary interest subsidies would be in order, nor desired by cattlemen, but additional capital is the desirable goal of this bill.

It is essential that urban and rural interests alike unite to bolster this vital segment of the Nation's food industry.

While needed legislation should be moved on a priority basis through the appropriate committees, the Nation's food retailers can assume an important role.

The declining prices on the wholesale level must be reflected more dramatically and speedily at the retail level. As I previously stated, lower prices are not showing up as quickly as they should at the meat counter in many parts of the country. The housewife should be given a break in her family budget, and be encouraged to again include more beef on the family menu.

In this regard I have written to Clarence G. Adamy, president of the National Association of Food Chains, urging that all possible action be taken by the association to encourage its members to promote beef sales, and to pass on promptly wholesale price decreases. The association has cooperated fully in the past and its efforts can be a factor in bringing an upturn once again.

Finally, Mr. Speaker, let me reemphasize how vital this industry is to our Nation—how grave the current situation is—and how important it is that the Congress and the administration, as well as others in the food industry, act to provide relief to the beef industry.

STATES SHOW CONGRESS THE WAY TO CAMPAIGN REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND) is recognized for 15 minutes.

Mr. CLEVELAND. Mr. Speaker, once again, the States are showing the way for the Federal Government in an important area of public policy, in this case the area of campaign reform.

On few issues in recent history has the Congress expended more time studying and investigating than on the proliferation of abuses and violations in political campaign practices, especially those dealing with campaign finances. A broad consensus exists, in and out of Congress, that major reforms are necessary, and a variety of such reforms are pending in legislative form. Yet, the Congress is strangely reluctant to act.

This preoccupation with symptons at the expense of remedies stands in sharp contrast to the impressive record of constructive activity in most State capitals. According to the June 11 Wall Street Journal, no less than 67 campaign reform measures have been enacted by 40 State legislatures in the past 18 months. Those same 18 months have produced exactly nothing from the national legislature.

Despite the persistent myth that the Nation's talent and brains and concern are headquartered in Washington, this record once again illustrates the contrary fact: that the States have more than their share of these qualities and, more importantly, possess the indispensable commitment to respond positively to the well-founded concerns of their citizens.

Lest the Congress become forgetful of the fact, Mr. Speaker, those same citizens are also citizens of the United States and constituents of those who represent them in the Congress. If 40 State legislatures and 40 Governors have responded to citizen demands for cleaner elections, how long can we in Washington afford to ignore them?

Under leave to extend my remarks in the RECORD, Mr. Speaker, I include the full text of the article from the Wall Street Journal written by that newspaper's Washington bureau chief, Norman C. Miller:

CAMPAIGN CLEAN-UP IN THE STATES

(By Norman C. Miller)

WASHINGTON.—The Watergate-inspired reform effort to reduce the influence of money and secrecy in government is making significant progress in some strange quarters.

With little national notice, state legislatures, long known as breeding grounds of corruption, have passed a remarkable array of reform laws during the last 18 months. As many as 67 reform measures—dealing with campaign finance, ethical standards for officeholders and requirements for open meetings by governmental units—have been enacted by 40 legislatures, according to Common Cause, the self-styled citizens' lobby.

While the quality of the reforms obviously is uneven, the record of the legislatures is impressive as a whole. In the key area of campaign finance, for example, 25 states have enacted new laws requiring disclosure of, or limits on, campaign contributions, while also imposing some curbs on spending by candidates. Eight of these states have further authorized experiments with public financing of campaigns. Perhaps most importantly, many of the states have established independent commissions to enforce the reform laws; it was lack of effective police power that made a practical nullity of many earlier efforts to clear up political financing.

ACTION IN SEATTLE

The reform movement got a further lift last week when the nation's governors, at their annual conference in Seattle, called on "all levels of government" to enact comprehensive "clean government" measures. Among other things, the governors endorsed: broad campaign finance reforms, including experiments with public financing; ethical codes for public officials, including disclosure of their personal finances; open meetings of all public bodies; registration of lobbyists, coupled with "full disclosure" of their activities.

The governors passed their resolution just a day after voters in California overwhelmingly approved a proposition on the primary ballot, putting into effect the toughest set of campaign and lobbying restrictions yet enacted. In addition to strict contribution, spending and disclosure rules for campaign financing, the new California law hits hard at traditionally powerful lobbying groups. The measure sharply limits direct spending for lobbying and requires disclosure of those outlays that are permitted. And its most controversial section flatly forbids registered lobbyists from making campaign contributions.

The upsurge of activity at the state level is in striking contrast to the inaction in Congress. There is no serious consideration there of reform of loophole-ridden lobbying regulations that now allow the most powerful interests, both business and labor-oriented, to escape detailed public scrutiny of their efforts to influence legislation. And while the Senate has passed bills to reform campaign financing on three separate occasions, key members of the House seem determined to stall the legislation to death if they can get away with it.

Campaign-finance legislation has been languishing in the House Administration Committee for fully 18 months. Chairman Wayne Hays, an Ohio Democrat who scorns reform, waited until last October to even begin public hearings. It took the committee another eight weeks to conduct just six hearings. Almost four more months passed before the panel started bill-drafting sessions in late March.

Only nine working sessions of about two hours each have been held since March. The last four sessions scheduled by the committee were abandoned for lack of a quorum. After all this time, the committee has "worked" its way through less than 10 pages of a 30-page draft bill. Now, with the impeachment crisis threatening to block all legislation that hasn't cleared committees within a month or six weks, the campaign-finance legislation is in increasing danger of dying.

That would be no accident. The Senate-passed legislation contains a number of proposals that Rep. Hays and many other House members dislike intensely. One is a provision allowing public financing of congressional primary and general election campaigns; House members fear this would guarantee that they would face strong opponents, while also diminishing other advantages incumbents enjoy. Another is a plan for an independent commission to enforce campaign rules; House members like the existing cozy set-up that gives police power to employes of Congress—who are hardly of a mind to be tough on their bosses. And there is fierce resistance in the House to proposals for disclosure of members' personal finances.

While the House undoubtedly can stall campaign reforms to death if it wishes, the experience at the state level suggests that Congressmen may be underrating the public demand for thorough-going reform in the wake of the Watergate scandals. The reform proposition in California passed last week by better than 2 to 1; so did similar plans approved earlier by voters in Colorado and Washington state. Many of the legislatures that enacted reform bills did not do so because their members were extra-virtuous, but simply because they were prodded into action by Common Cause and similar public-interest lobbies.

Indeed, it was ironic that at the Seattle conference several governors grumbled about the very reform measures that do-good outfits like Common Cause have applauded the states for enacting. Republican Governor Jack Williams of Arizona complained that too many reforms were based on a "presumption of guilt instead of innocence" of politicians. Democrat William Waller of Mississippi denounced the resolution endorsing a reform package as a "demeaning and debilitating" idea.

But most of the governors have found it impolitic to resist the reform movement. Several of the most widely respected governors, like Democrats Reubin Askew of Florida and Patrick Lucey of Wisconsin and Republicans William Milliken of Michigan and Dan Evans of Washington, have identified themselves strongly with the reform movement and reaped political benefits as a consequence.

Many members of Congress, on the other hand, appear willing to take the risk that the public doesn't care much about legislation aimed at cleaning up the political process. That is a high-risk bet, especially since Common Cause and other public-interest groups are gearing up to focus attention on reform issues in the fall campaign. "In effect, we are going to become a campaign organization in September and October" and "take incumbents to task on the reform issues," says Thomas Belden, director of state activities for Common Cause.

GOVERNOR NOEL'S WARNING

It is probable that public pressure ultimately will persuade Congress to enact campaign-finance reforms and perhaps others as well. A deeper question is whether new laws will make much difference. Philip Noel, the Democratic governor of Rhode Island, properly warns that people shouldn't be "deluded" that enactment of reform laws will "insure integrity in government."

Strict laws certainly won't do that, but there is reason to expect that they will establish a framework in which it will be harder for shady politics to flourish.

Thus, open meetings do not rule out dirty political deals, but they do make it tougher to bring them off. Campaign contribution limits, disclosure rules and candidate-spending curbs don't guarantee election of honest men, but they do tend to curb undue influence of moneyed groups. Changing to public financing of elections isn't a panacea either, but it would further diminish the power of money to corrupt politics. Strict regulation of lobbyists wouldn't prevent big interests from wielding a lot of clout, but it would tend to restrain questionable uses of power.

Fred Wertheimer, the legislative director of Common Cause, sums up the potential of the reform bills well; "This is not an attempt to legislate morality," he says. "It is an attempt to set ground rules for the way people conduct public affairs," and those ground rules alone can result in a "fundamental and profound difference" in political behavior.

FAIR PLAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ), is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, not long ago, one of my colleagues accused the Justice Department of not being diligent in the investigation and prosecution of persons suspected of being Nazi war criminals. The Justice Department responded in part by releasing a list of 37 persons who were under investigation.

Among these individuals was a man I have known for a long time, Dr. Hubertus Strughold. This man is a distinguished scientist of international reputation. He has not spent his life skulking about odd corners of the world, or dwelling in the shadows of our society; far from hiding, he has been an active and highly visible person for years. More than that, he has been an active and highly visible person for years. More than that, he has been a citizen for 18 years, and he has been through not only the investigations required to become a citizen, but also through all the processes needed to obtain high Government security clearances. This is hardly the kind of life a man would choose to lead if he had anything to hide.

Yet this man stands accused. I don't know what he is accused of. I have no indication that the Government is prepared to take any action against him. And therefore this man, like every other citizen, has the right to have his name and reputation protected until and unless the Government is prepared to charge him and take the case to court.

Not one of us here would say that investigating agencies have a right to reveal the names of people that are being investigated, unless those agencies have a case. If they have a case, they can take it to court. Otherwise, citizens have the right to have their privacy protected and respected.

Dr. Strughold has the right to have his name protected, unless he is charged with some crime. If he is not so charged, and he may never be, the Government has no right to release his name and damage his reputation.

We have seen too much violation of due process and respect for individual rights by zealots in this administration. It is not excusable or forgivable, and ought not to be tolerated.

Surely the Government has an obligation to seek out people suspected of crimes, and especially war crimes. But in its zeal it also has an obligation to protect individual rights and liberty, for

otherwise it is no better than the oppressors we all abhor.

Dr. Strughold has earned the respect of a wide circle of scientists and laymen. He has performed services of profound importance. Such a man surely deserves fair play.

I include the following article:

THE STRUGHOLD INQUIRY A FOOLISH TIME WASTER

Dr. Hubertus Strughold said this week that an investigation to see whether he was a Nazi war criminal is "idiotic."

Upon long and sober reflection, we have concluded that his word is as good as there is.

We have been associated on numerous occasions with the physician-teacher-researcher since he became "our German space scientist" just after World War II. We have read many of his essays and articles on space medicine and space flight. We have heard him many times, making speeches, making conversation and thinking out loud.

He is a scholar and a gentleman and has been an outstanding American citizen since he was naturalized 18 years ago. We have heard him express his concern for the fate of East Germans under Soviet domination. We have heard him recall his teaching days in Germany. He has an interesting theory, he is fond of recalling, about the evils of "civilization" that regiments people (a very anti-Nazi notion, to be sure). He has said "civilization" has suppressed the siesta, a natural sleep cycle at mid-day that corresponds to a natural wake cycle shortly before dawn.

He declined to be regimented, even to the point of accepting the rigors of Daylight Saving Time! He became President Eisenhower's consultant on the biological clock—the workings of jet lag on world diplomacy.

He took up space medicine as a research interest when he wondered what useful purposes might be found in treating bodily ills absent pressure—in a weightless circumstance. That led him to a natural alliance with rocket pioneers, to high-altitude flight and—eventually—to the U.S. Air Force's School of Aviation Medicine at Randolph AFB and later at Aerospace Medical Division, USAF, at Brooks AFB prior to his retirement three years ago.

Dr. Strughold was cleared through rigorous inquiry when he took an Air Force job after the war. He has handled his responsibilities well. He is honored among his colleagues and those who know him well.

The Nazi war crimes charge was resurrected by Rep. Elizabeth Holtzman, D-N.Y., who said investigation of some 37 persons in the U.S. alleged to have been involved with Nazis prior to 1945, had been lax. When a member of Congress raises enough sand, from somewhere within the bureaucracy must come a response.

The response is that Dr. Strughold has no war crimes record, that he passed the required screening, and that proving any thing at this late date would be a "monumental" task, anyway.

"Idiotic" seems accurate enough way to dismiss the unfortunate affair.

LAND-USE SETBACK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER), is recognized for 10 minutes.

Mr. KASTENMEIER. Mr. Speaker, I was dismayed by the action taken by the House yesterday when it voted 211 to 204 to defeat the rule to allow the House to consider H.R. 10294, the Land Use Planning Act of 1974. The opponents of this measure were well organized and deliberately distorted the purposes of the land use planning legislation. In this respect, they were aided and abetted by the President and his Secretary of the Interior. Although we previously were told that land use planning ranked as the administration's No. 1 environmental proposal for the last 2 years, Mr. Nixon switched sides, and one can only speculate about his devious motives for selling out to the opposition.

Mr. Speaker, the use of our land not only affects the natural environment but shapes the pattern of our daily lives. Yet, land use is the single most important element affecting the quality of our environment which remains substantially unaddressed as a matter of national policy. As a cosponsor of H.R. 10294, I believed that the Land Use Planning Act was a reasonable proposal designed to cope with the burgeoning growth for land and natural resources.

In the beginning of our Nation, the land and all its vast resources seemed to be endless. But we have come to realize that the land is finite, and an increasing population and the expanding demand for the land and its resources have created a desperate need to determine the best purpose for which the land should be utilized. There is an obvious necessity to plan for the more rational use of land to meet our present and future growth and development in a manner more orderly and timely than the approach we followed, for example, with the explosive post World War II expansion. For many areas of our country, however, this awareness that land planning may be required has come too late. Ill planned and unwise development has resulted in urban sprawl and degradation of the countryside.

As land use increasingly becomes the focus for conflicts over National, State, regional and local goals, we can only view with dismay the chaotic, short-term, crisis-by-crisis, case-by-case approach characterizing much of the present day land use decisionmaking which further fails to relate one development to another or to the larger environment. Unless our land use decisionmaking processes are vastly improved at all levels of government, the United States will be unable to meet the rapidly emerging land use crisis.

A quiet revolution in land use controls already is taking place in many of our local and State governments and there is an urgency to enact Federal legislation, notwithstanding yesterday's setback, to assist State and local governments to improve their land use planning and management capability as well as providing policy guidelines for the management of Federal lands that equal one-third of the area of our Nation. H.R. 10294 would have authorized the Secretary of the Interior, pursuant to guidelines issued by the Council on Environmental Quality, to make grants to assist the States to develop and implement comprehensive land use planning processes as well as to provide land use planning directives for the public lands. It was not the purpose of this measure, as opponents would have had us believe, to impose land use decisions on the States and local governments from Washington. Rather, H.R. 10294 was intended to be a legislative device to establish a mechanism whereby and through which balanced and relevant land use decisions may be made and reviewed.

Mr. Speaker, many Members, particularly those who serve on the Interior Committee, worked long and hard for the Land Use Planning Act. Particular recognition, however, must be paid to our distinguished colleague from Arizona and chairman of the House Interior Subcommittee on the Environment, MO UDALL, who steadfastly and tenaciously guided the land use legislation through the Interior Committee. I share his deep disappointment regarding the House's failure to act on H.R. 10294.

Mr. Speaker, while opponents of land use cheer the defeat of this legislation, it is, for them, a hollow victory. Rather than support legislation which is responsive to our various social and economic needs and which will preserve and enhance the most valuable assets of our natural environment, they have chosen to support the present chaotic land use conditions which continue to abuse the American land.

THE ECONOMY: A TIME FOR CONGRESSIONAL LEADERSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 30 minutes.

Mr. OWENS. Mr. Speaker, the malignancy of inflation eats away at all of us. Decent, hard-working, and self-sufficient citizens are finding it increasingly difficult to secure basic necessities—food, fuel, and housing—in the face of inflation in excess of 13 percent per annum. No tax program we could devise would be as regressive and cruel in application as inflation itself.

Utah's Gov. Calvin Rampton recently remarked at the National Governor's Conference:

Inflation leads all the other concerns of the people by so far that there is really no other problem in the same league.

But when Americans desperately search for solutions to cope with rising prices, they find a supply shortage which is even more critical in its effect than shortages in food and fuel. We are confronted with a severe shortage of economic leadership. Five years of Nixonomics have produced catastrophic results.

Inflation was increasing at a 4.7 percent annual rate in 1968. Today it is rising by 13.2 percent. The average worker's real spendable income has fallen more than 7 percent since October 1972, and it is actually lower today than it was when Mr. Nixon took office.

Unemployment registered 3.6 percent in 1968. Now it is 5.2 percent. The number of persons unemployed has almost doubled, from 2.8 million to 4.5 million.

Real annual growth in gross national product was 4.7 percent in 1968. In 1974

it is 0.5 percent. The productivity increase rate was 3.5 percent in 1968. Today it is minus 5.5 percent.

Wealth at the rate of $10 billion annually is now being transferred from the lowest three-fifths of our income groups to the richest one-fifth. Fewer than 1 percent of the American people own half of all the corporate stock, and corporate profits increased 36 percent from 1971 to 1973. Meanwhile, the family trying to make ends meet on $12.600 a year had to pay an additional $1,200 in 1973 just to maintain the living standards of 1972. That family had to spend $402 more on fuel, $165 more for housing, and $57 more for clothing.

Americans do not face this problem alone. Inflation is a worldwide phenomenon, complicated by real and manufactured shortages of raw materials and the dangerous prospect of a worldwide food shortage. The immediate cause of the most recent inflationary surge is principally a matter of excess demand coupled with shortages in food, fuel, and other raw materials. While inflationary pressures from food and fuel prices appear to be abating somewhat, new upward pressure on prices due to higher labor costs must be expected as workers attempt to regain the income they had last year. In addition, nonfood and nonenergy prices have recently been rising at an annual rate of more than 10 percent, indicating that inflation has spread throughout almost all sectors of the economy.

At the same time economic indicators continue to suggest a deteriorating situation, Mr. Nixon informed us in a recent radio message that the worst is behind us in terms of inflation. But on the very next day, the Chairman of the Federal Reserve Board, Dr. Arthur Burns, said that the inflation at the present rate could threaten the very foundations of our economy. Mr. Nixon continues to depend on forecasts, expectations, hopes, studies, and voluntarism to justify his optimism that the worst is behind us.

We are faced with the frightening condition that in the highest levels of Government there is no agreement on where inflation is going or how it can be controlled. It is conspicuous that within the administration, the most optimistic views belong to those people who are not economists. And since there is no agreement within the administration regarding the future course of inflation, it is hardly surprising that there is also no agreement about the remedy.

The administration is relying on the highest interest rates since the Civil War as its chief weapon against inflation. Reliance strictly on tight monetary policy reflects a paucity of ideas in the Nixon administration. This has left the Federal Reserve to carry on the battle almost singlehanded.

We must not allow ourselves to be trapped in one-dimensional economics. President Nixon seems unable or unwilling to exercise leadership. Clearly, any leadership in the economic area must come from Congress. I have no magic formula to halt inflation dead in its tracks. But I do have some positive suggestions designed to moderate inflation and restore earning power.

First. Moderate credit expansion—Rapid money expansion could generate more inflation, and this in the long run further raises interest rates. A moderate rate of growth must therefore be pursued. However, interest-sensitive sectors such as housing and small business must be protected by channeling credit in their direction and away from less desirable uses such as export subsidies for commodities in short domestic supply.

Second. Increase supplies and stabilize prices—Today's inflation is different in that it reflects to an unprecedented degree the growing world shortages of key commodities. Measures must be taken to directly increase supplies of basic commodities to stabilize or reduce prices, regardless of the pain caused to special interests. We can increase the supply of scarce materials and forestall future shortages through advance planning and sensible import, export, subsidy, and market policies.

Third. Public service jobs to reduce unemployment—The present unemployment rate of 5 percent is way above any definition of full employment and is not acceptable. We must fight unemployment through jobs by expanding public service employment in health, public safety, mass transportation, environment, education, and inner city problems. Such jobs are the least costly, least inflationary, and least energy consuming. Creating 500,000 public service jobs would cost about $3.5 billion per year, which could be recouped by making cuts from excessive capital—intensive programs in the Nixon budget, such as military and foreign aid expenditures.

Fourth. Tax relief, tax reform—Low- and middle-income groups have been forced to bear a disproportionate burden of inflation. I support tax relief aimed specifically at low- and middle-income people by granting a partial cost-of-living adjustment to those hardest hit by rising prices and taxes. The battle against unemployment and high prices will be a long one. An unfair tax burden is clearly within our power to rectify now.

Tax relief means more money in the worker's pocket. It can help persuade the worker to moderate his demands for a large or unreasonable wage increase. Such relief could take several forms: First, reducing the employee's payroll tax; second, increasing the income tax standard deduction and low-income allowance; three, changing the personal income tax deduction to a tax credit.

To avoid excessive fiscal stimulus, the cost of tax relief should be offset—partly through increased Federal revenues due to increased economic activity, but mainly through effective tax reform. For example, Congress should immediately end the special tax favors conferred on the oil industry.

I have outlined in a speech appearing in the April 11, 1974, CONGRESSIONAL RECORD, 10 basic revisions of our tax code which would increase Federal revenues by $10 billion this year, help balance the budget, and permit some tax relief for lower and middle-income groups.

The effect of this tax relief-tax reform proposal is twofold. First, pressures for inflationary wage increases will be moderated, heading off serious new inflation. Second, this new spending power will start our economy toward more growth. All of this is accomplished without new Government spending, without increasing the deficit, and without unnecessary fiscal stimulus.

Fifth. Stabilize food prices.—Food is a key cause of inflation. Food prices increased by 20 percent last year. If the weather holds up, food harvests look good for this year. For example, our harvest of grains and soybeans should be 14 percent above the 1973 level. However, food prices, even with record crops, are estimated to go up by 12 percent this year.

Increasing food prices must be halted. The Agriculture Department must continue to monitor food exports to assure adequate domestic supplies. We must stop selling our food abroad, to the Soviet Union or anyone else, if these sales create shortages which lead to unreasonable food prices for the American family. Furthermore, we must encourage increased production by intensifying programs for agriculture research and development and by providing effective production incentives.

Sixth. Stabilize fuel prices.—The need to deal with fuel prices is even more urgent. The Senate Antitrust and Monopoly Subcommittee reports that price increases for petroleum products since January of 1973 are costing consumers a conservatively estimated $35.5 billion per year. This is the wallop that is causing much of our inflation as it increases the cost of gasoline, electricity, and heating oil.

We must meet the chief cause of inflation head on by rolling back oil prices. As the devastating effect of inflation becomes more obvious, perhaps the administration will abandon its policy of protecting oil company profits and permit an oil price rollback.

The following table lists the profit increases for the major oil companies for the first quarter of 1974:

First quarter 1974 profit increases over first quarter 1973

(In percent)

Exxon	39
Texaco	123
Gulf	76
Mobil	66
Shell	52
Standard (Ind.)	81
Standard (Cal.)	92
Continental	130
Occidental Petroleum	178

Such a price rollback can be large enough to take the push out of inflation caused by energy prices without decreasing the incentive to find more sources of oil. We could roll back oil prices by $3 per barrel—to $7.09 per barrel—and still be at a level which William Simon says will bring forth as much new production as we can reasonably expect to get.

Seventh. Strict antitrust enforcement—The Government must conduct a continuing review of the effect of economic concentration and anti-competitive practices on inflation. A market eco-

nomy requires competition which is free of monopoly power. We have witnessed a growth of undue concentration of economic power in several lines of the economy. Concentrated industries are insulated from traditional price competition, and many of them are so highly integrated vertically that they are even free from the threat of new entry. Firms with market power enjoy the capability of restricting output and maintaining high prices in the face of declining demand. This phenomenon is a significant factor contributing to inflation.

Government agencies charged with preventing private monopolies and combinations in restraint of trade fail to effectively enforce the antitrust laws. For 5 years the Antitrust Division of the Department of Justice has not fulfilled its mandate to preserve, foster, and restore competition. The division has failed to address the significant economic concentration in our society and has expended its resources in attacking relatively less significant antitrust transgressions. This emphasis cannot be allowed to continue. Competition must be restored as the basic principle governing the allocation of resources and determination of prices.

The market mechanism is the most efficient system for the production and distribution of goods and services. Restoration of free market principles must be the overriding consideration in our formulation of economic policy.

Eighth. Revitalize small business—Small business encompasses over 95 percent of American business, employs more than 50 million Americans, and produces 40 percent of the GNP. Small business is essential to the economic foundation of our society. The small business community is currently straining to cope with higher taxes, higher interest rates, increased wage rates, paperwork burden, tighter Federal regulations, and most important, inflation. The Federal Government must do all it can to improve the small businessman's chances for successful operation and growth.

Concern for the small business community is imperative to recognize their special problems. In a society where preoccupation with giant corporations, conglomerates, and big unions takes precedence, revitalization of the small business community is needed to maintain the viability of a historically vital sector of the American economy.

Ninth. Reduce Government spending—Many experts cite excessive Government spending as a principal cause of inflation. I agree. Government spending in the last 5 years has increased 50 percent. The Nixon Presidency has piled up cumulative deficits of about $120 billion, the highest of any peacetime administration in history. Over the past 5 years, the Congress has trimmed more than $19 billion from President Nixon's appropriations requests. I came very close to voting a balanced budget my first year in Congress. If all of my appropriations votes had prevailed last year, Congress would have cut the President's fiscal 1974 budget by $8.6 billion.

We need to cut unnecessary government spending—especially military spending, which is highly inflationary. For example, we now grant military foreign aid to at least 40 countries. It not only burdens the American taxpayer, it increases world tensions. This year the President has asked for $5.2 billion in foreign aid. The request for military assistance is $1.9 billion. This time of roaring inflation is no time to increase foreign and military aid. Congress must exercise spending restraint in these and other areas to counter inflationary trends.

CONCLUSION

Public leaders must recognize the enormous damage that prolonged inflation would inflict on our country. I reject the administration's passive attitude toward an economic crisis which is undermining the expectations and quality of life of millions of average income Americans—at least two-thirds of the Nation. People lose their jobs, the cruel tax of uncontrolled inflation shrinks individual buying power, many citizens remain in poverty, misallocation of wealth to the rich continues and accelerates, small businessmen are forced out of business, the tax system remains unjust and unfair, and our economy becomes less free and more regulated every day. Promises like those of the President's Council of Economic Advisors that inflation will drop from 12 to 7 percent during the coming year will be a cruel joke to people living on the edge of economic disaster.

If the Government will commit itself to provide jobs, improve purchasing power, stabilize food and fuel prices, implement fairer tax distribution, enforce the antitrust laws, cut Government spending, and channel credit where it is needed, wage earners will have a valid reason to moderate their requests for pay increases. We have have a program to slow inflation, increase growth, and maintain the U.S. economy as the strongest instrument for efficient resource allocation and distribution in the world.

SEMINARS ON BANK SECRECY—A JUNKET TO THE EDGE OF THE LAW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 60 minutes.

Mr. VANIK. Mr. Speaker, it has come to my attention that a "tax haven conference" was just held in Paris. The same "seminar service" plans an identical conference to be held at the Okura Hotel in Amsterdam on October 14, 15, and 16. At present the following panel discussions are being planned for the Amsterdam Conference:

Creating trusts and similar entities.
Investing in real estate.
Shipping companies and shipping registrations.
Continental European financial centers and tax havens.
Channel Islands.
Caribbean tax havens.
Pacific Basin tax havens.

I might add that if one is a tax lawyer or adviser, the cost of such a "seminar" might well be deductible—a further insult to the American public and Treasury! It is incredible that tax laws permit a tax deductible trip for a course in tax avoidance.

A second pamphlet from this "tax service" company, invites one—for a moderate fee—to spend June 20 and 21 at Le Grand Hotel in Paris to hear experts speak on the topic of "Bank Secrecy: Switzerland and Other Countries."

Mr. Speaker, I do not believe that this conference is being organized for the benefit of the world's law enforcement officers. I believe that it is a seminar program to help tax lawyers and advisers discuss grey areas of the law—to help them advise their clients on how to bury money and promote a flight from taxation. I know that there are troubles with our present Bank Secrecy Act, but the type of flaunting of "Swiss numbered accounts" provided by this "seminar" pamphlet surely requires some form of international tax treaty action.

I would like to include portions of the pamphlet in the RECORD at this point. I debated on whether or not to include the name of the seminar "service" and the speakers, since I do not want to increase their business. But those who seek to bury large fortunes in Swiss accounts have enough wealth to know about this type of "service." They have enough money to hire the fancy international lawyers to handle their money.

But the vast majority of the American public and the Congress have no idea of the dimension of this problem—a dollar outflow and tax avoidance estimated to run into the billions. Therefore, I will include names, dates, and places, to put some reality around the little known world of Swiss banking gnomes and numbered accounts.

It might be wise for the Treasury and Justice Departments to send representatives! We cannot combat tax evasion and illegal bank flows unless we know what the avoiders know!

Portions of the "seminar" pamphlet follow:

BANK SECRECY: SWITZERLAND AND OTHER COUNTRIES

(Programme sponsored by The Institute For International Learning and Portfolio & Fund Guide International—Paris: 20, 21 June, 1974, Le Grand Hotel)

BANK SECRECY

Switzerland and other countries

The Chairman and almost all of the speakers of this Conference have previously lectured on this very important subject a number of times in the U.S.A.

This Conference will cover the background of the law of banking and economic confidentiality in Switzerland.

Special emphasis will be placed in the very recent changes in Swiss Law, Administrative Decisions and Treaties.

It will further cover banking secrecy in countries other than Switzerland, including the major European countries such as Germany, France, Italy, Belgium, Luxemburg, etc., and smaller jurisdictions such as Liechtenstein, Panama, Singapore, New Hebrides, Lebanon and Indonesia.

It will include the specific relationship between countries with total, partial or no bank secrecy.

It will further discuss possibilities of obtaining foreign exchange in specific jurisdictions as well as the exchange of information in criminal and other matters.

Paris is very busy in June, and we have reserved only a limited number of rooms at

the Grand Hotel. Therefore, we suggest you fill in and return the registration form as soon as possible.

Programme

Thursday, 20th June

9:30 a.m.–12:30 p.m.

Swiss Banking and Economic Confidentiality

Background of the law of banking and the protection of economic secrets in Switzerland.

The Bank accounts.

Limitations on disclosure of the banking secret in civil and criminal courts and in administrative proceedings.

Specific problems with respect to foreign banks doing business in Switzerland.

Controlling policies affecting Swiss Banks doing business in other countries.

Panel discussion—questions and answers.

12:30 p.m. lunch

2.30–5.30 p.m.

Banking Secrecy in Countries Other Than Switzerland

Private versus official inquiries.

In depth study of different groups of countries.

1. Germany, Austria, Netherlands.
2. Belgium, France, Luxemburg.
3. Italy.
4. Liechtenstein, Panama, Bahamas, Singapore, New Hebrides, Lebanon, Indonesia.

Panel discussion—questions and answers.

Friday, 21st June

9.30 a.m.–12.30 p.m.

Specific Application of American Law to Bank Secrecy in Other Countries

Conflicts of law generally with respect to secrecy of foreign accounts.

United States Regulation of its nationals acting in violation of laws of host countries.

Powers to compel production of records in the United States from foreign branch.

Use of secret foreign bank accounts to violate United States laws and efforts at its inhibition.

1. Electronic data processing and retrieval.
2. Statute and regulation requiring record keeping and reporting.
3. Resident Revenue representatives.
4. Exchange of information among sovereigns pursuant to treaty and understandings.

Jurisdictional and procedural questions with respect to inquiry by another country into a Swiss bank secret.

1. In criminal matters.
2. In administration of estates.

Panel discussion—questions and answers.

12:30 p.m. Lunch

2.30–5.30 p.m.

Secrecy, Blocked Funds and International Transactions

Some practical aspects of bank secrecy and confidential accounts.

Various categories of blocked accounts, their use and marketability.

Significance of clearing and bilateral accounts.

Movements of "flight capital" and its effect on balance of payments.

Panel discussion—questions and answers.

FACULTY

Chairman

Boris Kostelanetz—Law firm of Kostelanetz & Ritholz, New York City; Formerly Special Assistant to the Attorney General of the U.S.; Co-Author of Criminal Aspects of Tax Fraud Cases.

Speakers

Maurice Aubert—Member of the Geneva Bar; Manager of the legal department, Hentsch & Co., Geneva; Partner of Messrs. Hentsch & Co., 1968; Author of a number of articles on Bank Secrecy.

Nicholas L. Deak—Doctor of Philosophy, University of Neuchatel, Switzerland; Founder and President of Deak and Co., Inc. which includes Perera Company, Inc.; Member of the faculty of the American Bankers Association.

Jules Ritholz—Law firm of Kostelanetz & Ritholz, New York City; Former Chairman, Committee on Civil and Criminal Tax Penalties, Tax Section, ABA.

Ernest C. Stiefel—Past Chairman: Committee on Foreign and International Law, New York County Lawyers' Association; Committee on European Law of the American Bar Association; Adviser: Journal of International Law and Policies (N.Y.U.).

Stephan Trechsel—Public Prosecutor, Bern; Lecturer at the University of Bern Law School.

JUVENILE DELINQUENCY PREVENTION ACT OF 1974

(Mr. HAWKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAWKINS. Mr. Speaker, I am delighted to announce that on June 6, 1974, the Subcommittee on Equal Opportunities favorably reported to the House Committee on Education and Labor, H.R. 15276, the Juvenile Delinquency Prevention Act of 1974.

This bill reflects the deep and growing commitment of the subcommittee membership to improve the quality of life for all youth of our Nation. It is a strengthened version of H.R. 6265, the Juvenile Justice and Delinquency Prevention Act.

We are particularly pleased that H.R. 15276 carries the cosponsorship of eight of our distinguished colleagues, Ms. CHISHOLM, Ms. MINK, Messrs. PERKINS, BELL, STEIGER of Wisconsin, ESCH, CLAY, and BENITEZ.

A companion bill, S. 821, which was introduced under the leadership of the distinguished Senator from Indiana, the Honorable BIRCH M. BAYH, was recently favorably reported by the Senate Committee on the Judiciary. It is now awaiting action by the Senate. The intensity, disciplined, and compassionate commitment of Senator BAYH to this area is too well-known for me to adequately describe at this time.

Mr. Speaker, while the most valuable resource of this great Nation is its youth, juveniles commit almost half the crimes committed in this Nation. Existing Federal programs for the prevention and treatment of juvenile delinquency are fragmented and uncoordinated. Only about 15 percent of the law enforcement administration's moneys and only about $10 million of HEW's delinquency prevention efforts are expended for this purpose.

With broad bipartisan support, H.R. 15276 seeks to provide strong Federal leadership in dealing with this important national problem which is siphoning off the future leaders of this Nation.

A major feature of this bill, over and above providing the beginnings of adequate resources to meet this problem, is its attempt to coordinate Federal efforts in the field of juvenile delinquency. It requires the Secretary of Health, Education, and Welfare to report to the President and the Congress on how existing Federal juvenile delinquency programs could be strengthened and for the President to report to the Congress on the implementation of these recommendations.

Second, through a juvenile delinquency development statement, each Federal agency is required to report to the Secretary and then to the Congress on the extent to which the programs of the concerned agency further the goals and policies of Federal juvenile delinquency programs.

Third, a Coordinating Council on the Prevention of Juvenile Delinquency, with Cabinet-level officers' participation as well as public membership, is established with broadened responsibility, authority, and resources to replace the Interdepartmental Council for the Coordination of all Federal Juvenile Delinquency Programs. The Interdepartmental Council has failed to meet its legislative mandate because of minimal support on the highest levels of our Nation and inadequate authority and responsibility.

Fourth, an Institute for the Continuing Studies of the Prevention of Juvenile Justice, developed by the distinguished gentleman from Illinois (Mr. RAILSBACK) would provide the necessary training, evaluation, research, demonstration, and technical and informational services which have been sadly lacking in this area.

Fifth, a Federal assistance program to deal with the problems of runaway youth and their families, a concern of many of our distinguished colleagues, has been incorporated into the act. This title authorizes the Secretary to make grants to localities and private agencies for the development of programs and services for youth and their families outside the law enforcement and juvenile justice system. It also directs the Secretary to conduct a statistical survey on the characteristics of runaway youth and their relationship to antisocial behavior.

This bill authorizes an annual appropriation of $75 million for fiscal years 1975 and 1976; $125 million for fiscal year 1977; and $175 million for fiscal year 1978. Of these amounts, not more than 5 percent may be appropriated for the Administration and not more than 10 percent may be appropriated for the Institute. In addition, $10 million is authorized for the grant program and $500,000 is authorized for the survey and reporting program of the Runaway Youth Act for each of the fiscal years 1975, 1976, and 1977. Such sums as may be necessary are authorized for the purposes of the Coordinating Council.

Mr. Speaker, I insert H.R. 15276, as favorably reported by the Subcommittee on Equal Opportunities, in the RECORD:

H.R. 15276

A bill to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Juvenile Delinquency Prevention Act of 1974".

FINDINGS

SEC. 2. The Congress hereby finds that—

(1) juveniles account for almost half the arrests for serious crimes in the United States today;

(2) understaffed, overcrowded juvenile courts, probation services, and correctional facilities are not able to provide individualized justice or effective help;

(3) present juvenile courts, foster and protective care programs, and shelter facilities are inadequate to meet the needs of the countless neglected, abandoned, and dependent children, who, because of this failure to provide effective services, may become delinquents;

(4) existing programs have not adequately responded to the particular problems of the increasing numbers of young people who are addicted to or who abuse drugs, particularly nonopiate or polydrug abusers;

(5) juvenile delinquency can be prevented through programs designed to keep students in elementary and secondary schools through the prevention of unwarranted and arbitrary suspensions and expulsions;

(6) States and local communities which experience directly the devastating failures of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency;

(7) the adverse impact of juvenile delinquency results in enormous annual cost and immeasurable loss in human life, personal security, and wasted human resources;

(8) existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency; and

(9) juvenile delinquency constitutes a growing threat to the national welfare requiring immediate, comprehensive, and effective action by the Federal Government.

PURPOSE

SEC. 3. It is the purpose of this Act—

(1) to provide the necessary resources, leadership, and coordination to develop and implement effective methods of preventing and treating juvenile delinquency;

(2) to increase the capacity of State and local governments and public and private agencies, institutions, and organizations to conduct innovative, effective delinquency prevention and treatment programs and to provide useful research, evaluation, and training services in the area of juvenile delinquency;

(3) to develop and implement effective programs and services to divert juveniles from the traditional juvenile justice system and to increase the capacity of State and local governments to provide critically needed alternatives to institutionalization;

(4) to develop and encourage the implementation of national standards for the administration of juvenile justice, including recommendations for administrative, budgetary, and legislative action at the Federal, State, and local level to facilitate the adoption of such standards;

(5) to establish a centralized research effort on the problems of juvenile delinquency, including an information clearinghouse to disseminate the findings of such research and all data related to juvenile delinquency;

(6) to provide for the thorough and prompt evaluation of all federally assisted juvenile delinquency programs;

(7) to provide technical assistance to public and private agencies, institutions, and individuals in developing and implementing juvenile delinquency programs;

(8) to assist States and local communities with resources to develop and implement programs to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions;

(9) to establish training programs for persons, including professionals, paraprofessionals, and volunteers, who work with delinquents or potential delinquents or whose work or activities relate to juvenile delinquency programs;

(10) to establish a new Juvenile Delinquency Prevention Administration in the Department of Health, Education, and Welfare to provide direction, coordination, and review of all federally assisted juvenile delinquency programs;

(11) to establish an Institute for Continuing Studies of the Prevention of Juvenile Delinquency, to further the purposes of this Act; and

(12) to establish a Federal assistance program to deal with the problems of runaway youth.

DEFINITIONS

SEC. 4. For purposes of this Act—

(1) the term "community-based" means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service which maintain community and consumer participation in the planning, operation, and evaluation of their programs which may include medical, educational, vocational, social, and psychological guidance, training, counseling, drug treatment, and other rehabilitative services;

(2) the term "construction" means acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees but not the cost of acquisition of land for buildings);

(3) the term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house such machinery, utilities, or equipment;

(4) the term "juvenile delinquency program" means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug abuse programs, the improvement of the juvenile justice system, and any program or activity for neglected, abandoned, or dependent youth and other youth who are in danger of becoming delinquent;

(5) the term "local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, and an Indian tribe and any combination of two or more of such units acting jointly;

(6) the term "public agency" means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing;

(7) the term "Secretary" means the Secretary of Health, Education, and Welfare;

(8) the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(9) the term "Federal agency" means any agency in the executive branch of the Federal Government;

(10) the term "drug dependent" has the meaning given it by section 2(g) of the Public Health Service Act (42 U.S.C. 201 (g));

(11) the term "Administration" means the Juvenile Delinquency Prevention Administration established by section 101(a);

(12) the term "Director" means the Director of the Administration;

(13) the term "State agency" means an agency designated under section 214(a)(1);

(14) the term "State Supervisory Board" means the board provided for under section 214(a)(3);

(15) the term "local agency" means any local agency which is assigned responsibility under section 214(a)(6);

(16) the term "Institute" means the Institute for Prevention and Treatment of Juvenile Delinquency established by section 301(a);

(17) the term "Administrator" means the Administrator of the Institute; and

(18) the term "Council" means the Coordinating Council on Juvenile Delinquency Prevention established by section 501.

TITLE I—JUVENILE DELINQUENCY PREVENTION ADMINISTRATION

ESTABLISHMENT OF ADMINISTRATION

SEC. 101. (a) There hereby is established within the Department of Health, Education, and Welfare the Juvenile Delinquency Prevention Administration.

(b) There shall be at the head of the Administration a Director who shall be appointed by the Secretary. The salary of the Director shall be fixed by the Secretary.

(c) The Director shall be the chief executive of the Administration and shall exercise all necessary powers.

(d) There shall be in the Administration a Deputy Director who shall be appointed by the Secretary. The salary of the Deputy Director shall be fixed by the Secretary. The Deputy Director shall perform such functions as the Director from time to time assigns or delegates, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

OFFICERS AND EMPLOYEES

SEC. 102. The Secretary may select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

VOLUNTARY SERVICES

SEC. 103. Notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)), the Secretary may accept and employ voluntary and uncompensated services in carrying out the provisions of this Act.

CONCENTRATION OF FEDERAL EFFORTS

SEC. 104. (a) The Secretary shall establish overall policy and develop objectives and priorities for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system in the United States. In carrying out his functions, the Secretary shall consult with the Coordinating Council on Juvenile Delinquency Prevention.

(b) In carrying out the purposes of this Act, the Secretary shall—

(1) advise the President as to all matters relating to federally assisted juvenile delinquency programs and Federal policies regarding juvenile delinquency;

(2) assist operating agencies which have direct responsibilities for the prevention and treatment of juvenile delinquency in the development and promulgation of rules, guidelines, requirements, criteria, standards, procedures, and budget requests in accordance with the policies, priorities, and objectives he establishes;

(3) review and, to the extent he considers necessary, modify the implementation plans for any Federal program and the budget request of any Federal agency, to the extent such plans or requests pertain to Federal juvenile delinquency programs;

(4) conduct and support, in cooperation with the Institute for Continuing Studies of the Prevention of Juvenile Delinquency, evaluations and studies of the performance and results achieved by Federal juvenile delinquency programs and activities and of the prospective performance and results that

might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered;

(5) coordinate Federal juvenile delinquency programs and activities among Federal agencies and between Federal juvenile delinquency programs and activities and other Federal programs and activities which he determines may have an important bearing on the success of the entire Federal juvenile delinquency effort;

(6) develop annually, submit to the Council for review, and thereafter submit to the President and the Congress, no later than September 30, a report which shall include an analysis and evaluation of Federal juvenile delinquency programs conducted and assisted by Federal agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations and coordination of such programs, and recommendations for modifications in organization, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectiveness of such programs;

(7) develop annually, submit to the Council for review, and thereafter submit to the President and the Congress, no later than March 1, a comprehensive plan for juvenile delinquency programs administered by any Federal agency, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system; and

(8) provide technical assistance to Federal, State, and local governments, courts, public and private agencies, institutions, and individuals, in the planning, establishment, funding, operation, or evaluation of juvenile delinquency programs.

(c) The President shall, no later than 90 days after receiving each annual report under subsection (b)(6), submit a report to the Congress and to the Council containing a detailed statement of any action taken or anticipated with respect to recommendations made by each such annual report.

(d)(1) The first report submitted to the President and the Congress by the Secretary under subsection (b)(6) shall contain, in addition to information required by subsection (b)(6), a detailed statement of criteria developed by the Secretary for identifying the characteristics of juvenile delinquency, prevention, diversion of youths from the juvenile justice system, and the training, treatment, and rehabilitation of juvenile delinquents.

(2) The second such report shall contain, in addition to information required by subsection (b)(6), an identification of Federal programs which are related to juvenile delinquency prevention or treatment, together with a statement of the moneys expended for each such program during the most recent complete fiscal year. Such identification shall be made by the Secretary through the use of criteria developed under paragraph (1).

(e) The third report submitted to the President and the Congress by the Secretary under subsection (b)(7) shall contain, in addition to the comprehensive plan required by subsection (b)(7), a detailed statement of procedures to be used with respect to the submission of juvenile delinquency development statements to the Secretary by Federal agencies under section 105. Such statement submitted by the Secretary shall include a description of information, data, and analyses which shall be contained in each such impact statement.

(f) The Secretary may require Federal agencies engaged in any activity involving any Federal juvenile delinquency program to provide him with such information and reports, and to conduct such studies and surveys, as he may deem to be necessary to carry out the purposes of this Act.

(g) The Secretary may delegate any of his functions under this title, except the making of rules, to any officer or employee of the Administration.

(h) The Secretary may utilize the services and facilities of any Federal agency and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

(i) The Secretary may transfer funds appropriated under this Act to any Federal agency to develop or demonstrate new methods in juvenile delinquency prevention and treatment and to supplement existing delinquency prevention and treatment programs which the Director finds to be exceptionally effective or for which he finds there exists exceptional need.

(j) The Secretary may make grants to, or enter into contracts with, any public or private agency, institution, or individual to carry out the purposes of this Act.

(k) All functions of the Secretary under this Act shall be administered through the Administration.

JUVENILE DELINQUENCY DEVELOPMENT STATEMENTS

SEC. 105. (a) The Secretary shall require each Federal agency which administers a Federal juvenile delinquency program which meets any criterion developed by the Secretary under section 104(d)(1) to submit to the Secretary a juvenile delinquency development statement. Such statement shall be in addition to any information, report, study, or survey which the Secretary may require under section 104(f).

(b) Each juvenile delinquency development statement submitted to the Secretary under subsection (a) shall be submitted in accordance with procedures established by the Secretary under section 104(e) and shall contain such information, data, and analyses as the Secretary may require under section 104(e). Such analyses shall include an analysis of the extent to which the juvenile delinquency program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile delinquency prevention and treatment goals and policies.

(c) The Secretary shall review and comment upon each juvenile delinquency development statement transmitted to him under subsection (a). Such development statement, together with the comments of eral agency involved in every recommendation or request made by such agency for Federal legislation which significantly affects juvenile delinquency prevention and treatment.

JOINT FUNDING

SEC. 106. Notwithstanding any other provision of law, where funds are made available by more than one Federal agency to be used by any agency, organization, institution, or individual to carry out a Federal juvenile delinquency program or activity, any one of the Federal agencies providing funds may be designated by the Secretary to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Secretary may order any such agency to waive any technical grant or contract requirement (as defined in rules prescribed by the Secretary) which is inconsistent with the similar requirement of the administering agency or which the administering agency does not impose.

TITLE II—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

PART A—GRANT PROGRAMS

AUTHORIZATION

SEC. 211. The Secretary may make grants to States and local governments to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

ALLOCATION

SEC. 212. (a) In accordance with rules prescribed under this title, funds shall be allocated annually among the States on the basis of relative population of people under 18 years of age. No such allotment to any State shall be less than $150,000, except that for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, no allotment shall be less than $50,000.

(b) Except for funds appropriated for fiscal year 1975, if any amount so allotted remains unobligated at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purposes of this title. Funds appropriated for fiscal year 1975 may be obligated in accordance with subsection (a) until June 30, 1976, after which time they may be reallocated. Any amount so reallocated shall be in addition to the amounts already allotted and available to the States, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands for the same period.

(c) In accordance with rules prescribed under this title, a portion of any allotment to any State under this part shall be available to develop a State plan and to pay that portion of the expenditures which are necessary for efficient administration. Not more than 15 percent of the total annual allotment of such State shall be available for such purposes. The State shall make available needed funds for planning and administration to local governments within the State on an equitable basis.

(d) Financial assistance extended under the provisions of this section shall not exceed 90 percent of the approved costs of any assisted programs or activities. The non-Federal share shall be made only through the use of cash or other monetary instruments.

SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS; AUTHORIZATION

SEC. 213. (a) Not less than 25 percent of the funds appropriated for each fiscal year pursuant to this title shall be available only for special emphasis prevention and treatment grants and contracts made pursuant to this section and section 215.

(b) Among applicants for grants and contracts under this part, priority shall be given to private nonprofit organizations or institutions which have had experience in dealing with youth. Not less than 20 percent of the funds available for grants and contracts made pursuant to this part shall be available for grants and contracts to such private nonprcfit organizations or institutions.

(c) The Secretary may make grants to and enter into contracts with public and private agencies, organizations, institutions, or individuals to—

(1) develop and implement new approaches, techniques, and methods with respect to juvenile delinquency programs;

(2) develop and maintain community-based alternatives to traditional forms of institutionalization;

(3) develop and implement programs to keep students in elementary and secondary

schools and to prevent unwarranted and arbitrary suspensions and expulsions;

(4) develop and implement effective means of diverting juveniles from the traditional juvenile justice and correctional system;

(5) improve the capability of public and private agencies and organizations to provide services for delinquents and youths in danger of becoming delinquent; and

(6) facilitate the adoption of the recommendations of the Institute as set forth pursuant to section 309.

STATE PLANS

SEC. 214. (a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes. In acordance with rules prescribed under this title, such plan shall—

(1) establish or designate a single State agency, or designate any other agency, as the sole agency responsible for the preparation and administration of the plan;

(2) contain satisfactory evidence that the State agency has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

(3) provide for supervision of the programs funded under this Act by the State agency by a State supervisory board appointed by the chief executive officer of the State (A) which shall consist of not less than 15 persons who have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice; (B) which shall include representation of units of local government, law enforcement and juvenile justice agencies such as law enforcement, correction or probation personnel, and juvenile or family court judges, and public agencies concerned with delinquency prevention or treatment such as welfare, social services, mental health, education, youth service departments, or alternative youth systems; (C) which shall include representatives of private organizations concerned with delinquency prevention or treatment; concerned with neglected or dependent children; concerned with the quality of juvenile justice, education, or social services for children; which utilize volunteers to work with delinquents or potential delinquents; community-based delinquency prevention or treatment programs; and organizations which represent employees affected by this Act; (D) a majority of whose members (including the Chairman) shall not be full-time employees of the Federal Government, the State, or any local government; (E) at least one-third of whose members shall be under the age of 26 at the time of appointment and of whom at least two shall have been under the jurisdiction of the justice system; and (F) which shall have the authority to approve, after consultation with private agencies and alternative youth systems, any proposed modification of a State plan before such proposed modification is submitted to the Secretary;

(4) provide for the active consultation with and participation of local governments in the development of a State plan which adequately takes into account the needs and requests of local governments;

(5) provide that at least 75 percent of the funds received by the State under section 212 shall be expended through programs of local government insofar as they are consistent with the State plan, except that this provision may be waived at the discretion of the Secretary for any State if the services for delinquent or potentially delinquent youth are organized primarily on a statewide basis;

(6) provided that the chief executive officer of the local government shall assign responsibility for the preparation and administration of the local government's part of the State plan, or for the supervision of the preparation and administration of the local government's part of the State plan, to that agency within the local government's structure which can most effectively carry out the purposes of this Act and shall provide for supervision of the programs funded under this Act by the local agency by a board which meets the appropriate requirements of paragraph (3);

(7) provide, to the maximum extent feasible, for an equitable distribution of the assistance received under section 212 within the State;

(8) set forth a detailed study of the State needs for an effective, comprehensive, coordinated approach to juvenile delinquency prevention and treatment and the improvement of the juvenile justice system, including an itemized estimated cost for the development and implementation of such programs;

(9) provide that not less than 75 percent of the funds available to such State or to any local government of such State under this part, whether expended directly by the State or by the local government or through contracts with public or private agencies, shall be used for advanced techniques in conjunction with the development, maintenance, and expansion of programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, and to provide community-based alternatives to juvenile detention and correctional facilities; such advanced techniques shall include community-based programs and services relating to various aspects of juvenile delinquency, youth service bureaus to assist delinquent and other youth, drug abuse education and prevention programs, programs to encourage youth to remain in school, improvement of probation programs and services, statewide programs designed to increase the use of nonsecure community-based facilities for the commitment of juveniles, and youth-initiated programs and outreach programs designed to assist youth who otherwise would not be reached by assistance programs;

(10) encourage the development of an adequate research, training, and evaluation capacity within the State;

(11) encourage the placement of juveniles in shelter facilities, rather than juvenile detention or correctional facilities, if such juveniles are charged with or have committed offenses which would not be criminal if committed by an adult; discourage the incarceration of juveniles with adults; and encourage the establishment of monitoring systems designed to augment the commitment policies described in this paragraph;

(12) provide assurances that assistance will be available on an equitable basis to deal with all disadvantaged youth, including females, minority youth, and mentally, emotionally, or physically handicapped youth;

(13) provide for procedures which will be established for protecting under Federal, State, and local law the right of recipients of services and which will assure appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

(14) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;

(15) provide reasonable assurance that Federal funds made available under this part for any period will not be so used as to supplement and increase (but not supplant), to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such State, local, and other non-Federal funds;

(16) provide that the State agency will from time to time, but not less often than annually, review its plan and submit to the Secretary an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, which it considers necessary; and

(17) contain such other terms and conditions as the Secretary may reasonably prescribe to assure the effectiveness of the programs assisted under this title.

(b) The Secretary shall approve any State plan and any modification thereof that meets the requirements of subsection (a).

(c) In the event that any State fails to submit a plan, or submits a plan, or any modification thereof which the Secretary, after reasonable notice and opportunity for hearing, determines does not meet the requirements of subsection (a), the Secretary shall make the allotment of such State under the provisions of section 212 available to the public and private agencies in such State for programs under sections 213 and 215.

APPLICATIONS

SEC. 215. (a) Any agency, institution, or individual desiring to receive a grant, or enter into any contract under this section or section 213, shall submit an application at such time, in such manner, and containing or accompanied by such information, as the Secretary may prescribe.

(b) In accordance with guidelines established by the Secretary, each such application shall—

(1) provide that the program for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) set forth a program for carrying out one or more of the purposes set forth in section 214;

(3) provide for the proper and efficient administration of such program;

(4) provide for regular evaluation of the program;

(5) indicate that the applicant has requested the review of the application from the State agency or local agency designated under section 214, when appropriate;

(6) indicate the response of the State agency or the local agency to the request for review and comment on the application;

(7) provide that regular reports on the program shall be sent to the Secretary and to the State agency and local agency, when appropriate; and

(8) provide for such fiscal control and fund accounting procedures as may be necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title.

(c) In determining whether or not to approve applications for grants under this title, the Secretary shall consider—

(1) the relative cost and effectiveness of the proposed program in effectuating the purposes of this Act;

(2) the extent to which the proposed program will incorporate new or innovative techniques;

(3) the extent to which the proposed program meets the objectives and priorities of the State plan, when a State plan has been approved by the Secretary under section 214 (b) and when the location and scope of the program make such consideration appropriate;

(4) the increase in capacity of the public and private agency, institution, or individual to provide services to delinquents or youths in danger of becoming delinquent;

(5) the extent to which the proposed project serves communities which have high rates of youth unemployment, school dropout, and delinquency; and

(6) the extent to which the proposed program facilitates the implementation of the recommendations of the Institute as set forth pursuant to section 309.

PART B—GENERAL PROVISIONS

WITHHOLDING

SEC. 221. Whenever the Secretary, after giving reasonable notice and opportunity for hearing to a recipient of a grant under this title, finds—

(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provisions of this title, or

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision,

the Secretary shall notify such recipient of his findings and no further payments may be made to such recipient under this title (or in his discretion that the State agency shall not make further payments to specified programs affected by the failure) by the Secretary until he is satisfied that such noncompliance has been, or will promptly be, corrected.

USE OF FUNDS

SEC. 222. (a) Funds paid to any State public or private agency, institution, or individual (whether directly or through a State agency or local agency) may be used for—

(1) securing, developing, or operating the program designed to carry out the purposes of this Act; and

(2) not more than 50 percent of the cost of the construction of innovative community-based facilities for less than 20 persons which, in the judgment of the Secretary, are necessary for carrying out the purposes of this Act.

(b) Except as provided by subsection (a), no funds paid to any public or private agency, institution, or individual under this title (whether directly or through a State agency or local agency) may be used for construction.

PAYMENTS

SEC. 223. (a) In accordance with criteria established by the Secretary, it is the policy of the Congress that programs funded under this title shall continue to receive financial assistance, except that such assistance shall not continue if the yearly evaluation of such programs is not satisfactory.

(b) At the discretion of the Secretary, when there is no other way to fund an essential juvenile delinquency program, the State may utilize 25 percent of the funds available to it under this Act to meet the non-Federal matching share requirement for any other Federal juvenile delinquency program grant.

(c) Whenever the Secretary determines that it will contribute to the purposes of this Act, he may require the recipient of any grant or contract to contribute money, facilities, or services up to 25 percent of the cost of the project involved.

(d) Payments made under this title, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, in such installments and on such conditions as the Secretary may determine.

TITLE III—INSTITUTE FOR CONTINUING STUDIES OF THE PREVENTION OF JUVENILE DELINQUENCY

ESTABLISHMENT AND PURPOSE

SEC. 301. (a) There is hereby established an institute to be known as the Institute for Continuing Studies of the Prevention of Juvenile Delinquency. The Institute shall be administered by the Secretary through the Administration.

(b) It shall be the purpose of the Institute to provide a coordinating center for the collection, preparation, and dissemination of useful data regarding the treatment and control of juvenile offenders, and it shall also be the purpose of the Institute to provide training for representatives of Federal, State, and local law enforcement officers, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation personnel, correctional personnel, and other persons, including lay personnel, connected with the treatment and control of juvenile offenders.

FUNCTIONS

SEC. 302. The Institute shall—

(1) serve as an information bank by collecting systematically and synthesizing the data and knowledge obtained from studies and research by public and private agencies, institutions, or individuals concerning all aspects of juvenile delinquency, including the prevention and treatment of juvenile delinquency;

(2) serve as a clearinghouse and information center for the preparation, publication, and dissemination of all information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs and plans, availability of resources, training and educational programs, statistics, and other pertinent data and information;

(3) disseminate pertinent data and studies (including a periodic journal) to individuals, agencies, and organizations concerned with the prevention and treatment of juvenile delinquency;

(4) prepare, in cooperation with educational institutions, Federal, State, and local agencies, and appropriate individuals and private agencies, such studies as it considers to be necessary with respect to the prevention and treatment of juvenile delinquency and related matters, including recommendations designed to promote effective prevention and treatment;

(5) devise and conduct in various geographical locations, seminars and workshops providing continuing studies for persons engaged in working directly with juveniles and juvenile offenders;

(6) devise and conduct a training program, in accordance with the provisions of sections 305, 306, and 307, of short-term instruction in the latest proven-effective methods of prevention, control, and treatment of juvenile delinquency for correctional and law enforcement personnel, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel) connected with the prevention and treatment of juvenile delinquency;

(7) develop technical training teams to aid in the development of training programs in the States and to assist State and local agencies which work with juveniles and juvenile offenders;

(8) conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency, particularly with respect to new programs and methods which show promise of making a contribution toward the prevention and treatment of juvenile delinquency;

(9) encourage the development of demonstration projects in new and innovative techniques and methods to prevent and treat juvenile delinquency;

(10) provide for the evaluation of all programs assisted under this Act in order to determine the results and the effectiveness of such programs;

(11) provide for the evaluation of any other Federal, State, or local juvenile delinquency program, as deemed necessary by the Secretary; and

(12) disseminate the results of such evaluations and research and demonstration activities, particularly to persons actively working in the field of juvenile delinquency.

POWERS

SEC. 303. (a) The functions, powers, and duties specified in this Act to be carried out by the Institute shall not be transferred elsewhere or within any Federal agency unless specifically hereafter authorized by the Congress. In addition to the other powers, express and implied, the Institute may—

(1) request any Federal agency to supply such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions;

(2) arrange with and reimburse the heads of Federal agencies for the use of personnel or facilities or equipment of such agencies;

(3) confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other public or private local agencies;

(4) enter into contracts with public or private agencies, organizations, or individuals, for the partial performance of any of the functions of the Institute; and

(5) compensate consultants and members of technical advisory councils who are not in the regular fulltime employ of the United States, at a rate to be fixed by the Administrator of the Institute but not exceeding $75 per diem and while away from home, or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(b) Any Federal agency which receives a request from the Institute under subsection (a)(1) may cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information and advice to the Institute.

ADMINISTRATOR AND STAFF

SEC. 304. (a) The Institute shall have an Administrator who shall be appointed by the Secretary and who shall serve at the pleasure of the Secretary.

(b) The Administrator shall have responsibility for the administration of the organization, employees, enrollees, financial affairs, and other operations of the Institute. He may employ such staff, faculty, and administrative personnel as are necessary for the functioning of the Institute.

(c) The Administrator shall have the power to—

(1) acquire and hold real and personal property for the Institute;

(2) receive gifts, donations, and trusts on behalf of the Institute; and

(3) appoint such technical or other advisory councils comprised of consultants to guide and advise the Secretary.

(d) The Administrator may delegate his powers under this Act to such employees of the Institute as he deems appropriate.

ESTABLISHMENT OF TRAINING PROGRAM

SEC. 305. (a) The Secretary shall establish within the Institute a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency.

(b) Enrollees in the training program established under this section shall be drawn from correctional and law enforcement personnel, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel) connected with the prevention and treatment of juvenile delinquency.

CURRICULUM FOR TRAINING PROGRAM

SEC. 306. The Secretary shall design and supervise a curriculum for the training program established by section 305 which shall utilize an interdisciplinary approach with respect to the prevention of juvenile delinquency, the treatment of juvenile delinquents, and the diversion of youths from the juvenile justice system. Such curriculum shall be appropriate to the needs of the enrollees of the training program.

ENROLLMENT FOR TRAINING PROGRAM

SEC. 307. (a) Any person seeking to enroll in the training program established under

section 305 shall transmit an application to the Administrator, in such form and according to such procedures as the Administrator may prescribe.

(b) The Administrator shall make the final determination with respect to the admittance of any person to the training program. The Administrator, in making such determination, shall seek to assure that persons admitted to the training program are broadly representative of the categories described in section 305(b).

(c) While studying at the Institute and while traveling in connection with his study (including authorized field trips), each person enrolled in the Institute shall be allowed travel expenses and a per diem allowance in the same manner as prescribed for persons employed intermittently in the Government service under section 5703(b) of title 5, United States Code.

ANNUAL REPORT

SEC. 308. The Administrator shall develop annually and submit to the President and each House of the Congress, prior to June 30, a report on the activities of the Institute and on research, demonstration, training, and evaluation programs funded under this title, including a review of the results of such programs, an assessment of the application of such results to existing and new juvenile delinquency programs, and detaile recommendations for future research, demonstration, training, and evaluation programs.

DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE

SEC. 309. The Institute, under the supervision of the Secretary, shall conduct a study for the development of standards for juvenile justice. The Institute shall, no later than one year after the date of the enactment of this Act, submit to the President and to each House of the Congress a report based upon such study. Such report shall contain a detailed statement of recommended standards for the administration of juvenile justice at the Federal, State, and local level, and shall recommend—

(1) Federal action, including administrative, budgetary, and legislative action, required to facilitate the adoption of such standards throughout the United States; and

(2) State and local action to facilitate the adoption of such standards for juvenile justice at the State and local level.

INFORMATION FROM FEDERAL AGENCIES

SEC. 310. Each Federal agency shall furnish to the Secretary such information as the Secretary deems necessary to carry out his functions under this title.

RECORDS

SEC. 311. Records containing the identity of any juvenile gathered for purposes pursuant to this title may under no circumstances be disclosed or transferred to any individual or to any public or private agency.

TITLE IV—RUNAWAY YOUTH ACT

SHORT TITLE

SEC. 401. This title may be cited as the "Runaway Youth Act".

FINDINGS

SEC. 402. The Congress hereby finds that—

(1) the number of juveniles who leave and remain away from home without parental permission has increased to alarming proportions, creating a substantial law enforcement problem for the communities inundated, and significantly endangering the young people who are without resources and live on the street;

(2) the exact nature of the problem is not well defined because national statistics on the size and profile of the runaway youth population are not tabulated;

(3) many such young people, because of their age and situation, are urgently in need of temporary shelter and counseling services;

(4) the problem of locating, detaining, and returning runaway children should not be the responsibility of already overburdened police departments and juvenile justice authorities; and

(5) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop accurate reporting of the problem nationally and to develop an effective system of temporary care outside the law enforcement structure.

RULES

SEC. 403. The Secretary may prescribe such rules as he considers necessary or appropriate to carry out the purposes of this title.

PART A—GRANT PROGRAM

PURPOSES OF GRANT PROGRAM

SEC. 411. The Secretary is authorized to make grants and to provide technical assistance to localities and nonprofit private agencies in accordance with the provisions of this part. Grants under this part shall be made for the purpose of developing local facilities to deal primarily with the immediate needs of runaway youth in a manner which is outside the law enforcement structure and juvenile justice system. The size of such grants shall be determined by the number of runaway youth in the community and the existing availability of services. Among applicants priority shall be given to private organizations or institutions which have had past experience in dealing with runaway youth.

ELIGIBILITY

SEC. 412. (a) To be eligible for assistance under this part, an applicant shall propose to establish, strengthen, or fund an existing or proposed runaway house, a locally controlled facility providing temporary shelter, and counseling services to juveniles who have left home without the permission of their parents or guardians.

(b) In order to qualify for assistance under this part, an applicant shall submit a plan to the Secretary meeting the following requirements and including the following information. Each house—

(1) shall be located in an area which is demonstrably frequented by or easily reachable by runaway youth;

(2) shall have a maximum capacity of no more than 20 children, with a ratio of staff to children of sufficient proportion to assure adequate supervision and treatment;

(3) shall develop adequate plans for contacting the child's parents or relatives (if such action is required by State law) and assuring the safe return of the child according to the best interests of the child, for contacting local government officials pursuant to informal arrangements established with such officials by the runaway house, and for providing for other appropriate alternative living arrangements;

(4) shall develop an adequate plan for assuring proper relations with law enforcement personnel, and the return of runaway youths from correctional institutions;

(5) shall develop an adequate plan for aftercare counseling involving runaway youth and their parents within the State in which the runaway house is located and for assuring, as possible, that aftercare services will be provided to those children who are returned beyond the State in which the runaway house is located;

(6) shall keep adequate statistical records profiling the children and parents which it serves, except that records maintained on individual runaway youths shall not be disclosed without parental consent to anyone other than another agency compiling statistical records or a government agency involved in the disposition of criminal charges against an individual runaway youth, and reports or other documents based on such statistical records shall not disclose the identity of individual runaway youths;

(7) shall submit annual reports to the Secretary detailing how the house has been able to meet the goals of its plans and reporting the statistical summaries required by paragraph (6);

(8) shall demonstrate its ability to operate under accounting procedures and fiscal control devices as required by the Secretary;

(9) shall submit a budget estimate with respect to the plan submitted by such house under this subsection; and

(10) shall supply such other information as the Secretary reasonably deems necessary.

APPROVAL BY SECRETARY

SEC. 413. An application by a State, locality, or nonprofit private agency for a grant under this part may be approved by the Secretary only if it is consistent with the applicable provisions of this part and meets the requirements set forth in section 412. Priority shall be given to grants smaller than $75,000. In considering grant applications under this part, priority shall be given to any applicant whose program budget is smaller than $100,000.

GRANTS TO PRIVATE AGENCIES; STAFFING

SEC. 414. Nothing in this part shall be construed to deny grants to nonprofit private agencies which are fully controlled by private boards or persons but which in other respects meet the requirements of this part and agree to be legally responsible for the operation of the runaway house. Nothing in this part shall give the Federal Government control over the staffing and personnel decisions of facilities receiving Federal funds.

REPORTS

SEC. 415. The Secretary shall annually report to the Congress on the status and accomplishments of the runaway houses which are funded under this part, with particular attention to—

(1) their effectiveness in alleviating the problems of runaway youth;

(2) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through couseling and other services;

(3) their effectiveness in strengthening family relationships and encouraging stable living conditions for children; and

(4) their effectiveness in helping youth decide upon a future course of action.

FEDERAL SHARE

SEC. 416. (a) The Federal share for construction under this part shall be no more than 50 percent. The Federal share for the acquisition and renovation of existing structures, the provision of counseling services, staff training, and the general costs of operations of such facility's budget for any fiscal year shall be 90 percent. The non-Federal share may be in cash or in kind, fairly evaluated by the Secretary, including plant, equipment, or services.

(b) Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

PART B—STATISTICAL SURVEY

SURVEY; REPORT

SEC. 421. The Secretary shall gather information and carry out a comprehensive statistical survey defining the major characterics of the runaway youth population and determining the areas of the Nation most affected. Such survey shall include the age, sex, and socioeconomic background of runaway youth, the places from which and to which children run, and the relationship between running away and other illegal behavior. The Secretary shall report the results

of such information gathering and survey to the Congress not later than June 30, 1975.

RECORDS

SEC. 422. Records containing the identity of individual runaway youths gathered for statistical purposes pursuant to section 421 may under no circumstances be disclosed or transferred to any individual or to any public or private agency.

TITLE V—COORDINATING COUNCIL ON JUVENILE DELINQUENCY PREVENTION

ESTABLISHMENT

SEC. 501. There is hereby established, as an independent organization in the executive branch of the Federal Government, a council to be known as the Coordinating Council on Juvenile Delinquency Prevention.

MEMBERSHIP

SEC. 502. (a) The Council shall consist of six regular members appointed under subsection (c) and an additional number of ex officio members designated by subsection (b).

(b)(1) The following individuals shall be ex officio members of the Council:

(A) the Secretary (or the Under Secretary of the Department of Health, Education, and Welfare, if so designated by the Secretary);

(B) the Director of the Administration;

(C) the Attorney General or his designee;

(D) the Secretary of Labor (or the Under Secretary of Labor, if so designated by such Secretary);

(E) the Director of the Special Action Office for Drug Abuse Prevention or his designee;

(F) the Secretary of Housing and Urban Development (or the Under Secretary of Housing and Urban Development, if so designated by such Secretary); and

(G) the Administrator of the Institute.

(2) Any individual designated under paragraph (1)(C) or paragraph (1)(E) shall be selected from individuals who exercise significant decisionmaking authority in the Federal agency involved.

(c) The regular members of the Council shall be appointed by the President from persons who by virtue of their training or experience have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice. At least three members shall not have attained 26 years of age on the date of their appointment.

(d)(1) Except as provided by paragraphs (2) and (3), members of the Council appointed by the President under subsection (c) shall be appointed for terms of four years.

(2) Of the members first appointed to the Council under subsection (c)—

(A) two shall be appointed for terms of one year,

(B) two shall be appointed for terms of two years, and

(C) two shall be appointed for terms of three years, as designated by the President at the time of appointment. Such members shall be appointed within 90 days after the date of the enactment of this title.

(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until a successor has taken office.

(e) Members of the Council shall be eligible for reappointment to the Council.

(f) The Secretary shall serve as Chairman of the Council. The Director shall serve as Vice Chairman of the Council. The Vice Chairman shall act as Chairman in the absence of the Chairman.

(g) The Council shall meet at least six times per year to receive reports and recommendations and to take such actions as may be considered appropriate by members of the Council. A description of the activities of the Council shall be included in the annual report required by section 104(b)(6).

FUNCTIONS

SEC. 503. (a) The Council shall make recommendations to the Secretary at least annually with respect to coordination of the planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs.

(b) The Council shall, through a subcommittee designated by the Chairman, review the activites and administration of the Institute and shall make recommendations with respect to such activities and administration.

EXECUTIVE SECRETARY; STAFF

SEC. 504. (a) The Chairman shall, with the approval of the Council, appoint an Executive Secretary of the Council.

(b) The Executive Secretary shall be responsible for the day-to-day administration of the Council.

(c) The Executive Secretary may, with the approval of the Council, appoint and fix the salary of such personnel as he considers necessary to carry out the purposes of this title.

COMPENSATION AND EXPENSES

SEC. 505. (a) Members of the Council who are full-time employees of the Federal Government shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Council.

(b) Members of the Council who are not full-time employees of the Federal Government shall receive compensation at a rate not to exceed $100 per day, including traveltime for each day they are engaged in the performance of their duties as members of the Council. Members shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Council.

TITLE VI—GENERAL PROVISIONS

AUTHORIZATION OF APPROPRIATIONS

SEC. 601. (a) To carry out the purposes of titles I, II, and III there is authorized to be appropriated $75,000,000 for the fiscal year ending June 30, 1975, $75,000,000 for the fiscal year ending June 30, 1976, $125,000,000 for the fiscal year ending June 30, 1977, and $175,000,000 for the fiscal year ending June 30, 1978.

(b) Not more than 5 percent of the funds authorized to be appropriated for any fiscal year to carry out the purposes of this Act may be used for the purposes authorized under title I.

(c) Not more than 10 percent of the funds authorized to be appropriated for any fiscal year to carry out the purposes of this Act may be used for purposes authorized under title III.

(d)(1) To carry out the purposes of part A of title IV there is authorized to be appropriated for each of the fiscal years ending June 30, 1975, 1976, and 1977, the sum of $10,000,000.

(2) To carry out the purposes of part B of title IV there is authorized to be appropriated the sum of $500,000.

(e) There is authorized to be appropriated such sums as may be necessary to carry out the purposes of title V.

NONDISCRIMINATION PROVISIONS

SEC. 602. (a) No financial assistance for any program under this Act shall be provided unless the grant, contract, or agreement with respect to such program specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity receiving assistance under this Act. The provisions of the preceding sentence shall be enforced in accordance with section 603 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if such person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under this Act.

EFFECTIVE DATES

SEC. 603. (a) Except as provided by subsection (b), the foregoing provisions of this Act shall take effect on the date of the enactment of this Act.

(b) Section 104(b)(6), section 104(b)(7), and section 310 shall take effect at the close of December 31, 1974. Section 105 shall take effect at the close of August 31, 1977.

RUSSIAN FERTILIZER LOAN—A GOOD DEAL FOR THE UNITED STATES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, there has been much said and written recently with regard to a $180 million financing commitment given by the Export-Import Bank of the United States for a proposed fertilizer complex in the Soviet Union.

Because of the many misunderstandings that have arisen concerning the loan, I want to take a few minutes to describe exactly how beneficial this loan will be to our country. The Export-Import Bank loan of $180 million will produce a sale of $400 million of U.S. equipment and services to be used in the construction of an ammonia plant, storage facilities, tank cars, and a pipeline in the Soviet Union. The additional $220 million will come from the Soviet Union in a syndicate of private U.S. banks.

Additionally, oceangoing tankers carrying superphosphoric acid from the United States and bringing back ammonia, urea, and potash from the Soviet Union are to be built in the United States. The loan to establish the fertilizer plant will also benefit the United States because the U.S. exports a phosphate fertilizer, which we have in relative abundance, and in return will receive two nitrogen fertilizers, ammonia and urea, which are in scarce supply, plus the potash.

FERTILIZER LOAN WILL HELP SAVE ENERGY

The nitrogen fertilizer that the United States will receive will be made from Soviet natural gas. To manufacture the fertilizer would require a drain on our own natural gas reserves, enough to heat

1.12 million homes. The ammonia and urea imported to the United States will have an energy content equivalent to 25.5 million barrels of crude oil per year.

The Export-Import Bank project will create thousands of jobs in the United States. More than half a billion dollars will be invested in the United States for ships and expanded production facilities in mine phosphate rock in Florida. It is estimated that this will create 2,000 to 3,000 construction jobs and 2,900 permanent jobs. In addition to the sale of at least $400 million in equipment, there will be substantial balance-of-trade advantages. The United States will acquire a much needed fertilizer from abroad in return for exporting a fertilizer in ample supply in the United States, thus avoiding a net drain on our trade balance.

The Export-Import Bank has issued a preliminary commitment on the fertilizer complex. On the basis of this, fees are being paid against financing commitments from private banks and contracts have been made to suppliers. These arrangements carry expiration dates at which time costs will increase. On the basis of its contract with the Soviet Union and the Export-Import Bank's commitment, upward of $2 million has been spent in designing and planning the project.

Not only will the fertilizer project be a profitable one for the United States but it will substantially contribute to world food needs. If the Export-Import Bank fails to provide financing, the United States will lose all of the monetary benefits. This project is in the Soviet's 5-year plan and will go forward with or without the Export-Import Bank. If we do not follow through on our preliminary commitment, the contracts and benefits will go to French, Italian, British, or Japanese suppliers.

Mr. Speaker, it is imperative that the Export-Import Bank complete its loan commitment on the Soviet fertilizer deal and because of the many advantages it will bring to the United States I urge all Members of the House to support this project.

TECHNOLOGICAL ASPECT OF DÉTENTE

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, one of my constituents, Dr. Fred Schulman, testified today before the Foreign Affairs Subcommittee on Europe on the subject, "Technological Aspects of Détente." Formerly chief of nuclear power programs for NASA, Dr. Schulman is presently a research professor at George Washington University.

In his testimony Dr. Schulman raised some important questions about differing American and Soviet approaches to détente and listed a number of areas where he stated that the Soviet Union has not responded to American initiatives of trade or technology exchange in a like manner.

Dr. Schulman mentioned in particular the role of the Soviet Union in backing the Arab oil embargo and in supplying the Arabs with military equipment for use against Israel, some of which may have involved the use of American exports such as ball bearings. Dr. Schulman also listed some of the high-technology export agreements we have made:

Agreements with:

Occidental Petroleum Corp. for oil and gas exploration and specialized pipeline facilities.

Various American companies for offshore deep-well rigs and equipment, including installation of submersible pumps. There is at present no capability within the Soviet bloc for these items, and this has been a priority goal for years. The unusual recent appointment of a high Communist Party official, Boris Y. Sherbina, as Minister of Oil and Gas Construction instead of the usual expert technician for this post, signifies the importance the Russians attach to this goal.

General Dynamics Corp. covering scientific and technological cooperation for a period of 5 years in the fields of shipbuilding, telecommunication equipment, commercial and special purpose aircraft, and computer-operated industrial processing and navigation equipment.

Bryant Chucking Grinding Co. (Excello Corp.) for precision military ball-bearing machines.

Lummus Co. & Monsanto Corp. for building chemical and polymer plants.

Poland and Fairchild Corporation for sale of U.S. integrated-circuit technology of a type extensively used in modern weapons, guidance systems and in third-generation computers.

Negotiations are underway with Boeing, Lockheed and McDonnell-Douglas Corp. for the sale to the Soviets of aircraft under terms in which the Soviets would acquire the manufacturing technology, plants and managerial techniques needed to build wide-bodied U.S. commercial jets.

Sperry Rand for cooperative projects in computers, navigation, guidance and control systems, office machines, pneumatic and hydraulic equipment.

This testimony, as well as that of others today, strongly indicates that the United States could well be trying to "buy" détente with trade concessions; that the Soviet Union is not responding with anything more than lip service to the cause of better relations; and that our Government continues its policy in spite of that.

I have raised this issue in correspondence with the Department of State, and they have responded in a way that does not adequately deal with the specifics Dr. Schulman mentioned and which does not get to the basic policy questions I asked. I intend to continue this correspondence and hope that others will join me in raising the issue with the State Department.

In addition to his testimony before the subcommittee, Dr. Schulman has recently published an article concerning economic aspects of the energy crisis which I would like to insert in the RECORD at this point:

LESSONS FOR US IN EUROPE'S DEEPENING ECONOMIC CRISIS

(By Fred Schulman)

It will be interesting to see how Europe manages its deepening energy-caused economic crisis later this year.

The Europeans, who, with the notable exception of the Dutch, surrendered so meekly to Arab political demands, will be facing an oil import bill of $55 billion to $80 billion during 1974. Western Europe will be importing 15.2 million barrels of oil per day. This is 98.7 per cent of its oil supply, of which 69 per cent is derived from Arab sources.

When all of the finance ministers and all of the defense ministers of Europe return home from their tours of the Arab world and count all the arms and industrial plants they have sold, they will find themselves on the short end of a trade deficit amounting to more than $30 billion. This economic squeeze was brought upon themselves by their failure to counter the Arab oil weapon and to recognize the interest of the USSR in promoting the ensuing difficulties in the NATO nations. Remembering that the United States was forced to devalue its currency twice in one year largely after experiencing a trade deficit in 1972 of only $6.4 billion, it is not hard to see that the impact of the enormous 1974 trade deficit on the economies of Western Europe will be very severe. The inflation, misery and chaos that will be caused will be unsettling to the stability and friendly democratic governments. The possibility of radical upheavals, now seen by only a few people, will be of increasing concern before 1975 is history.

In an interesting coincidence, the United States in 1985 will need to import approximately the same volume of oil as will Western Europe in 1974. So we are in the fortunate position of being able to watch European events this year to see how they handle the problem.

The energy crisis facing the world today involves complex technical, financial, diplomatic, political, environmental and tax aspects.

The energy crisis is typical of a number of growing shortages involving material resources. Abuse of detente, as in the actions of the USSR during and after the October War can intensify these shortages. The shortages of material resources are a paradox among plenty. There are more oil, wheat, copper, newsprint, steel, etc. produced in the world than ever before. Yet the world, and even the United States, suffers shortages in many of these materials. Why?

The answers are clear.

They relate to the greatly increased worldwide consumption of resources within the last few years which has been brought about by instant worldwide communications, rapid transfer of technology and the higher living-standard aspirations of the rapidly rising population, now 3.6 billion, inhabiting the earth.

Commenting on the energy explosion, the Joint Committee of Atomic Energy wrote that the world as a whole, will consume in the 30 years from 1970 through the year 2000, as much energy as it did from the time of creation until 1970.

This illustrates vividly the magnitude of the problem. Yet it can be solved, particularly with ingenuity to create what we need from plentiful materials at hand, increased efficiency in production and use, and developing renewable energy sources.

According to a study conducted in 1971 for the Secretary of the Interior, the United States in 1985 will need to import a minimum of 14.8 million barrels of oil each day. If the current war on poverty is successful and if we clean up the environment as planned, more energy is required and the import figure jumps to about 25 million barrels of oil each day. If nuclear energy is unable to do its job of providing an important part of our electricity needs, it must be replaced by another 9 million barrels of oil per day making a total need for imported oil in 1985 amounting to 34 million barrels per day.

It is simply not feasible to import such a massive amount of oil, either physically or financially. A trade deficit of $40 billion a year will be caused by the importation of only the minimum 14.8 million barrels of oil expected to be imported daily in 1985. Even if the Arabs provided the oil, we could not afford it.

Nor do we have the supertankers, superports or refineries to handle this volume of petroleum. We are far behind schedule even if it is decided to build all the facilities needed. Of the 35 world ports which can handle the mammoth supertankers of today, none are in the United States.

The energy facilities needed to maintain our historical rate of growth amount to $400 billion of new construction. This is equivalent to investing capital amounting to $750 million each week from now until 1985.

In the short term, there are many things that can be done to improve the situation. Existing oil wells yield, on the average, only 36 per cent of their oil. With the price of oil now exceeding $7.00 per barrel, it now becomes economical to use secondary and even tertiary methods of oil recovery to increase yields above 36 per cent. Each 1 per cent increase in oil yield is equivalent to adding 3 billion barrels to our proved reserves. A 5 per cent increase in engine energy conversion, which could result from research, adds the equivalent of 1 million barrels per day to our supply in the case of stationary power plants and 2 million barrels per day in the case of automobile engines. There is ample incentive to do this and there are many promising technical approaches toward this goal.

For the longer term, solar, geothermal, nuclear fission, nuclear fusion and new liquid fuels from plant products are quite reasonable objectives. Research programs are underway in most of these approaches. Oil recovery from plentiful shale as well as conversion of plentiful coal to oil can ultimately support production of about 12 million barrels of oil per day. Success in these programs will be a boon to mankind of the first magnitude.

The United States is not a sleeping giant. It does have considerable resources. Its strength can readily nullify Arab and Soviet threats to oil supplies in the immediate future by symbiotic use of trade, energy and food, while its ingenuity can develop new energy resources.

If this is done, the energy crisis need not become, as in Europe, a force for weakness and distress, but a challenge that unites the country and provides the assurance of a hopeful future through better use of available energy resources.

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. HUDNUT) to revise and extend their remarks and include extraneous material:)

Mr. BIESTER, for 30 minutes, today.

Mr. SHRIVER, for 10 minutes, today.

Mr. CLEVELAND, for 15 minutes, today.

Mr. MARTIN of North Carolina, for 10 minutes, today.

(The following Members (at the request of Mr. BRECKINRIDGE) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. KASTENMEIER, for 10 minutes, today.

Mr. BRADEMAS, for 5 minutes, today.

Mr. OWENS, for 30 minutes, today.

Mr. VANIK, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HAWKINS and to include extraneous matter, notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $1,291.75.

Mr. ROUSH and to include extraneous matter in two instances.

The following Members (at the request of Mr. HUDNUT) and to include extraneous matter:)

Mr. WYLIE in two instances.

Mr. BELL.

Mr. MCCLOSKEY.

Mr. FISH.

Mr. DON H. CLAUSEN.

Mr. SHOUP.

Mr. WYMAN in two instances.

Mr. HOSMER in four instances.

Mr. NELSEN.

Mr. HUDNUT.

Mr. WALSH.

Mr. CLEVELAND.

Mr. RHODES.

Mr. BROOMFIELD.

Mr. ABDNOR.

Mr. BRAY in three instances.

Mr. YOUNG of Illinois in two instances.

(The following Members (at the request of Mr. BRECKINRIDGE) and to include extraneous matter:)

Mr. DRINAN in 10 instances.

Mr. COTTER.

Ms. ABZUG in 10 instances.

Mr. MAZZOLI in 10 instances.

Mr. ROSENTHAL in five instances.

Mr. CAREY of New York.

Mr. EDWARDS of California.

Mr. RARICK in three instances.

Mr. GONZALEZ in three instances.

Mr. FOLEY.

Mr. KASTENMEIER.

Mr. DULSKI in five instances.

Mr. RYAN in two instances.

Mr. ROGERS in five instances.

Mr. BRECKINRIDGE in 10 instances.

Mr. PATTEN.

Mr. LONG of Louisiana in five instances.

Mr. EVINS of Tennessee.

ADJOURNMENT

Mr. BRECKINRIDGE. Mr. Speaker, I move than the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Thursday, June 13, 1974, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2449. Under clause 2 of rule XXIV a letter from the Acting Comptroller General of the United States, transmitting a report that improvements are needed in U.S. contractor training of the Republic of Vietnam armed forces, was taken from the speaker's table; referred to the Committee on Government Operations.

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. DELANEY: Committee on Rules. House Resolution 1170. Resolution providing for the consideration of S. 411. An act to amend title 39, United States Code, with respect to certain rates of postage, and for other purposes (Rept. No. 93-1102). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 1171. Resolution waiving certain points of order against the conference report on H.R. 7130. An act to improve congressional control over budgetary outlay and receipt totals, to provide for a Legislative Budget Office, to establish a procedure providing congressional control over impoundment of funds by the executive branch, and for other purposes (Rept. No. 93-1103). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABDNOR:

H.R. 15332. A bill to amend the Consolidated Farm and Rural Development Act to establish a loan insurance program for livestock producers and feeders; to the Committee on Agriculture.

H.R. 15333. A bill to prohibit the importation into the United States of any fresh, chilled, or frozen cattle meat during a 180-day period; to the Committee on Ways and Means.

By Mr. ANDERSON of California:

H.R. 15334. 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.

By Mr. BARRETT:

H.R. 15335. A bill to amend title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the U.S. Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BURKE of Massachusetts:

H.R. 15336. A bill to amend the Internal Revenue Code of 1954 to provide individuals a tax credit for the purchase of home garden tools; to the Committee on Ways and Means.

By Mr. BYRON:

H.R. 15337. 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) shall not be unrelated trade or business income and shall not affect the tax exemption of the organization; to the Committee on Ways and Means.

By Mr. DU PONT (for himself and Mr. FRENZEL):

H.R. 15338. A bill to insure that each admission to the service academies shall be made without regard to a candidate's sex, race, color, or religious beliefs; to the Committee on Armed Services.

By Mr. GOODLING:

H.R. 15339. 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.

By Mr. GREEN of Pennsylvania:

H.R. 15340. A bill to amend title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the U.S. Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JARMAN:

H.R. 15341. 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.

By Mr. LITTON (for himself and Mr. MANN):

H.R. 15342. A bill to establish a Department of Social, Economic, and Natural Resources Planning in the executive branch of the Federal Government; to the Committee on Government Operations.

By Mr. MOAKLEY:

H.R. 15343. A bill to amend the Internal Revenue Code of 1954 to allow for a temporary period a deduction equal to the increase in residential electricity expenses occurring after January 1, 1973; to the Committee on Ways and Means.

H.R. 15344. A bill to amend the Internal Revenue Code of 1954 to allow for a temporary period a tax credit equal to one-half of the increase in residential electricity expenses occurring after January 1, 1973; to the Committee on Ways and Means.

By Mr. NELSEN:

H.R. 15345. A bill to prohibit the importation of fresh, chilled, or frozen cattle meat for a 6-month period; to the Committee on Ways and Means.

By Mr. O'NEILL (for himself, Mr. RHODES, Mr. MCFALL, and Mr. ARENDS):

H.R. 15346. A bill to establish a National Commission on Supplies and Shortages; to the Committee on Banking and Currency.

By Mr. PARRIS:

H.R. 15347. A bill to prohibit foreign assistance to India until India becomes a signatory to the Treaty on the Non-Proliferation of Nuclear Weapons; to the Committee on Foreign Affairs.

By Mr. PETTIS:

H.R. 15348. A bill to amend the Internal Revenue Code of 1954 to provide that the tax rules now applicable to savings and loan associations, mutual savings banks, and so forth, shall also be applicable to the comparable mortgage programs now undertaken by national mortgage associations; to the Committee on Ways and Means.

By Mr. PRICE of Texas (for himself, Mr. RONCALIO of Wyoming, Mr. MCSPADDEN, Mr. KETCHUM, Mr. BURLESON of Texas, Mr. LOTT, Mr. THONE, Mr. VEYSEY, Mr. STEIGER of Arizona, Mr. OWENS, Mr. NICHOLS, Mr. JONES of Tennessee, Mr. CLEVELAND, Mr. HAMMERSCHMIDT, Mr. MONTGOMERY, Mr. RUNNELS, and Mr. RANDALL):

H.R. 15349. A bill to amend the Consolidated Farm and Rural Development Act to establish a loan insurance program for cattlemen; to the Committee on Agriculture.

By Mr. ROY:

H.R. 15350. A bill to amend the Consolidated Farm and Rural Development Act to establish a loan insurance program for producers of livestock; to the Committee on Agriculture.

H.R. 15351. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the amount of certain cancellations of indebtedness under student loan programs; to the Committee on Ways and Means.

By Mr. RUTH:

H.R. 15352. A bill to amend the Fair Labor Standards Act of 1938 to provide an exemption from the minimum wage and overtime requirements of that act for full-time babysitters; to the Committee on Education and Labor.

By Mr. SCHERLE:

H.R. 15353. A bill to provide for emergency financing for livestock producers; to the Committee on Agriculture.

By Mr. SMITH of New York:

H.R. 15354. A bill to provide for the Federal collection of certain State and local income taxes; to the Committee on Ways and Means.

By Mr. STRATTON (for himself, Mr. HUNT, Mr. NICHOLS, Mr. MITCHELL of New York, Mr. ASPIN, Mr. LEGGETT, Mr. DELLUMS, Mr. DAVIS of South Carolina, Mr. MOLLOHAN, and Mr. STEIGER of Wisconsin):

H.R. 15355. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to certain officers of the uniformed services; to the Committee on Armed Services.

By Mr. TALCOTT:

H.R. 15356. A bill to amend the Consolidated Farm and Rural Development Act to establish a loan insurance program for livestock producers; to the Committee on Agriculture.

By Mr. TAYLOR of North Carolina (for himself and Mr. SKUBITZ):

H.R. 15357. A bill to amend the act of October 15, 1966, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. THOMPSON of New Jersey:

H.R. 15358. A bill to declare a portion of the Delaware River in Burlington County, N.J., nonnavigable; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of California (for himself, Mr. SARASIN, Mr. MATSUNAGA, Mr. BELL, and Mr. ROE):

H.J. Res. 1055. Joint resolution to prohibit the Bureau of Labor Statistics from instituting any revision in the method of calculating the Consumer Price Index until such revision has been approved by resolution by either the Senate or the House of Representatives of the United States of America; to the Committee on Education and Labor.

By Mr. PATMAN:

H.J. Res. 1056. Joint resolution to extend by 30 days the expiration date of the Defense Production Act of 1950; to the Committee on Banking and Currency.

H.J. Res. 1057. Joint resolution to extend by 30 days the expiration date of the Export Administration Act of 1969; to the Committee on Banking and Currency.

H.J. Res. 1058. Joint resolution to extend by 30 days the expiration date of the Export-Import Bank Act of 1945; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BROYHILL of Virginia:

H.R. 15359. A bill for the relief of Cedomir Markovic; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 15360. A bill to temporarily terminate the entitlement of Gwendolyn Artie and Wanda Lou Smithee to child's insurance benefits under section 202(d) of the Social Security Act; to the Committee on the Judiciary.

SENATE—*Wednesday, June 12, 1974*

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Right Reverend Zoltan Beky, D.D., bishop emeritus, the Hungarian Reformed Church in America, offered the following prayer:

Almighty God our Heavenly Father.

We give Thee thanks for Thy creation, providence, and guidance. But especially for revealing Thyself to us in Thy word which has always been the foundation and strength of our Nation.

We pray today for Thy blessing upon all those who were called to lead this great Nation and to be guardians of the great heritage which is ours. May this great Nation always remain faithful to the basic principles upon which these United States were founded.

Save us from internal discord, moral decay, individual and corporal selfishness. Thou hast created this Nation out of the multitude of cultures, races, and religions. Thou hast led millions to these shores to build a land of hope, freedom, and opportunity.

We pray for the deliberation of today in this noble body. Bless the thoughts, the words, and the work of all here present.

We pray in Thy name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 11, 1974, be dispensed with.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Allen, one of its reading clerks, announced that the House had passed the following bills in which it requests the concurrence of the Senate:

H.R. 12165. An act to authorize the construction, operation, and maintenance of certain works in the Colorado River Basin to control the salinity of water delivered to users in the United States and Mexico; and

H.R. 12281. An act to continue until the close of June 30, 1975, the suspension of duties on certain forms of copper.

HOUSE BILL REFERRED

The bill (H.R. 12281) to continue until the close of June 30, 1975, the suspension of duties on certain forms of copper, was read twice by its title and referred to the Committee on Finance.

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 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 the nominations on the Executive Calendar.

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

DEPARTMENT OF STATE

The second assistant legislative clerk read the nominations in the Department of State, as follows:

Deane R. Hinton, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of American to the Republic of Zaire.

William D. Wolfe, of Iowa, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Sultanate of Oman.

Robert P. Paganelli, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar.

Pierre R. Graham, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Upper Volta.

Robert A. Stevenson, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malawi.

Seymour Weiss, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of the Bahamas.

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

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

OVERSEAS PRIVATE INVESTMENT CORPORATION

The second assistant legislative clerk read the nominations in the Overseas Private Investment Corporation, as follows:

Gustave M. Hauser, of New York, and James A. Suffridge, of Florida, to be members of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1976.

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

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

INTERNATIONAL BANK OFFICES

The second assistant legislative clerk read the nomination of William E. Simon, of New Jersey, to be U.S. Governor of the International Monetary Fund for a term of 5 years and U.S. Governor of the International Bank for Reconstruction and Development for a term of 5 years; Governor of the Inter-American Development Bank for a term of 5 years; and U.S. Governor of the Asian Development Bank.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nomination be considered and confirmed.

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

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

The second assistant legislative clerk read sundry nominations in the U.S. Arms Control and Disarmament Agency.

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

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

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The second assistant legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service, which had been placed on the Secretary's desk.

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

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

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

LEGISLATIVE SESSION

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

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

NOTICE OF MEETING OF SENATORS FROM BEEF-PRODUCING STATES

Mr. MANSFIELD. Mr. President, I am extending an invitation to Senators from the cattle-producing and cattle-feeding States to meet informally at 10 o'clock tomorrow morning in room S-207.

I do so because of the prices which confront the beef-producing industry at this time. I extend an invitation also in this manner to Senators from other States which are not so vitally interested in the production of cattle and the feeding of cattle.

Mr. President, on June 7 I addressed the following letter to the President of the United States:

DEAR MR. PRESIDENT: In recent days, presentations have been made to the White House staff in behalf of a seriously depressed livestock industry. I wish to join with my colleagues in asking that you give this situation your personal attention. We cannot permit such a vital element of our economy to flounder as it is now. Action must be taken to close the gap between prices received by the livestock producers and the prices charged by the packers and retailers.

The reasons for this predicament are varied. The main point is that something has to be done now to protect the ranchers of our Nation. I am joining with several of my western colleagues in the introduction of legislation to provide emergency assistance to the cattle industry under the Department of Agriculture's loan program. These loans are vital to feed lot operators. I also concur in the recommendations that the Federal Government introduce a beef purchase program for military and school lunches. Most importantly, I ask that you exercise your authority in reimposing strict import quotas on beef and livestock products which compete with those in this Country. As you know, I have consistently supported this safety valve and the present situation underscores the need to reimpose these quotas.

Your cooperation and assistance in this matter are vital. I am convinced that we can have a strong and healthy livestock industry if some reasonable attitudes can be returned to the price of beef in the retail market.

Respectfully yours,

MIKE MANSFIELD.

ORDER OF BUSINESS

The PRESIDENT pro tempore. In accordance with the standing order, the Senator from Pennsylvania is now recognized.

NATIONAL SECURITY LEAKS

Mr. HUGH SCOTT. Mr. President, it is not only the professional prestidigitators who practice magic. For some time, one issue which has concerned many people has been leaks of national secrets—the freedom with which some people have felt that they could release any secret of the National Government, no matter how dangerous, to their friends or to others—and there seems to have grown up in the reporting of this type of reckless leaking an assumption that it is all right, and that what has to be condemned is the efforts made to prevent it.

This, of course, puts the cart before the horse. It is also a diversionary operation. It is an attempt to confuse the fact that a government has the right to keep its secrets, that a government has a right to protect itself from the release of vital information. Suddenly the issue is not whether the Government is entitled to protect itself, nor is it a question of how the information got out, but rather a question of who attempted to stop it and how the attempts to stop it were conducted. And suddenly the people who are put on trial are those who are alleged to have been responsible for attempting to stop the leaks.

This sounds like Alice in Wonderland, or would so sound if it were not actually happening. I think we ought to get back to certain fundamentals.

First, a nation is entitled to protect itself and its secrets.

Second, in so doing, the Nation is not required to release to all and sundry of the curious every conversation or every step taken in the course of the national protection.

Third, it is entirely proper to seek to prevent the release of highly secret information.

Those are genuine concerns of those charged with the protection of the Nation. They are genuine concerns of the American people. Yet one never hears them referred to; one never hears any expression of interest in the protection of the Nation, but rather the entire controversies turn on who ordered the pro-

tection, who sought to protect the Government of the United States, and, in doing so, did he give offense to those opposed to his ideology?

If he did give such offense, he is to be tried in the newspapers and found guilty, and characterized quite unfairly.

I say, let us get back to the fundamentals. We do have a right to protect our national secrets, and we do have a right to do those things which are necessary to protect them. If the action taken is itself wrong or criminal, that is another thing. But let us put all of these things in context, and above everything else, let us not risk the steps being taken toward peace in the Middle East by searches for a headline or by indulging in what the respected journalist Marquis Childs rightly characterizes as "police court reporting."

I think they have gone too far, and I think the country will be sick and disgusted with those tactics. And it ought to be known by now that when I am disgusted I say so.

The PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

WHAT'S RIGHT WITH THE FEDERAL GOVERNMENT—THE RIGHTS OF THE POOR

Mr. PROXMIRE. Mr. President, the most significant of many moral achievements by the United States in the past 15 years has been the extension of legal rights and civil liberties to the poor and uneducated who have been the prime victims of injustice in every society in human history and in every country including our own.

Our achievements in civil rights, in stopping environmental pollution, in protecting consumer rights, in extending education and in other areas have represented proud moral steps forward for this country.

But the big achievement of this generation has been the court-led fight to provide a framework of genuinely equal justice for the friendless, the ignorant, the poor—the people who have been classically kicked around, sometimes beaten, often jailed, simply because they had no clout.

But how about the rights of our poorer citizens before the bar of justice, or at the ballot box? The fight for justice for all is never won. We have only taken the first steps, but what steps they have been:

The Supreme Court in *Miranda* v. *Arizona*, 384 U.S. 436 (1966), established the principle that the accused must be advised of his right to be silent, of the fact that any statements he makes may be used against him, and of his right to a lawyer's advice before questioning. These are rights that we are all entitled to, but they are more meaningful to the ignorant and friendless. The more affluent and advanced would generally have access to a lawyer's services and thus would be less likely to have these rights knowingly invaded.

In all fairness it should be noted that recent Supreme Court decisions have placed the right to counsel within sharply defined limits. In *Kirby* v. *Illinois*, 406 U.S. 682 (1972), the court held that no right to counsel existed when a defendent was placed in an identification "lineup" before indictment. The Court stated that the sixth amendment right to the assistance of counsel did not become operative until "the initiation of adversary judicial proceedings—whether by way of formal charge, preliminary hearing, indictment, information, or arraignment." The court carefully pointed out, however, that the decision would not affect the Miranda requirements, even if questioning began before the initiation of adversary proceedings, because the decision in Miranda rested not on the right to counsel but the privilege against self-incrimination. Miranda holds that a suspect has a right to counsel to insure that he will not be coerced into incriminating himself through a forced confession.

The Supreme Court in *Draper* v. *Washington* 372 U.S. 487 (1963) laid the foundation for the right of a convicted felon, rich or poor, to appeal a court decision in these words:

> In all cases the duty of the State is to provide the indigent as adequate and effective an appellate review as that given appellants with funds.

This right was abridged, the Supreme Court said in *Douglas* v. *California*, 372 U.S. 353 (1963), when the right to a lawyer on first appeal from conviction was conditioned on a finding by the appellate court that counsel would be of advantage to the appellant. The court felt that this was a standard that only applied to those who could not afford counsel and thus was contrary to the due process and equal protection clauses of the constitution.

In *Williams* v. *Illinois*, 399 U.S. 395 (1970), the Supreme Court held that it was a denial of equal protection for a State to extend the period of imprisonment beyond the statutory maximum because the defendant was unable to pay a fine which was levied upon conviction. The Court went further in *Tate* v. *Short*, 401 U.S. 395 (1971), and ruled that where no term of imprisonment is prescribed for an offense but only a fine, the court may not imprison for inability to pay the fine unless it is impossible to develop an alternative.

Finally, in a 1963 case the Court made its most historic commitment to the rights of the accused poor. The Court held in *Gideon* v. *Wainright*, 372 U.S. 335 (1963), that—

> Any person hauled into court who is too poor to hire a lawyer cannot be assured of a fair trial unless counsel is provided for him.

This principle, which applies in both State and Federal courts, has been buttressed by congressional action providing funds for the payment of lawyers representing those who cannot afford to pay.

The Gideon decision was enlarged upon in *Argersinger* v. *Hamlin*, 407 U.S. 25 (1972), the Court deciding that the right to counsel extends to every case where the defendant might be imprisoned if convicted, no matter how short the period of imprisonment.

The Congress has also created a program to provide legal advice, representation and counseling to the poor in civil cases under the Economic Opportunity Act. By fiscal 1974 this program was budgeted at $71.5 million. That represented a tremendous increase in funds available for defending the poor, compared to the period of only 5 or 6 years before, when the Legal Aid Society was able to raise $5 million. In other words, it increased twelvefold. It supported 256 local projects with more than 900 branch offices staffed by more than 2,000 full-time attorneys serving 500,000 clients a year. Of 1,500,000 separate legal problems 83 percent were settled out of court, while 85 percent of those cases that went to court were won.

The Supreme Court, in a series of cases, has shored up the rights of those who are welfare recipients. For example, the Court held in *Goldberg* v. *Kelly*, 397 U.S. 254 (1970), and a related case that the due process clause of the 14th amendment prohibits a State from terminating welfare assistance without offering notice and a hearing. The recipient of welfare is also entitled to counsel at the hearing. In *Shapiro* v. *Thompson*, 394 U.S. 618 (1969), the Court struck down a requirement that a person could not receive welfare from a given State unless he or she had lived there for a prescribed period. The Court held that a State could not discriminate between the poor on the basis of how long they had lived in the State.

Here, as in the series of cases arising from the Miranda decision, the Court has tended to be restrictive of the rights of welfare recipients in recent years. For instance in *Dandridge* v. *Williams*, 397 U.S. 471 (1970), the Court upheld a State formula for aid to dependent children payments which imposed upper limits on the amount one family could receive, regardless of the number of children in the family. In *Jefferson* v. *Hackney*, 406 U.S. 535 (1972) the Court decided that the State could legitimately apportion more funds to the aged and ill than to families with children, when the funds were limited, on the grounds that the aged are least able to bear the hardships of poverty.

Vagrancy statutes have long been a particular problem for the poor. From the Okies driven West in the Dust Bowl 1930's, who were barred at the California border because they had no job or fixed address, to today's migrant workers, the poor have always lived with the threat of being jailed because they did not have enough money to put a roof over their heads. The Supreme Court has reacted by either strictly interpreting the vagrancy statutes so that they punish well-defined acts (*Johnson* v. *Florida*, 391 U.S. 596 (1968)) or by striking down the statutes as being void for vagueness (*Papachristou* v. *City of Jacksonville*, 405 U.S. 156 (1972)).

Perhaps the most dramatic Supreme Court decision having to do with the rights of the poor, apart from the Gideon case, was the Court's decision to strike down the death penalty because it was being applied arbitrarily, with discrimination, and unpredictably. The Court noted that those sentenced to death are most frequently poor and members of minorities.

Another landmark case did not turn specifically on the rights of the poor, but reinforced the power of every American to have an equal voice in his government. I speak of the one-man-one-vote decision handed down by the Supreme Court in *Baker* v. *Carr*, 369 U.S. 186 (1962). This was the first of the reapportionment decisions of the 1960's which made sure that every citizen, rich or poor, had equal representation in the House of Representatives and in the statehouses of the Nation. The Congress not only beat back legislative efforts to annul these landmark decisions but started on its way a constitutional amendment abolishing the poll tax as a qualification in Federal elections. The Supreme Court later held that State poll taxes violated the equal protection clause of the constitution.

In passing the Voting Rights Act of 1965 the Congress made legislatively explicit the poll tax ban in these words:

Congress declares that the constitutional right of citizens to vote is denied or abridged in some areas by the requirement of the payment of a poll tax as a precondition to voting.

The act authorized the Attorney General to bring actions against States or political subdivisions for declaratory judgments or injunctive relief so as to implement this declaration.

What does all of this mean? It means that in spite of Watergate and inflation, political corruption and widespread cynicism, in the past 15 years the Federal Government has made the greatest progress in our history in providing genuine equality of justice including the ignorant, the friendless, the poor, and there is no better moral basis for judging society than this.

NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES ACT OF 1974

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the unfinished business, S. 3523 which the clerk will state.

The assistant legislative clerk read as follows:

S. 3523, to establish a Temporary National Commission on Supplies and Shortages.

The Senate resumed the consideration of the bill.

Mr. MANSFIELD. Mr. President, is an amendment pending?

The PRESIDENT pro tempore. The pending question is on agreeing to the amendment by the Senator from Wisconsin (Mr. NELSON), on which there will be a vote not later than 12 o'clock noon today.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be charged to both sides.

The PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. NELSON. Mr. President, I ask unanimous consent that Paula Stern, a member of my staff, be permitted the privilege of the floor during the consideration of the pending bill, S. 3523.

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

COLORADO RIVER BASIN SALINITY CONTROL ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 878, S. 2940.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2940) to authorize the construction, operation, and maintenance of certain works in the Colorado River Basin to control the salinity of water delivered to users in the United States and Mexico.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Colorado River Basin Salinity Control Act".

TITLE I—PROGRAMS DOWNSTREAM FROM IMPERIAL DAM

SEC. 101. (a) The Secretary of the Interior, hereinafter referred to as the "Secretary", is authorized and directed to proceed with a program of works of improvement for the enhancement and protection of the quality of water available in the Colorado River for use in the United States and the Republic of Mexico, and to enable the United States to comply with its obligations under the agreement with Mexico of August 30, 1973 (Minute No. 242 of the International Boundary and Water Commission, United States and Mexico), concluded pursuant to the Treaty of February 3, 1944 (TS 994), in accordance with the provisions of this Act.

(b)(1) The Secretary is authorized to construct, operate, and maintain a desalting complex, including (1) a desalting plant to reduce the salinity of drain water from the Wellton-Mohawk division of the Gila project, Arizona (hereinafter referred to as the division), including a pretreatment plant for settling, softening, and filtration of the drain water to be desalted; (2) the necessary appurtenant works including the intake pumping plant system, product waterline, power transmission facilities, and permanent operating facilities; (3) the necessary extension in the United States and Mexico of the existing bypass drain to carry the reject stream from the desalting plant and other drainage waters to the Santa Clara Slough in Mexico, with the part in Mexico, subject to arrangements made pursuant to section 101(d); (4) replacement of the metal flume in the existing main outlet drain extension with a concrete siphon; (5) reduction of the quantity of irrigation return flows through acquisition of lands to reduce the size of the division, and irrigation efficiency improvements to minimize return flows; (6) acquire on behalf of the United States such lands or interest in lands in the Painted Rock Reservoir as may be necessary to operate the project in accordance with the obligations of Minute No. 242, and (7) all associated facilities including roads, railroad spur, and transmission lines.

(2) The desalting plant shall be designed to treat approximately one hundred and twenty-nine million gallons a day of drain water using advanced technology commercially available. The plant shall effect recovery initially of not less than 70 per centum of the drain water as product water, and shall effect reduction of not less than 90 per centum of the dissolved solids in the feed water. The Secretary shall use sources of electric power supply for the desalting complex that will not diminish the supply of power to preference customers from Federal power systems operated by the Secretary. All costs associated with the desalting plant shall be nonreimbursable.

(c) Replacement of the reject stream from the desalting plant and of any Wellton-Mohawk drainage water bypassed to the Santa Clara Slough to accomplish essential operation except at such times when there exists surplus water of the Colorado River under the terms of the Mexican Water Treaty of 1944, is recognized as a national obligation as provided in section 202 of the Colorado River Basin Project Act (82 Stat. 895). Studies to identify feasible measures to provide adequate replacement water shall be completed not later than June 30, 1980. Said studies shall be limited to potential sources within the States of Arizona, California, Colorado, New Mexico, and those portions of Nevada, Utah, and Wyoming which are within the natural drainage basin of the Colorado River. Measures found necessary to replace the reject stream from the desalting plant and any Wellton-Mohawk drainage bypassed to the Santa Clara Slough to accomplish essential operations may be undertaken independently of the national obligation set forth in section 202 of the Colorado River Basin Project Act.

(d) The Secretary is hereby authorized to advance funds to the United States section, International Boundary and Water Commission (IBWC), for construction, operation, and maintenance by Mexico pursuant to Minute No. 242 of that portion of the bypass drain with Mexico. Such funds shall be transferred to an appropriate Mexican agency, under arrangements to be concluded by the IBWC providing for the construction, operation, and maintenance of such facility by Mexico.

(e) Any desalted water not needed for the purposes of this title may be exchanged at prices and under terms and conditions satisfactory to the Secretary and the proceeds therefrom shall be deposited in the General Fund of the Treasury. The city of Yuma, Arizona, shall have first right of refusal to any such water.

(f) For the purpose of reducing the return flows from the division to one hundred and seventy-five thousand acre-feet or less, annually, the Secretary is authorized to:

(1) Accelerate the cooperative program of Irrigation Management Services with the Wellton-Mohawk Irrigation and Drainage District, hereinafter referred to as the district, for the purpose of improving irrigation efficiency. The district shall bear its share of the cost of such program as determined by the Secretary.

(2) Acquire, by purchase or through eminent domain or exchange, to the extent determined by him to be appropriate, lands or interests in lands to reduce the existing seventy-five thousand developed and undeveloped irrigable acres authorized by the Act of July 30, 1947 (61 Stat. 628), known as the Gila Reauthorization Act. The initial reduction in irrigable acreage shall be limited to approximately ten thousand acres. If the Secretary determines that the irrigable acreage of the division must be reduced below sixty-five thousand acres of irrigable lands to carry out the purpose of this section, the Secretary is authorized, with the consent of the district, to acquire additional lands, as may be deemed by him to be appropriate.

(g) The Secretary is authorized to dispose of the acquired lands and interests therein

on terms and conditions satisfactory to him and meeting the objective of this Act.

(h) The Secretary is authorized, either in conjunction with or in lieu of land acquisition, to assist water users in the division in installing system improvements, such as ditch lining, change of field layouts, automatic equipment, sprinkler systems and bubbler systems, as a means of increasing irrigation efficiencies: *Provided, however,* That all costs associated with the improvements authorized herein and allocated to the water users on the basis of benefits received, as determined by the Secretary, shall be reimbursed to the United States in amounts and on terms and conditions satisfactory to the Secretary.

(i) The Secretary is authorized to amend the contract between the United States and the district dated March 4, 1952, as amended, to provide that—

(1) the portion of the existing repayment obligation owing to the United States allocable to irrigable acreage eliminated from the division for the purposes of this title, as determined by the Secretary, shall be nonreimbursable; and

(2) if deemed appropriate by the Secretary, the district shall be given credit against its outstanding repayment obligation to offset any increase in operation and maintenance assessments per acre which may result from the district's decreased operation and maintenance base, all as determined by the Secretary.

(j) The Secretary is authorized to acquire through the Corps of Engineers fee title to, or other necessary interests in, additional lands above the Painted Rock Dam in Arizona that are required for the temporary storage capacity needed to permit operation of the dam and reservoir in times of serious flooding in accordance with the obligations of the United States under Minute No. 242. No funds shall be expended for acquisition of land or interest therein until it is finally determined by a Federal court of competent jurisdiction that the Corps of Engineers presently lacks legal authority to use said lands for this purpose. Nothing contained in this title nor any action taken pursuant to it shall be deemed to be a recognition or admission of any obligation to the owners of such land on the part of the United States or a limitation or deficiency in the rights or powers of the United States with respect to such lands or the operation of the reservoir.

(k) To the extent desirable to carry out sections 101(f)(1) and 101(h), the Secretary may transfer funds to the Secretary of Agriculture as may be required for technical assistance to farmers, conduct of research and demonstrations, and such related investigations as are required to achieve higher on-farm irrigation efficiencies.

(l) All cost associated with the desalting complex shall be nonreimbursable except as provided in sections 101(f) and 101(h).

SEC. 102. (a) To assist in meeting salinity control objectives of Minute No. 242 during an interim period, the Secretary is authorized to construct a new concrete-lined canal or, to line the presently unlined portion of the Coachella Canal of the Boulder Canyon project, California, from station 2 plus 26 to the beginning of siphon numbered 7, a length of approximately forty-nine miles. The United States shall be entitled to temporary use of a quantity of water, for the purpose of meeting the salinity control objectives of Minute No. 242, during an interim period, equal to the quantity of water conserved by constructing or lining the said canal. The interim period shall commence on completion of construction or lining said canal and shall end the first year that the Secretary delivers main stream Colorado River water to California in an amount less than the sum of the quantities requested by (1) the California agencies under contracts made pursuant to section 5 of the Boulder Canyon Project Act (45 Stat. 1057), and (2) Federal establishments to meet their water rights acquired in California in accordance with the Supreme Court decree in Arizona against California (376 U.S. 340).

(b) The charges for total construction shall be repayable without interest in equal annual installments over a period of forty years beginning in the year following completion of construction: *Provided,* That, repayment shall be prorated between the United States and the Coachella Valley County Water District, and the Secretary is authorized to enter into a repayment contract with Coachella Valley County Water District for that purpose. Such contract shall provide that annual repayment installments shall be nonreimbursable during the interim period, defined in section 102(a) of this title and shall provide that after the interim period, said annual repayment installments or portions thereof, shall be paid by Coachella Valley County Water District.

(c) The Secretary is authorized to acquire by purchase, eminent domain, or exchange private lands or interests therein, as may be determined by him to be appropriate, within the Imperial Irrigation District on the Imperial East Mesa which receive, or which have been granted rights to receive, water from Imperial Irrigation District's capacity in the Coachella Canal. Costs of such acquisitions shall be nonreimbursable and the Secretary shall return such lands to the public domain. The United States shall not acquire any water rights by reason of this land acquisition.

(d) The Secretary is authorized to credit Imperial Irrigation District against its final payments for certain outstanding construction charges payable to the United States on account of capacity to be relinquished in the Coachella Canal as a result of the canal lining program, all as determined by the Secretary: *Provided,* That, relinquishment of capacity shall not affect the established basis for allocating operation and maintenance costs of the main All-American Canal to existing contractors.

(e) The Secretary is authorized and directed to cede the following land to the Cocopah Tribe of Indians, subject to rights-of-way for existing levees, to be held in trust by the United States for the Cocopah Tribe of Indians:

Township 9 south, range 25 west of the Gila and Salt River meridian, Arizona;

Section 25: Lots 18, 19, 20, 21, 22, and 23;

Section 26: Lots 1, 12, 13, 14, and 15;

Section 27: Lot 3; and all accretion to the above described lands.

The Secretary is authorized and directed to construct three bridges, one of which shall be capable of accommodating heavy vehicular traffic, over the portion of the bypass drain which crosses the reservation of the Cocopah Tribe of Indians. The transfer of lands to the Cocopah Indian Reservation and the construction of bridges across the bypass drain shall constitute full and complete payment to said tribe for the rights-of-way required for construction of the bypass drain and electrical transmission lines for works authorized by this title.

SEC. 103. (a) The Secretary is authorized to:

(1) Construct, operate, and maintain, consistent with Minute No. 242, well fields capable of furnishing approximately one hundred and sixty thousand acre-feet of water per year for use in the United States and for delivery to Mexico in satisfaction of the 1944 Mexican Water Treaty.

(2) Acquire by purchase, eminent domain, or exchange, to the extent determined by him to be appropriate, approximately twenty-three thousand five hundred acres of lands or interests therein within approximately five miles of the Mexican border on the Yuma Mesa: Provided, however, That any such lands which are presently owned by the State of Arizona may be acquired or exchanged for Federal lands.

(3) Any lands removed from the jurisdiction of the Yuma Mesa Irrigation and Drainage District pursuant to clause (2) of this subsection which were available for use under the Gila Reauthorization Act (61 Stat. 628), shall be replaced with like lands within or adjacent to the Yuma Mesa division of the project. In the development of these substituted lands or any other lands within the Gila project, the Secretary may provide for full utilization of the Gila Gravity Main Canal in addition to contracted capacities.

(b) The cost of work provided for in this section, including delivery of water to Mexico, shall be nonreimbursable; except to the extent that the waters furnished are used in the United States.

SEC. 104. The Secretary is authorized to provide for modifications of the projects authorized by this title to the extent he determines appropriate for purposes of meeting the international settlement objective of this title at the lowest overall cost to the United States. No funds for any such modification shall be expended until the expiration of sixty days after the proposed modification has been submitted to the appropriate committees of the Congress, unless the Congress approves an earlier date by concurrent resolution. The Secretary shall notify the Governors of the Colorado River Basin States of such modifications.

SEC. 105. The Secretary is hereby authorized to enter into contracts that he deems necessary to carry out the provisions of this title in advance of the appropriation of funds therefor.

SEC. 106. In carrying out the provisions of this title, the Secretary shall consult and cooperate with the Secretary of State, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and other affected Federal, State, and local agencies.

SEC. 107. Nothing in this Act shall be deemed to modify the National Environmental Policy Act of 1969, the Federal Water Pollution Control Act, as amended or, except as expressly stated herein, the provisions of any other Federal law.

SEC. 108. There is hereby authorized to be appropriated the sum of $121,500,000 for the construction of the works and accomplishment of the purposes authorized in sections 101 and 102, and $34,000,000 to accomplish the purposes of section 103, based on April 1973 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations in construction costs involved therein, and such sums as may be required to operate and maintain such works and to provide for such modifications as may be made pursuant to section 104. There is further authorized to be appropriated such sums as may be necessary to pay condemnations awards in excess of appraised values and to cover costs required in connection with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 90-646).

TITLE II—MEASURES UPSTREAM FROM IMPERIAL DAM

SEC. 201. (a) The Secretary of the Interior shall implement the salinity control policy adopted for the Colorado River in the "Conclusions and Recommendations" published in the Proceedings of the Reconvened Seventh Session of the Conference in the Matter of Pollution of the Interstate Waters of the Colorado River and Its Tributaries in the States of California, Colorado, Utah, Arizona, Nevada, New Mexico, and Wyoming, held in Denver, Colorado, on April 26-27, 1972, under the authority of section 10 of the Federal Water Pollution Control Act (33 U.S.C. 1160), and approved by the Administrator of the Environmental Protection Agency on June 9, 1972.

(b) The Secretary is hereby directed to expedite the investigation, planning, and implementation of the salinity control program generally as described in chapter VI of the Secretary's report entitled, "Colorado River Water Quality Improvement Program, February 1972".

(c) In conformity with section 201(a) of this title and the authority of the Environmental Protection Agency under Federal laws, the Secretary, the Administrator of the Environmental Protection Agency, and the Secretary of Agriculture are directed to cooperate and coordinate their activities effectively to carry out the objective of this title.

SEC. 202. The Secretary is authorized to construct, operate, and maintain the following salinity control units as the initial stage of the Colorado River Basin salinity control program.

(1) The Paradox Valley unit, Montrose County, Colorado consisting of facilities for collection and disposition of saline ground water of Paradox Valley including wells, pumps, pipelines, solar evaporation ponds, and all necessary appurtenant and associated works such as roads, fences, dikes, power transmission facilities, and permanent operating facilities.

(2) The Grand Valley unit, Colorado, consisting of measures and all necessary appurtenant and associated works to reduce the seepage of irrigation water from the irrigated lands of Grand Valley into the ground water and thence into the Colorado River. Measures shall include lining of canals and laterals, and the combining of existing canals and laterals into fewer and more efficient facilities. Prior to initiation of construction of the Grand Valley unit the Secretary shall enter into contracts through which the agencies owning, operating, and maintaining the water distribution systems in Grand Valley, singly or in concert, will assume all obligations relating to the continued operation and maintenance of the unit's facilities to the end that the maximum reduction of salinity inflow to the Colorado River will be achieved. The Secretary is also authorized to provide, as an element of the Grand Valley unit, for a technical staff to provide information and assistance to water users on means and measures for limiting excess water applications to irrigated lands: *Provided*, That such assistance shall not exceed a period of five years after funds first become available under this title. The Secretary will enter into agreements with the Secretary of Agriculture to develop a unified control plan for the Grand Valley unit. The Secretary of Agriculture is directed to cooperate in the planning and construction of on-farm system measures under programs available to that Department.

(3) The Crystal Geyser unit, Utah, consisting of facilities for collection and disposition of saline geyser discharges; including dikes, pipelines, solar evaporation ponds, and all necessary appurtenant works including operating facilities.

(4) The Las Vegas Wash unit, Nevada, consisting of facilities for collection and disposition of saline ground water of Las Vegas Wash, including infiltration galleries, pumps, desalter, pipelines, solar evaporation facilities, and all appurtenant works including but not limited to roads, fences, power transmission facilities, and operating facilities.

SEC. 203. (a) The Secretary is authorized and directed to—

(1) Expedite completion of the planning reports on the following units, described in the Secretary's report, "Colorado River Water Quality Improvement Program, February 1972":

(i) Irrigation source control:
Lower Gunnison
Uintah Basin
Colorado River Indian Reservation
Palo Verde Irrigation District
(ii) Point source control:
LaVerkin Springs
Littlefield Springs
Glenwood-Dotsero Springs
(iii) Diffuse source control:
Price River
San Rafael River
Dirty Devil River
McElmo Creek
Big Sandy River

(2) Submit each planning report on the units named in section 203(a)(1) of this title promptly to the Colorado River Basin States and to such other parties as the Secretary deems appropriate for their review and comments. After receipt of comments on a unit and careful consideration thereof, the Secretary shall submit each final report with his recommendations, simultaneously, to the President, other concerned Federal departments and agencies, the Congress, and the Colorado River Basin States.

(b) The Secretary is directed—

(1) in the investigation, planning, construction, and implementation of any salinity control unit involving control of salinity from irrigation sources, to cooperate with the Secretary of Agriculture in carrying out research and demonstration projects and in implementing on-the-farm improvements and farm management practices and programs which will further the objective of this title;

(2) to undertake research on additional methods for accomplishing the objective of this title, utilizing to the fullest extent practicable the capabilities and resources of other Federal departments and agencies, interstate institutions, States, and private organizations.

SEC. 204. (a) There is hereby created the Colorado River Basin Salinity Control Advisory Council composed of no more than three members from each State appointed by the Governor of each of the Colorado River Basin States.

(b) The Council shall be advisory only and shall—

(1) act as liaison between both the Secretaries of Interior and Agriculture and the Administrator of the Environmental Protection Agency and the States in accomplishing the purposes of this title;

(2) receive reports from the Secretary on the progress of the salinity control program and review and comment on said reports; and

(3) recommend to both the Secretary and the Administrator of the Environmental Protection Agency appropriate studies of further projects, techniques, or methods for accomplishing the purposes of this title.

SEC. 205. (a) The Secretary shall allocate the total costs of each unit or separable feature thereof authorized by section 202 of this title, as follows:

(1) In recognition of Federal responsibility for the Colorado River as an interstate stream and for international comity with Mexico, Federal ownership of the lands of the Colorado River Basin from which most of the dissolved salts originate, and the policy embodied in the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816), 75 per centum of the total costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof shall be nonreimbursable.

(2) Twenty-five per centum of the total costs shall be allocated between the Upper Colorado River Basin Fund established by section 5(a) of the Colorado River Storage Project Act (70 Stat. 107) and the Lower Colorado River Basin Development Fund established by section 403(a) of the Colorado River Basin Project Act (82 Stat. 895), after consultation with the Advisory Council created in section 204(a) of this title and consideration of the following items:

(i) benefits to be derived in each basin from the use of water of improved quality and the use of works for improved water management;

(ii) causes of salinity; and

(iii) availability of revenues in the Lower Colorado River Basin Development Fund and increased revenues to the Upper Colorado River Basin Fund made available under section 205(d) of this title: *Provided*, That costs allocated to the Upper Colorado River Basin Fund under section 205(a)(2) of this title not exceed 15 per centum of the costs allocated to the Upper Colorado River Basin Fund and the Lower Colorado River Basin Development Fund.

(3) Costs of construction of each unit or separable feature thereof allocated to the upper basin and to the lower basin under section 205(a)(12) of this title shall be repaid within a fifty-year period without interest from the date such unit or separable feature thereof is determined by the Secretary to be in operation.

(b)(1) Costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof allocated for repayment by the lower basin under section 205(a)(2) of this title shall be paid in accordance with subsection 205(b)(2) of this title, from the Lower Colorado River Basin Development Fund.

(2) Section 403(g) of the Colorado River Basin Project Act (82 Stat. 896) is hereby amended as follows: strike the word "and" after the word "Act," in line 8; insert after the word "Act," the following "(2) for repayment to the general fund of the Treasury the costs of each salinity control unit or separable feature thereof payable from the Lower Colorado River Basin Development Fund in accordance with sections 205(a)(2), 205(a)(3), and 205(b)(1) of the Colorado River Salinity Control Act and"; change paragraph (2) to paragraph (3).

(c) Costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof allocated for repayment by the upper basin under section 205(a)(2) of this title shall be paid in accordance with section 205(d) of this title from the Upper Colorado River Basin Fund within the limit of the funds made available under section 205(e) of this title.

(d) Section 5(d) of the Colorado River Storage Project Act (70 Stat. 108) is hereby amended as follows: strike the word "and" at the end of paragraph (3); strike the period after the word "years" at the end of paragraph (4) and insert a semicolon in lieu thereof followed by the word "and"; add a new paragraph (5) reading:

"(5) the costs of each salinity control unit or separable feature thereof payable from the Upper Colorado River Basin Fund in accordance with sections 205(a)(2), 205(a)(3), and 205(c) of the Colorado River Salinity Control Act.".

(e) The Secretary is authorized to make upward adjustments in rates charged for electrical energy under all contracts administered by the Secretary under the Colorado River Storage Project Act (70 Stat. 105, 43 U.S.C. 620) as soon as practicable and to the extent necessary to cover the costs of construction, operation, maintenance, and replacement of units allocated under section 205(a)(2) and in conformity with section 205(a)(3) of this title: *Provided*, That revenues derived from said rate adjustments shall be available solely for the construction, operation, maintenance, and replacement of salinity control units in the Colorado River Basin herein authorized.

SEC. 206. Commencing on January 1, 1975, and every two years thereafter, the Secretary shall submit, simultaneously, to the President, the Congress, and the Advisory Council created in section 204(a) of this title, a report on the Colorado River salinity control program authorized by this title covering the progress of investigations, planning, and construction of salinity control units for the previous fiscal year, the effectiveness of such units, anticipated work

needed to be accomplished in the future to meet the objectives of this title, with emphasis on the needs during the five years immediately following the date of each report, and any special problems that may be impeding progress in attaining an effective salinity control program. Said report may be included in the biennial report on the quality of water of the Colorado River Basin prepared by the Secretary pursuant to section 15 of the Colorado River Storage Project Act (70 Stat. 111; 43 U.S.C. 602n), section 15 of the Navajo Indian irrigation project, and the initial stage of the San Juan Chama Project Act (76 Stat. 102), and section 6 of the Fryingpan-Arkansas Project Act (76 Stat. 393).

SEC. 207. Except as provided in section 205(b) and 205(d) of this title, with respect to the Colorado River Basin Project Act and the Colorado River Storage Project Act, respectively, nothing in this title shall be construed to alter, amend, repeal, modify, interpret, or be in conflict with the provisions of the Colorado River Compact (45 Stat. 1057), the Upper Colorado River Basin Compact (63 Stat. 31), the Water Treaty of 1944 with the United Mexican States (Treaty Series 994; 59 Stat. 1219), the decree entered by the Supreme Court of the United States in Arizona against California and others (376 U.S. 340), the Boulder Canyon Project Act (45 Stat. 1057), Boulder Canyon Project Adjustment Act (54 Stat. 774; 43 U.S.C. 618a), section 15 of the Colorado River Storage Project Act (70 Stat. 111; 43 U.S.C. 620n), the Colorado River Basin Project Act (82 Stat. 885), section 6 of the Fryingpan-Arkansas Project Act (76 Stat. 393), section 15 of the Navajo Indian irrigation project and initial stage of the San Juan-Chama Project Act (76 Stat. 102), the National Environmental Policy Act of 1969, and the Federal Water Pollution Control Act, as amended.

SEC. 208. (a) The Secretary is authorized to provide modifications of the projects authorized by this title as determined to be appropriate for purposes of meeting the objective of this title. No funds for any such modification shall be expended until the expiration of sixty days after the proposed modification has been submitted to appropriate committees of the Congress, and not then if disapproved by said committees, except that funds may be expended prior to the expiration of such sixty days in any case in which the Congress approves an earlier date by concurrent resolution. The Governors of the Colorado River Basin States shall be notified of these changes.

(b) The Secretary is hereby authorized to enter into contracts that he deems necessary to carry out the provisions of this title, in advance of the appropriation of funds therefor. There is hereby authorized to be appropriated the sum of $125,100,000 for the construction of the works and for other purposes authorized in section 202 of this title, based on April 1973 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations in costs involved therein, and such sums as may be required to operate and maintain such works. There is further authorized to be appropriated such sums as may be necessary to pay condemnation awards in excess of appraised values and to cover costs required in connection with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 90-646).

SEC. 209. As used in this title—

(a) all terms that are defined in the Colorado River Compact shall have the meanings therein defined;

(b) "Colorado River Basin States" means the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming.

Mr. MANSFIELD. Mr. President, I send to the desk a technical amendment. Also, I wish to state that the bill reflects the name of Senator DOMENICI as a cosponsor. This is a printing error. It should read Senator DOMINICK instead of Senator DOMENICI.

The PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 26, line 14, delete the word "with" and insert instead the word "within."

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

The amendment was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 12165, a companion bill passed by the House; that all after the enacting clause be stricken; and that the text of S. 2940, as amended, be substituted therefor, if it has been amended.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill (H.R. 12165) to authorize the construction, operation, and maintenance of certain works in the Colorado River Basin to control the salinity of water delivered to users in the United States and Mexico, which was read twice by its title.

Mr. MANSFIELD. Mr. President, the legislation now before the Senate has as its primary objective the implementation of the Colorado River desalinization agreement signed by the United States and Mexico on August 30 of last year. Both the agreement and the implementing legislation are—to say the least—of historic importance to both countries.

Let me briefly sketch the salinity issue as it has developed in recent years.

The Colorado River has an average annual flow ranging between 14 and 18 million acre-feet. Under the terms of the 1944 Water Treaty with Mexico, the United States guarantees that 1.5 million acre-feet of this water will be delivered annually to Mexico. At the time the treaty was approved, United States use of this water resource was so small that Mexico was in fact receiving far in excess of its 1.5 million yearly allotment.

In the early 1960's two things occurred to create a serious salinity problem with respect to the water delivered to Mexico. First, by this time, there was virtually no surplus water going to Mexico. Second, and most importantly, United States brought into operation the Wellton-Mohawk Irrigation and Drainage District in Arizona, which produced a return flow having a very high saline content, approximately 6,000 parts per million.

The combined result of these two factors was to double the average annual salinity of 800 to 900 parts per million in water going to Mexico. At certain times of the year, the salinity factor in Mexico's Colorado River water increased to 2,500 parts per million.

In the course of the past decade, the United States has undertaken various "half measures" in an effort to reduce the saline content of water available to Mexico. From Mexico's standpoint, however, none of these has produced a lasting, satisfactory solution to the problem. Hence, throughout this time the problem has been a source of serious irritation in United States-Mexico relations.

Indeed, as those familiar with the salinity issue are aware, no other issue in recent times has so troubled our relations; no other problem has so taxed our determination to seek mutually satisfactory solutions to common problems; no other problem has so tested the sincerity and ingenuity of our diplomats; and no other problem has so challenged the mutual respect and goodwill that our two countries have for each other.

In the end, our deeds have matched our words. Looking back, I am convinced that it could not have been otherwise—given the solemn determination of President Nixon and President Echeverria to resolve this issue. Their enlightened leadership on it deserves the high praise. Likewise, a very special tribute is owed to former Attorney General Brownell and Foreign Secretary Rabasa, whose tireless efforts contributed so much to making the August 30 agreement a reality.

Legislation to implement the desalinization agreement arrived on Capitol Hill in February. In 5 short months it now has reached the stage of final passage. This is a legislative achievement of which we in the Congress can be justifiably proud—especially given the fact that the executive branch required 6 months just to formulate its legislation proposal.

The urgency with which Congress has handled this legislation can, I believe, be attributed in large part of the Mexico-United States Interparliamentary Conferences, which have been held annually since 1961. The 14th Conference was held just last month here in Washington, and as those who participated know, these conferences offer a vitally important sounding board to the parliamentarians of our respective legislatures. The deliberations, the discussions, the debates contribute immeasurably to a richer understanding of our mutual problems and concerns. They give us a genuine appreciation of the facts and this, in turn, serves to produce a political climate that virtually guarantees unanimous acceptance by the people's elected officials.

This was the pattern of the Chamizal Agreement in 1963. And it has proven successful again—as the legislation now before us so clearly demonstrates.

With the final passage of this implementing legislation, we once again extend to our Mexican friends—un abrazo fuertisimo.

Mr. President, I ask unanimous consent that excerpts from the report on the Colorado River Basin Salinity Control Act, S. 2940, be printed in the RECORD. The excerpts give a good history of the developments leading up to the present situation and also mark the honoring of the treaty of 1944 which guaranteed a

certain number of cubic feet of good water to the people living across the line in Mexico.

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

[Excerpts From Colorado River Basin Salinity Control Act]

That this Act may be cited as the "Colorado River Basin Salinity Control Act".

TITLE I—PROGRAMS DOWNSTREAM FROM IMPERIAL DAM

SEC. 101. (a) The Secretary of the Interior, hereinafter referred to as the "Secretary", is authorized and directed to proceed with a program of works of improvement for the enhancement and protection of the quality of water available in the Colorado River for use in the United States and the Republic of Mexico, and to enable the United States to comply with its obligations under the agreement with Mexico of August 30, 1973 (Minute No. 242 of the International Boundary and Water Commission, United States and Mexico), concluded pursuant to the Treaty of February 3, 1944 (TS 994), in accordance with the provisions of this Act.

(b)(1) The Secretary is authorized to construct, operate, and maintain a desalting complex, including (1) a desalting plant to reduce the salinity of drain water from the Wellton-Mohawk division of the Gila project, Arizona (hereinafter referred to as the division), including a pretreatment plant for settling, softening, and filtration of the drain water to be desalted; (2) the necessary appurtenant works including the intake pumping plant system, product waterline, power transmission facilities, and permanent operating facilities; (3) the necessary extension in the United States and Mexico of the existing bypass drain to carry the reject stream from the desalting plant and other drainage waters to the Santa Clara Slough in Mexico, with the part in Mexico, subject to arrangements made pursuant to section 101(d); (4) replacement of the metal flume in the existing main outlet drain extension with a concrete siphon; (5) reduction of the quantity of irrigation return flows through acquisition of lands to reduce the size of the division, and irrigation efficiency improvements to minimize return flows; (6) acquire on behalf of the United States such lands or interest in lands in the Painted Rock Reservoir as may be necessary to operate the project in accordance with the obligations of Minute No. 242, and (7) all associated facilities including roads, railroad spur, and transmission lines.

(2) The desalting plant shall be designed to treat approximately one hundred and twenty-nine million gallons a day of drain water using advanced technology commercially available. The plant shall effect recovery initially of not less than 70 per centum of the drain water as product water, and shall effect reduction of not less than 90 per centum of the dissolved solids in the feed water. The Secretary shall use sources of electric power supply for the desalting complex that will not diminish the supply of power to preference customers from Federal power systems operated by the Secretary. All costs associated with the desalting plant shall be nonreimbursable.

(c) Replacement of the reject stream from the desalting plant and of any Wellton-Mohawk drainage water bypassed to the Santa Clara Slough to accomplish essential operation except at such times when there exists surplus water of the Colorado River under the terms of the Mexican Water Treaty of 1944, is recognized as a national obligation as provided in section 202 of the Colorado River Basin Project Act (82 Stat. 895). Studies to identify feasible measures to provide adequate replacement water shall be completed not later than June 30, 1980. Said studies shall be limited to potential sources within the States of Arizona, California, New Mexico, and those portions of Nevada, Utah, and Wyoming which are within the natural drainage basin of the Colorado River. Measures found necessary to replace the reject stream from the desalting plant and any Wellton-Mohawk drainage bypassed to the Santa Clara Slough to accomplish essential operations may be undertaken independently of the national obligation set forth in section 202 of the Colorado River Basin Project Act.

(d) The Secretary is hereby authorized to advance funds to the United States section, International Boundary and Water Commission (IBWC), for construction, operation, and maintenance by Mexico pursuant to Minute No. 242 of that portion of the bypass drain with Mexico. Such funds shall be transferred to an appropriate Mexican agency, under arrangements to be concluded by the IBWC providing for the construction, operation, and maintenance of such facility by Mexico.

(e) Any desalted water not needed for the purposes of this title may be exchanged at prices and under terms and conditions satisfactory to the Secretary and the proceeds therefrom shall be deposited in the General Fund of the Treasury. The city of Yuma, Arizona, shall have first right of refusal to any such water.

(f) For the purpose of reducing the return flows from the division to one hundred and seventy-five thousand acre-feet or less, annually, the Secretary is authorized to:

(1) Accelerate the cooperative program of Irrigation Management Services with the Wellton-Mohawk Irrigation and Drainage District, hereinafter referred to as the district, for the purpose of improving irrigation efficiency. The district shall bear its share of the cost of such program as determined by the Secretary.

(2) Acquire, by purchase or through eminent domain or exchange, to the extent determined by him to be appropriate, lands or interests in lands to reduce the existing seventy-five thousand developed and undeveloped irrigable acres authorized by the Act of July 30, 1947 (61 Stat. 628), known as the Gila Reauthorization Act. The initial reduction in irrigable acreage shall be limited to approximately ten thousand acres. If the Secretary determines that the irrigable acreage of the division must be reduced below sixty-five thousand acres of irrigable lands to carry out the purpose of this section, the Secretary is authorized, with the consent of the district, to acquire additional lands, as may be deemed by him to be appropriate.

(g) The Secretary is authorized to dispose of the acquired lands and interests therein on terms and conditions satisfactory to him and meeting the objective of this Act.

(h) The Secretary is authorized, either in conjunction with or in lieu of land acquisition, to assist water users in the division in installing system improvements, such as ditch lining, change of field layouts, automatic equipment, sprinkler systems and bubbler systems, as a means of increasing irrigation efficiencies: *Provided,* however, That all costs associated with the improvements authorized herein and allocated to the water users on the basis of benefits received, as determined by the Secretary, shall be reimbursed to the United States in amounts and on terms and conditions satisfactory to the Secretary.

(i) The Secretary is authorized to amend the contract between the United States and the district dated March 4, 1952, as amended, to provide that—

(1) the portion of the existing repayment obligation owing to the United States allocable to irrigable acreage eliminated from the division for the purposes of this title, as determined by the Secretary, shall be nonreimbursable; and

(2) if deemed appropriate by the Secretary, the district shall be given credit against its outstanding repayment obligation to offset any increase in operation and maintenance assessments per acre which may result from the district's decreased operation and maintenance base, all as determined by the Secretary.

(j) The Secretary is authorized to acquire through the Corps of Engineers fee title to, or other necessary interests in, additional lands above the Painted Rock Dam in Arizona that are required for the temporary storage capacity needed to permit operation of the dam and reservoir in times of serious flooding in accordance with the obligations of the United States under Minute No. 242. No funds shall be expended for acquisition of land or interests therein until it is finally determined by a Federal court of competent jurisdiction that the Corps of Engineers presently lacks legal authority to use said lands for this purpose. Nothing contained in this title nor any action taken pursuant to it shall be deemed to be a recognition or admission of any obligation to the owners of such land on the part of the United States or a limitation or deficiency in the rights or powers of the United States with respect to such lands or the operation of the reservoir.

(k) To the extent desirable to carry out sections 101(f)(1) and 101(h), the Secretary may transfer funds to the Secretary of Agriculture as may be required for technical assistance to farmers, conduct of research and demonstrations, and such related investigations as are required to achieve higher on-farm irrigation efficiencies.

(l) All cost associated with the desalting complex shall be nonreimbursable except as provided in sections 101(f) and 101(h).

SEC. 102. (a) To assist in meeting salinity control objectives of Minute No. 242 during an interim period, the Secretary is authorized to construct a new concrete-lined canal or, to line the presently unlined portion of the Coachella Canal of the Boulder Canyon project, California, from station 2 plus 26 to the beginning of siphon numbered 7, a length of approximately forty-nine miles. The United States shall be entitled to temporary use of a quantity of water, for the purpose of meeting the salinity control objectives of Minute No. 242, during an interim period, equal to the quantity of water conserved by constructing or lining the said canal. The interim period shall commence on completion of construction or lining said canal and shall end the first year that the Secretary delivers main stream Colorado River water to California in an amount less than the sum of the quantities requested by (1) the California agencies under contracts made pursuant to section 5 of the Boulder Canyon Project Act (45 Stat. 1057), and (2) Federal establishments to meet their water rights acquired in California in accordance with the Supreme Court decree in Arizona against California (376 U.S. 340).

(b) The charges for total construction shall be repayable without interest in equal annual installments over a period of forty years beginning in the year following completion of construction: *Provided,* That, repayment shall be prorated between the United States and the Coachella Valley County Water District, and the Secretary is authorized to enter into a repayment contract with Coachella Valley County Water District for that purpose. Such contract shall provide that annual repayment installments shall be nonreimbursable during the interim

period, defined in section 102(a) of this title and shall provide that after the interim period, said annual repayment installments or portions thereof, shall be paid by Coachella Valley County Water District.

(c) The Secretary is authorized to acquire by purchase, eminent domain, or exchange private lands or interests therein, as may be determined by him to be appropriate, within the Imperial Irrigation District on the Imperial East Mesa which receive, or which have been granted rights to receive, water from Imperial Irrigation District's capacity in the Coachella Canal. Costs of such acquisitions shall be nonreimbursable and the Secretary shall return such lands to the public domain. The United States shall not acquire any water rights by reason of this land acquisition.

(d) The Secretary is authorized to credit Imperial Irrigation District against its final payments for certain outstanding construction charges payable to the United States on account of capacity to be relinquished in the Coachella Canal as a result of the canal lining program, all as determined by the Secretary: *Provided,* That, relinquishment of capacity shall not affect the established basis for allocating operation and maintenance costs of the main All-American Canal to existing contractors.

(e) The Secretary is authorized and directed to cede the following land to the Cocopah Tribe of Indians, subject to rights-of-way for existing levees, to be held in trust by the United States for the Cocopah Tribe of Indians:

Township 9 south, range 25 west of the Gila and Salt River meridian, Arizona;

Section 25: Lots 18, 19, 20, 21, 22, and 23;

Section 26: Lots 1, 12, 13, 14, and 15;

Section 27: Lot 3; and all accretion to the above described lands.

The Secretary is authorized and directed to construct three bridges, one of which shall be capable of accommodating heavy vehicular traffic, over the portion of the bypass drain which crosses the reservation of the Cocopah Tribe of Indians. The transfer of lands to the Cocopah Indian Reservation and the constuction of bridges across the bypass drain shall constitute full and complete payment to said tribe for the rights-of-way required for construction of the bypass drain and electrical transmission lines for works authorized by this title.

SEC. 103. (a) The Secretary is authorized to:

(1) Construct, operate, and maintain, consistent with Minute No. 242, well fields capable of furnishing approximately one hundred and sixty thousand acre-feet of water per year for use in the United States and for delivery to Mexico in satisfaction of the 1944 Mexican Water Treaty.

(2) Acquire by purchase, eminent domain, or exchange, to the extent determined by him to be appropriate, approximately twenty-three thousand five hundred acres of lands or interests therein within approximately five miles of the Mexican border on the Yuma Mesa: *Provided, however,* That any such lands which are presently owned by the State of Arizona may be acquired or exchanged for Federal lands.

(3) Any lands removed from the jurisdiction of the Yuma Mesa Irrigation and Drainage District pursuant to clause (2) of this subsection which were available for use under the Gila Reauthorization Act (61 Stat. 628), shall be replaced with like lands within or adjacent to the Yuma Mesa division of the project. In the development of these substituted lands or any other lands within the Gila project, the Secretary may provide for full utilization of the Gila Gravity Main Canal in addition to contracted capacities.

(b) The cost of work provided for in this section, including delivery of water to Mexico, shall be nonreimbursable; except to the extent that the waters furnished are used in the United States.

SEC. 104. The Secretary is authorized to provide for modifications of the projects authorized by this title to the extent he determines appropriate for purposes of meeting the international settlement objective of his title at the lowest overall cost to the United States. No funds for any such modification shall be expended until the expiration of sixty days after the proposed modification has been submitted to the appropriate committees of the Congress, unless the Congress approves an earlier date by concurrent resolution. The Secretary shall notify the Governors of the Colorado River Basin States of such modifications.

SEC. 105. The Secretary is hereby authorized to enter into contracts that he deems necessary to carry out the provisions of this title in advance of the appropriation of funds therefor.

SEC. 106. In carrying out the provisions of this title, the Secretary shall consult and cooperate with the Secretary of State, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and other affected Federal, State, and local agencies.

SEC. 107. Nothing in this Act shall be deemed to modify the National Environmental Policy Act of 1969, the Federal Water Pollution Control Act, as amended, or, except as expressly stated herein, the provisions of any other Federal law.

SEC. 108. There is hereby authorized to be appropriated the sum of $121,500,000 for the construction of the works and accomplishments of the purposes authorized in sections 101 and 102, and $34,000,000 to accomplish the purposes of section 103, based on April 1973 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations in construction costs involved therein, and such sums as may be required to operate and maintain such works and to provide for such modifications as may be made pursuant to section 104. There is further authorized to be appropriated such sums as may be necessary to pay condemnation awards in excess of appraised values and to cover costs required in connection with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 90–646).

TITLE II—MEASURES UPSTREAM FROM IMPERIAL DAM

SEC. 201. (a) The Secretary of the Interior shall implement the salinity control policy adopted for the Colorado River in the "Conclusions and Recommendations" published in the Proceedings of the Reconvened Seventh Session of the Conference in the Matter of Pollution of the Interstate Waters of the Colorado River and its Tributaries in the States of California, Colorado, Utah, Arizona, Nevada, New Mexico, and Wyoming, held in Denver, Colorado, on April 26–27, 1972, under the authority of section 10 of the Federal Water Pollution Control Act (33 U.S.C. 1160), and approved by the Administrator of the Environmental Protection Agency on June 9, 1972.

(b) The Secretary is hereby directed to expedite the investigation, planning, and implementation of the salinity control program generally as described in chapter VI of the "Secretary's report entitled, "Colorado River Water Quality Improvement Program, February 1972".

(c) In conformity with section 201(a) of this title and the authority of the Environmental Protection Agency under Federal laws, the Secretary, the Administrator of the Environmental Protection Agency, and the Secretary of Agriculture are directed to cooperate and coordinate their activities effectively to carry out the objective of this title.

SEC. 202. The Secretary is authorized to construct, operate, and maintain the following salinity control units as the initial stage of the Colorado River Basin salinity control program.

(1) The Paradox Valley unit, Montrose County, Colorado, consisting of facilities for collection and disposition of saline ground water of Paradox Valley, including wells, pumps, pipelines, solar evaporation ponds, and all necessary appurtenant and associated works such as roads, fences, dikes, power transmission facilities, and permanent operating facilities.

(2) The Grand Valley unit, Colorado, consisting of measures and all necessary appurtenant and associated works to reduce the seepage of irrigation water from the irrigated lands of Grand Valley into the ground water and thence into the Colorado River. Measures shall include lining of canals and laterals, and the combining of existing canals and laterals into fewer and more efficient facilities. Prior to initiation of construction of the Grand Valley unit the Secretary shall enter into contracts through which the agencies owning, operating, and maintaining the water distribution systems in Grand Valley, singly or in concert, will assume all obligations relating to the continued operation and maintenance of the unit's facilities to the end that the maximum reduction of salinity inflow to the Colorado River will be achieved. The Secretary is also authorized to provide, as an element of the Grand Valley unit, for a technical staff to provide information and assistance to water users on means and measures for limiting excess water applications to irrigated lands: *Provided,* That such assistance shall not exceed a period of five years after funds first become available under this title. The Secretary will enter into agreements with the Secretary of Agriculture to develop a unified control plan for the Grand Valley unit. The Secretary of Agriculture is directed to cooperate in the planning and construction of on-farm system measures under programs available to that Department.

(3) The Crystal Geyser unit, Utah, consisting of facilities for collection and disposition of saline geyser discharges; including dikes, pipelines, solar evaporation ponds, and all necessary appurtenant works including operating facilities.

(4) The Las Vegas Wash unit, Nevada, consisting of facilities for collection and disposition of saline ground water of Las Vegas Wash, including infiltration galleries, pumps, desalter, pipelines, solar evaporation facilities, and all appurtenant works including but not limited to roads, fences, power transmission facilities, and operating facilities.

SEC. 203. (a) The Secretary is authorized and directed to—

(1) Expedite completion of the planning reports on the following units, described in the Secretary's report, "Colorado River Water Quality Improvement Program, February 1972":

(i) Irrigation source control:
Lower Gunnison.
Uintah Basin.
Colorado River Indian Reservation.
Palo Verde Irrigation District.

(ii) Point source control:
LeVerkin Springs.
Littlefield Springs.
Glenwood-Dotsero Springs.

(iii) Diffuse source control:
Price River
San Rafael River
Dirty Devil River
McElmo Creek
Big Sandy River

(2) Submit each planning report on the units named in section 203(a)(1) of this title promptly to the Colorado River Basin States and to such other parties as the Secretary deems appropriate for their review and comments. After receipt of comments on a unit and careful consideration thereof, the Secretary shall submit each final report with his recommendations, simultaneously, to the President, other concerned Federal departments and agencies, the Congress, and the Colorado River Basin States.

(b) The Secretary is directed—

(1) in the investigation, planning, construction, and implementation of any salinity control unit involving control of salinity from irrigation sources, to cooperate with the Secretary of Agriculture in carrying out research and demonstration projects and in implementing on-the-farm improvements and farm management practices and programs which will further the objective of this title;

(2) to undertake research on additional methods for accomplishing the objective of this title, utilizing to the fullest extent practicable the capabilities and resources of other Federal departments and agencies, interstate institutions, States, and private organizations.

SEC. 204. (a) There is hereby created the Colorado River Basin Salinity Control Advisory Council composed of no more than three members from each State appointed by the Governor of each of the Colorado River Basin States.

(b) The Council shall be advisory only and shall—

(1) act as liaison between both the Secretaries of Interior and Agriculture and the Administrator of the Environmental Protection Agency and the States in accomplishing the purposes of this title;

(2) receive reports from the Secretary on the progress of the salinity control program and review and comment on said reports; and

(3) recommend to both the Secretary and the Administrator of the Environmental Protection Agency appropriate studies of further projects, techniques, or methods for accomplishing the purposes of this title.

SEC. 205. (a) The Secrettary shall allocate the total costs of each unit or separable feature thereof authorized by section 202 of this title, as follows:

(1) In recognition of Federal responsibility for the Colorado River as an interstate stream and for international comity with Mexico, Federal ownership of the lands of the Colorado River Basin from which most of the dissolved salts originate, and the policy embodied in the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816), 75 per centum of the total costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof shall be nonreimbursable.

(2) Twenty-five per centum of the total costs shall be allocated between the Upper Colorado River Basin Fund established by section 5(a) of the Colorado River Storage Project Act (70 Stat. 107) and the Lower Colorado River Basin Development Fund established by section 403(a) of the Colorado River Basin Project Act (82 Stat. 895), after consultation with the Advisory Council created in section 204(a) of this title and consideration of the following items:

(i) benefits to be derived in each basin from the use of water of improved quality and the use of works for improved water management;

(ii) causes of salinity; and

(iii) availability of revenues in the Lower Colorado River Basin Development Fund and increased revenues to the Upper Colorado River Basin Fund made available under section 205(d) of this title: *Provided*, That costs allocated to the Upper Colorado River Basin Fund under section 205(a)(2) of this title shall not exceed 15 per centum of the costs allocated to the Upper Colorado River Basin Fund and the Lower Colorado River Basin Development Fund.

(3) Costs of construction of each unit or separable feature thereof allocated to the upper basin and to the lower basin under section 205(a)(2) of this title shall be repaid within a fifty-year period without interest from the date such unit or separable feature thereof is determined by the Secretary to be in operation.

(b)(1) Costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof allocated for repayment by the lower basin under section 205(a)(2) of this title shall be paid in accordance with subsection 205(b)(2) of this title, from the Lower Colorado River Basin Development Fund.

(2) Section 403(g) of the Colorado River Basin Project Act (82 Stat. 896) is hereby amended as follows: strike the word "and" after the word "Act," in line 8; insert after the word "Act," the following "(2) for repayment to the general fund of the Treasury the costs of each salinity control unit or separable feature thereof payable from the Lower Colorado River Basin Development Fund in accordance with sections 205(a)(2), 205(a)(3), and 205(b)(1) of the Colorado River Salinity Control Act and"; change paragraph (2) to paragraph (3).

(c) Costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof allocated for repayment by the upper basin under section 205(a)(2) of this title shall be paid in accordance with section 205(d) of this title from the Upper Colorado River Basin Fund within the limit of the funds made available under section 205(e) of this title.

(d) Section 5(d) of the Colorado River Storage Project Act (70 Stat. 108) is hereby amended as follows: strike the word "and" at the end of paragraph (3); strike the period after the word "years" at the end of paragraph (4) and insert a semicolon in lieu thereof followed by the word "and"; add a new paragraph (5) reading:

"(5) the costs of each salinity control unit or separable feature thereof payable from the Upper Colorado River Basin Fund in accordance with sections 205(a)(2), 205(a)(3), and 205(c) of the Colorado River Salinity Control Act.".

(e) The Secretary is authorized to make upward adjustments in rates charged for electrical energy under all contracts administered by the Secretary under the Colorado River Storage Project Act (70 Stat. 105, 43 U.S.C. 620) as soon as practicable and to the extent necessary to cover the costs of construction, operation, maintenance, and replacement of units allocated under section 205(a)(2) and in conformity with section 205(a)(3) of this title: *Provided*, That revenues derived from said rate adjustments shall be available solely for the construction, operation, maintenance, and replacement of salinity control units in the Colorado River Basin herein authorized.

SEC. 206. Commencing on January 1, 1975, and every two years thereafter, the Secretary shall submit, simultaneously, to the President, the Congress, and the Advisory Council created in section 204(a) of this title, a report on the Colorado River salinity control program authorized by this title covering the progress of investigations, planning, and construction of salinity control units for the previous fiscal year, the effectiveness of such units, anticipated work needed to be accomplished in the future to meet the objectives of this title, with emphasis on the needs during the five years immediately following the date of each report, and any special problems that may be impeding progress in attaining an effective salinity control program. Said report may be included in the biennial report on the quality of water of the Colorado River Basin prepared by the Secretary pursuant to section 15 of the Colorado River Storage Project Act (70 Stat. 111; 43 U.S.C. 602n), section 15 of the Navajo Indian irrigation project, and the initial stage of the San Juan Chama Project Act (76 Stat. 102), and section 6 of the Fryingpan-Arkansas Project Act (76 Stat. 393).

SEC. 207. Except as provided in section 205 (b) and 205(d) of this title, with respect to the Colorado River Basin Project Act and the Colorado River Storage Project Act, respectively, nothing in this title shall be construed to alter, amend, repeal, modify, interpret, or be in conflict with the provisions of the Colorado River Compact (45 Stat. 1057), the Upper Colorado River Basin Compact (63 Stat. 31), the Water Treaty of 1944 with the United Mexican States (Treaty Series 994; 59 Stat. 1219), the decree entered by the Supreme Court of the United States in Arizona against California and others (376 U.S. 340), the Boulder Canyon Project Act (45 Stat. 1057), Boulder Canyon Project Adjustment Act (54 Stat. 774; 43 U.S.C. 618a), section 15 of the Colorado River Storage Project Act (70 Stat. 111; 43 U.S.C. 620n), the Colorado River Basin Project Act (82 Stat. 885), section 6 of the Fryingpan-Arkansas Project Act (76 Stat. 393), section 15 of the Navajo Indian irrigation project and initial stage of the San Juan-Chama Project Act (76 Stat. 102), the National Environmental Policy Act of 1969, and the Federal Water Pollution Control Act, as amended.

SEC. 208. (a) The Secretary is authorized to provide for modifications of the projects authorized by this title as determined to be appropriate for purposes of meeting the objective of this title. No funds for any such modification shall be expended until the expiration of sixty days after the proposed modification has been submitted to appropriate committees of the Congress, and not then if disapproved by said committees, except that funds may be expended prior to the expiration of such sixty days in any case in which the Congress approves an earlier date by concurrent resolution. The Governors of the Colorado River Basin States shall be notified of these changes.

(b) The Secretary is hereby authorized to enter into contracts that he deems necessary to carry out the provisions of this title, in advance of the appropriation of funds therefor. There is hereby authorized to be appropriated the sum of $125,100,000 for the construction of the works and for other purposes authorized in section 202 of this title, based on April 1973 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations in costs involved therein, and such sums as may be required to operate and maintain such works. There is further authorized to be appropriated such sums as may be necessary to pay condemnation awards in excess of appraised values and to cover costs required in connection with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 90-646).

SEC. 209. As used in this title—

(a) all terms that are defined in the Colorado River Compact shall have the meanings therein defined;

(b) "Colorado River Basin States" means the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming.

I. BACKGROUND AND NEED FOR THE LEGISLATION

The increasing salinity of the Colorado River has been a prominent issue in both the United States and Mexico for many years. The river system is a source of municipal, industrial, and agricultural water which is vital to the economy of seven American States and a large area in Mexico.

A treaty between the United States and Mexico was consummated on February 3, 1944 (59 Stat. 1219) which guarantees Mexico the right to receive 1.5 million acre-feet of Colorado River water annually. Increasing salinity of deliveries under the treaty have been a long-standing controversy between the United States and Mexico and several interim agreements have been made to manage the deliveries to reduce the impacts of salinity.

As a direct result of the June 1972 visit of Mexican President Echeverria, in which he highlighted the problem in his address to the Congress, President Nixon appointed former Attorney General Brownell as his special representative to seek a permanent solution. General Brownell, assisted by an interagency task force, successfully concluded an agreement with Mexico. The agreement is set forth in "Minute No. 242 of the International Boundary and Water Commission" which was signed on August 30, 1973. (The "minute" constitutes an interpretation of the 1944 treaty.) Its text follows:

"The Commission met at the Secretariat of Foreign Relations, at Mexico, D.F., at 5:00 p.m. on August 30, 1973, pursuant to the instructions received by the two Commissioners from their respective Governments, in order to incorporate in a Minute of the Commission the joint recommendations which were made to their respective Presidents by the Special Representative of President Richard Nixon, Ambassador Herbert Brownell, and the Secretary of Foreign Relations of Mexico, Lic. Emilio O. Rabasa, and which have been approved by the Presidents, for a permanent and definitive solution of the international problem of the salinity of the Colorado River, resulting from the negotiations which they, and their technical and juridical advisers, held in June, July and August of 1973, in compliance with the references to this matter contained in the Joint Communique of Presidents Richard Nixon and Luis Echeverria of June 17, 1972.

"Accordingly, the Commission submits for the approval of the two Governments the following

Resolution

"1. Referring to the annual volume of Colorado River waters guaranteed to Mexico under the Treaty of 1944, of 1,500,000 acre-feet (1,859,234,000 cubic meters):

"(a) The United States shall adopt measures to assure that not earlier than January 1, 1974, and no later than July 1, 1974, the approximately 1,360,000 acre-feet (1,677,545,000 cubic meters) delivered to Mexico upstream of Morelos Dam, have an annual average salinity of no more than 115 ppm ±30 ppm U.S. count (121 ppm ±30 ppm Mexican count) over the annual average salinity of Colorado River waters which arrive at Imperial Dam, with the understanding that any waters that may be delivered to Mexico under the Treaty of 1944 by means of the All-American Canal shall be considered as having been delivered upstream of Morelos Dam for the purpose of computing this salinity.

"(b) The United States will continue to deliver to Mexico on the land boundary at San Luis and in the limitrophe section of the Colorado River downstream from Morelos Dam approximately 140,000 acre-feet (172,689,000 cubic meters) annually with a salinity substantially the same as that of the waters customarily delivered there.

"(c) Any decrease in deliveries under point 1(b) will be made up by an equal increase in deliveries under point 1(a).

"(d) Any other substantial changes in the aforementioned volumes of water at the stated locations must be agreed to by the Commission.

"(e) Implementation of the measures referred to in point 1(a) above is subject to the requirement in point 10 of the authorization of the necessary works.

"2. The life of Minute No. 241 shall be terminated upon approval of the present Minute. From September 1, 1973, until the provisions of point 1(a) become effective, the United States shall discharge to the Colorado River downstream from Morelos Dam volumes of drainage waters from the Wellton-Mohawk District at the annual rate of 118,000 acre-feet (145,551,000 cubic meters) and substitute therefor an equal volume of other waters to be discharged to the Colorado River above Morelos Dam; and, pursuant to the decision of President Echeverria expressed in the Joint Communique of June 17, 1972, the United States shall discharge to the Colorado River downstream from Morelos Dam the drainage waters of the Wellton-Mohawk District that do not form a part of the volumes of drainage waters referred to above, with the understanding that this remaining volume will not be replaced by substitution waters. The Commission shall continue to account for the drainage waters discharged below Morelos Dam as part of those described in the provisions of Article 10 of the Water Treaty of February 3, 1944.

"3. As a part of the measures referred to in point 1(a), the United States shall extend in its territory the concrete-lined Wellton-Mohawk bypass drain from Morelos Dam to the Arizona-Sonora international boundary, and operate and maintain the portions of the Wellton-Mohawk bypass drain located in the United States.

"4. To complete the drain referred to in point 3, Mexico, through the Commission and at the expense of the United States, shall construct, operate and maintain an extension of the concrete-lined bypass drain from the Arizona-Sonora international boundary to the Santa Clara Slough of a capacity of 353 cubic feet (10 cubic meters) per second. Mexico shall permit the United States to discharge through this drain to the Santa Clara Slough all or a portion of the Wellton-Mohawk drainage waters, the volumes of brine from such desalting operations in the United States as are carried out to implement the Resolution of this Minute, and any other volumes of brine which Mexico may agree to accept. It is understood that no radioactive material or nuclear wastes shall be discharged through this drain, and that the United States shall acquire no right to navigation, servitude or easement by reason of the existence of the drain, nor other legal rights, except as expressly provided in this point.

"5. Pending the conclusion by the Government of the United States and Mexico of a comprehensive agreement on groundwater in the border areas, each country shall limit pumping of groundwaters in its territory within 5 miles (eight kilometers) of the Arizona-Sonora boundary near San Luis to 160,000 acre-feet (197,358,000 cubic meters) annually.

"6. With the objective of avoiding future problems, the United States and Mexico shall consult with each other prior to undertaking any new development of either the surface or the groundwater resources, or undertaking substantial modifications of present developments, in its own territory in the border area that might adversely affect the other country.

"7. The United States will support efforts by Mexico to obtain appropriate financing on favorable terms for the improvement and rehabilitation of the Mexicali Valley. The United States will also provide nonreimbursable assistance on a basis mutually acceptable to both countries exclusively for those aspects of the Mexican rehabilitation program of the Mexicali Valley relating to the salinity problem, including tile drainage. In order to comply with the above-mentioned purposes, both countries will undertake negotiations as soon as possible.

"8. The United States and Mexico shall recognize the undertakings and understandings contained in this Resolution as constituting the permanent and definitive solution of the salinity problem referred to in the Joint Communique of President Richard Nixon and President Luis Echeverria dated June 17, 1972.

"9. The measures required to implement this Resolution shall be undertaken and completed at the earliest practical date.

"10. This Minute is subject to the express approval of both Governments by exchange of Notes. It shall enter into force upon such approval: provided, however, that the provisions which are dependent for their implementation on the construction of works or on other measures which require expenditure of funds by the United States, shall become effective upon the notification by the United States to Mexico of the authorization by the United States Congress of said funds, which will be sought promptly.

"Thereupon, the meeting adjourned."

D. HERRERA J.,
Commissioner of Mexico.
J. F. FRIEDKIN,
Commissioner of the United States.
FERNANDO RIVAS S.,
Secretary of Mexican Section.
F. H. SACKSTEDER, Jr.,
Secretary of the United States Section.

The principal provision of Minute No. 242 is a U.S. commitment to maintain a salinity differential of not more than 115 parts per million between Imperial Dam (the lowest major American diversion point) and Morelos Dam (the major Mexican diversion point). There are several other corollary points to the agreement.

The implementation of the agreement with Mexico would result in no appreciable benefit to water users in the United States. In fact, it would result in a net loss of water as a result of the bypassing of brines from the desalting operations without charging them to Mexico's allotment.

Much of the Colorado River Basin, and particularly the Lower Basin is heavily dependent upon the waters of the Colorado River to make the area habitable and productive. In addition, the significance of the Colorado River extends far beyond the physical boundaries of the basin, as it is an important source of water supply for such areas as southern California, Denver, and Salt Lake City. For some 60 years the efficient use and regulation of the river for the purposes of reclamation, flood control, and production of electric power has been a matter of concern to all of the States through which the river flows and increasingly, as salinity levels have risen, the quality of the water has become almost as crucial a question as its availability.

As the uses of Colorado River water increased over the years, so did salinity levels. In addition to an unsually high naturally occurring dissolved mineral load, increased uses by man have contributed loads of dissolved materials. The greatest contributing factor has been increased diversion and consumption of water for agricultural uses with related irrigation water return flows which have leached additional salts from soils, as about 2.4 million acres of lands within the basin and additional thousands of adjacent acres have been brought under ir-

rigation utilizing Colorado River water. Diversion of stream flows has had the effect of concentrating salts in the remaining water and municipal and industrial water consumption as well as reservoir evaporation, have contributed to increased salinity.

Salinity, particularly in the States of the lower basin has reached levels critical to the use of water for irrigation and municipal consumption. Present concentrations now average about 681 parts per million at Imperial Dam with projections for the year 2000 ranging from 1,160 to 1,300 parts per million if the salinity measures authorized by S. 2940 are not undertaken.

The Congress, the Executive, State government, and water consumers view with growing concern the continued increases in salinity and have been actively seeking the means of controlling the quality of water in the U.S. portion of the basin. In April of 1972, the Department of the Interior presented a salinity control program, developed by the Bureau of Reclamation, to the participants of an Enforcement Conference on the Pollution of Interstate Waters of the Colorado River. The measures which were included in the Department's recommendations are the basis of the general provisions of title II of S. 2499.

II. LEGISLATIVE HISTORY

Three bills were introduced in the 93d Congress relating to salinity control measures on the Colorado River. S. 1807, a bill introduced on May 14, 1973, by Senator Tunney with several cosponsors to authorize several salinity control measures within the basin not specifically associated with the Mexican agreement; S. 2940, a bill introduced on February 1, 1974, by Senators Fannin, Bible, and Dominick to authorize salinity control measures within the basin as well as those measures necessary to implement the intent of Minute No. 242 concluded pursuant to the Treaty of 1944; and S. 3094, a bill introduced on March 1, 1974, by Senator Jackson (by request), to authorize salinity control measures necessary to implement the intent of Minute No. 242 concluded pursuant to the Treaty of 1944.

Hearings before the Subcommittee on Water and Power Resources were held on April 26, 1974, on S. 1807, S. 2940, and S. 3094. Subsequently, the full committee met on June 3, 1974, in open executive session, and ordered S. 2940 reported with an amendment.

III. COMMITTEE AMENDMENTS

The Senate Committee on Interior and Insular Affairs, in considering S. 2940, attempted to conform the structure of the bill to that of H.R. 12165, a companion bill which had been reported by the House Interior Committee to facilitate the final resolution of the differences between the two measures. The committee amended S. 2940 by striking all after the enacting clause and inserting a new text. The new text includes many technical and clarifying language changes. The major amendments made to the bill as introduced were the following:

1. *Sec. 101(a)*. After the word "Mexico" the committee inserted the following language: "and to enable the United States to comply with its obligations under the agreement with Mexico of August 30, 1973 (Minute No. 242 of the International Boundary and Water Commission, United States and Mexico) concluded pursuant to the Treaty of February 3, 1944 (TS 994),".

The purpose of this amendment is to specifically recognize the intent of the bill to implement the agreement with Mexico, and to associate the work in title I with the terms of the agreement at an early point in the text.

2. *Sec. 101(b)(6)*. The authority for the Secretary to regulate Gila River floodwaters entering the Wellton-Mohawk division of the Gila project was specifically limited to the authority to acquire lands in the reservoir area of the existing Painted Rock Dam.

3. *Sec. 101(c)*. The committee amended the measure to limit the authority granted by this section to study means of replacing the brine bypassed from the desalting plant.

The original language suggested the possibility of diversions from outside the Colorado Basin might be considered. The amended language restricts the study using the same language as section 202 of the Colorado River Basin Project Act of 1968.

4. *Sec. 101(e)*. The city of Yuma was given the right of first refusal for any desalted water not needed for purposes of satisfying the requirements of Minute No. 242.

5. *Sec. 101(f)*. The bill was amended to require the consent of the Wellton-Mohawk Irrigation and Drainage District to any acquisition of district irrigable lands in excess of the first 10,000 acres.

6. *Sec 101(j)*. Authority to carry out flood control measures *below* the existing Painted Rock Dam were deleted.

7. *Sec. 102(e)*. A new section was added authorizing the Secretary to cede Federal lands to the Cocopah Indian Tribe and to construct bridges to mitigate the impact of the bypass drain carrying brine from the desalting plant which will cross the reservation.

8. *Sec. 103(a)*. The section was amended to delete the contingency placed upon the Secretary's authority to proceed with protective ground water pumping measures along the Mexican border.

9. *Sec. 103(a) (2) and (3)*. The Secretary was authorized to exchange lands for any lands removed from the Yuma Mesa Irrigation and Drainage District in connection with protective groundwater pumping measures along the Mexican border.

10. *Sec. 108*. The authorized appropriations of $119,500,000 were increased by $2 million for studies of brine replacement sources resulting in a new ceiling of $121,500,000.

IV. SECTION-BY-SECTION ANALYSIS

TITLE I

Title I of S. 2940 includes the features which were proposed by the administration to carry out the intent of Minute No. 242 and other provisions associated with that work as described below:

Sec. 101(a) authorizes the Secretary of the Interior to proceed with a program of works for quality control in the Colorado River and states an objective of the work to be compliance with the terms of the agreement with Mexico incorporated in Minute No. 242.

Sec. 101(b) authorizes the construction, operation, and maintenance of a desalting complex including a desalting plant of the approximate capacity of 129 million gallons per day (mgd); a pretreatment facility; appurtenant pumps, pipeline and power transmission facilities; an extension of the existing drainage bypass to the Santa Clara Slough in Mexico; roads and railroads; and the replacement of a metal flume in the present bypass with a concrete structure.

Also included are two programs designed to limit the amount of drainage outflow from the Wellton-Mohawk project. Under the first program the size of the irrigation district will be reduced to at least 65,000 acres and work will be instituted to increase the efficiency of water use on the remaining lands. The second program will involve the acquisition of sufficient reservoir right-of-way for Painted Rock Reservoir on the Gila River to enable operation of that structure so as to prevent released flood waters from entering the Wellton-Mohawk drainage system and overloading the desalting plant.

This subsection also requires that the desalting plant be designed to effect recovery of at least 70 percent of the drainage feed water and to remove at least 90 percent of the impurities. The legislation also requires that the electric power supply for the desalting plant, approximately 35 megawatts, be obtained from sources that do not diminish the supply of power to preference customers of Federal power systems.

It is the intention of the committee that to the greatest extent possible the Secretary shall make his plans for obtaining energy for the desalting plant known to the electric utilities in the region so that any utilities affected by the decision will have ample planning information.

Sec. 101(c) requires that the reject brine from the desalting plant plus any unavoidable bypasses shall be replaced as a national obligation and that studies to identify means of providing replacement shall be completed by June 30, 1980. Such studies shall be limited to the States of Arizona, California, New Mexico, Colorado and the portions of Nevada, Wyoming and Utah in the natural basin of the Colorado River. Such studies may be undertaken independently of the augmentation studies authorized by Section 202 of the Colorado River Project Act.

Sec. 101(d) authorizes the Secretary of the Interior to advance funds to the United States Section of the International Boundary and Water Commission with which to construct, operate and maintain that portion of the reject brine channel located in the Republic of Mexico. The International Boundary and Water Commission shall, under appropriate arrangement, transfer the funds to an agency of the Mexican government for actual accomplishment of the work.

Sec. 101(e) authorizes the Secretary of the Interior to exchange surplus desalted water with holders of perfected rights or contractual rights to water supplies from the Colorado River; and to give the city of Yuma, Arizona, the right of first refusal to such surplus water.

Sec. 101(f) authorizes measures for limiting the return flows from the Wellton-Mohawk division to 175,000 a.f. per year, the approximate capacity of the desalting plant. The programs are:

(1) An accelerated cooperative program of irrigation management services having as their purpose the improvement of irrigation efficiencies; and

(2) A program of land acquisition whereby the irrigable acreage of the division is reduced by the approximate amount of 10,000 acres. If a reduction greater than 10,000 acres is required to limit the drainage returns to 175,000 a.f. per year, additional lands may be acquired with the consent of the district.

Sec. 101(g) authorizes the Secretary to dispose of lands acquired under authority of the preceding subsection for any purpose meeting the objectives of this legislation.

Sec. 101(h) authorizes the Secretary to assist water users of the Wellton-Mohawk division in the installation of system improvements such as ditch lining, sprinkler systems, automatic equipment, field layout and bubbler systems—all as aids to improved efficiency in irrigating. The costs of such improvements will be reimbursed to the Secretary by the water users on the basis of benefits to the water users as determined by the Secretary.

Sec. 101(i) authorizes the secretary to amend the repayment contract with the Wellton-Mohawk Irrigation and Drainage District to reduce the existing repayment obligation of the district in accordance with the reduction in irrigable acreage accomplished under this Act, and to provide that such reduction in amount shall be nonre-

imbursable; also the amended contract may give the district a credit against its repayment obligation for any increase in operation and maintenance assessments per acre that is caused by the reduced operation and maintenance base.

Sec. 101(j) authorizes acquisition of additional reservoir right-of-way above Painted Rock Dam on the Gila River so that water may be detained in storage during times of flooding. This authority is not to be used until the courts determine that the Corps of Engineers, Department of the Army, lacks legal authority to utilize the lands for this purpose.

Sec. 101(k) authorizes the Secretary of the Interior to transfer funds to the Secretary of Agriculture as may be required for technical assistance to water users, conduct of research and demonstrations, and related investigations required to achieve higher on-farm irrigation efficiencies.

Sec. 101(l) declares all costs of the desalting complex and related measures authorized by section 101, to be nonreimbursable except for the programs of accelerated cooperative irrigation management services authorized by subsection 101(f) and the program of on-farm irrigation practices authorized by subsection 101(h).

Sec. 102(a) authorizes lining or reconstruction of about 49 miles of the Coachella Canal to reduce conveyance losses. An amount of water equal to the amount of water salvaged through this program will be utilized by the United States as a source of substitution water for by-passed Welton-Mohawk drainage water until the desalting plant becomes operational. After the plant becomes operational, an amount of water equal to the amount of salvaged water will be used to replace reject brine from the desalting plant and be credited against earlier releases to replace the bypassed Welton-Mohawk water. The use of credits for the Coachella Canal salvage by the United States is temporary and ends when the Secretary of the Interior delivers less water to California users than requested by those users. This is expected to occur when the Central Arizona Project becomes operative.

Section 102(b) requires that the cost of lining or reconstructing Coachella Canal will be repaid in forty years without interest, except that annual installments shall be nonreimbursable during the period that the United States has interim use of an amount of water equal to the amount of salvaged water. After the interim period, the Coachella Valley County Water District will repay all or a portion of the reimbursable installments.

Sec. 102(c) authorizes the acquisition of lands within the Imperial Irrigation District on the Imperial East Mesa and return of such lands to the public domain. These are lands which have been granted capacity rights to receive service through the Coachella Canal; which service will no longer be available under this legislation. The United States will acquire no rights to water as a result of this transaction.

Sec. 102(d) authorizes an adjustment in the outstanding obligations of the Imperial Irrigation District for relinquishment of its capacity rights in the Coachella Canal; and also provides that such relinquishment will not affect the distribution of operation and maintenance costs among the users of the main All-American Canal.

Sec. 102(e) provides authority for the Secretary of the Interior to transfer to the Cocopah Tribe of Indians approximately 360 acres of public domain lands to be added to the Cocopah Reservation and to be held in trust for the tribe. This transfer is to be considered full and complete payment for the right-of-way across the Indian reservation for the bypass drain and appurtenant roads and power lines. The subsection also provides that three bridges shall be provided across the bypass drain on the reservation.

The committee considered the request of the counsel to the tribe for additional lots to be added to those now in the bill. The committee understands the additional lots to be presently within the reservation but having some question as to the title. In the absence of a complete record on this matter or an official statement from the responsible Federal agencies, the committee did not include the additional lots. Instead, the committee urges the Indian tribe and the Secretary of the Interior to submit a separate proposal to clarify the legal situation in regard to these lands to be considered by the appropriate subcommittee.

Sec. 103(a) authorizes the Secretary to construct, operate and maintain a wellfield for groundwater pumping in a five-mile zone adjacent to the International Boundary near San Luis, Arizona. The wellfield will have the capacity to produce approximately 160,000 a.f. per year, the estimated amount now being produced by wells in Mexico adjacent to the border. Water produced from the wellfield is to be delivered to Mexico for credit against the Treaty obligation. The subsection also authorizes the acquisition of lands for the wellfield. Further, it authorizes the Secretary to replace any lands presently within the boundaries of the Yuma-Mesa Irrigation and Drainage District which may be utilized for the installation of the boundary wellfield authorized by section 103 of this Act.

Sec. 103(b) provides that the cost of the boundary pumping program, including the installation and operation of the necessary wells, of the collection and delivery system, and operation of the existing pumping plant at the International Boundary commencing with the date of first delivery to Mexico, shall be nonreimbursable. Costs of the wellfield shall be reimbursable to the extent that water from the wellfield authorized by section 103 of this Act are used in the United States.

Sec. 104 authorizes the Secretary to propose modifications to the programs authorized by this title as he finds to be essential to the purposes of the International Agreement. Such modifications may not be implemented until 60 days after notice of such modification has been given to the appropriate committee of the Congress. The Interior and Insular Affairs Committee of the Senate believes that such notification should be given to both the Committee on Appropriations and the Committees on Interior and Insular Affairs of the Senate and the House of Representatives.

Sec. 105 authorizes the Secretary of the Interior to enter into contracts for carrying out the provisions of this title in advance of appropriation of funds therefor.

Sec. 106 requires the Secretary of the Interior to consult with the Secretary of State, Secretary of Agriculture, the Administrator of the Environmental Protection Agency and other State and Federal officials in carrying out the provisions of the title.

Sec. 107 is a disclaimer of intent to modify or repeal any existing Federal law except as specifically provided.

Sec. 108 authorizes the appropriation of $121,500,000 to provide for the construction and other measures authorized in connection with the desalting complex including $2 million for the studies required by Section 101(c) and $5 million for land acquisition at Painted Rock Reservoir as authorized by section 101(j). An additional amount of $34 million is authorized for the boundary pumping program.

TITLE II

Title II of S. 2940 includes provisions for the control of salinity of the Colorado River which are not directly related to the agreement of the United States and Mexico. The measures, however, would benefit all of the users of the river in both the United States and Mexico.

Sec. 201(a) authorizes the Secretary of the Interior to implement the policy adopted by the Enforcement Conference. In effect, this is a policy commitment to undertake programs which would prevent salinity levels from exceeding the present levels in the river below Hoover Dam as future utilization is made of the water resources of the upper basin.

Sec. 201(b) authorizes and directs the Secretary of the Interior to expedite the investigation, planning and implementation of the program of salinity control measures which has been identified by previous studies.

Sec. 201(c) directs that the Administrator, Environmental Protection Agency and the Secretary of Agriculture coordinate their activities to carry out the objectives of title II.

Sec. 202 authorizes the Secretary of the Interior to construct, operate and maintain four specific salinity control projects as an initial stage of an overall salinity control program. The programs are:

(1) *Paradox Valley Unit, Colorado:* a program to intercept saline groundwater and convey it to a solar evaporation basin. The project cost is estimated at $16 million and will eliminate an estimated 180,000 tons of salt from the Colorado River.

(2) *The Grand Valley Basin Unit, Colorado:* a program to reduce salinity inflow to the Colorado River from an irrigated area of about 76,000 acres. This will be accomplished by the combining and lining of ditches and the adoption of more efficient water use practices.

The estimated cost of the program authorized by this subsection is $59 million and it will reduce salt inflow to the river by the estimated amount of 200,000 tons, annually.

(3) *The Crystal Geyser Unit, Utah:* a program to intercept the flow of saline water from an abandoned oil test well to the river by the estimated amount of 150 acre-feet annually.

The estimated cost of the program is $500,000 and the estimated salt reduction to the Colorado River system is 3,000 tons annually.

(4) *The Las Vegas Wash Unit, Nevada:* a program to intercept saline groundwater entering Las Vegas Wash and convey it to a solar evaporation site.

The estimated cost of the program is $49,600,000 and the estimated salt reduction to Lake Mead is 138,000 tons, annually.

Sec. 203(a) authorizes and directs expedited consideration of 12 other identified sources of salinity pollution to the Colorado River System.

Sec. 203(b) directs the Secretary to cooperate with the Department of Agriculture in research and demonstration programs leading to control of salinity through improved on-farm irrigation practices.

Sec. 204 creates an Advisory Council to coordinate cooperation among the Federal agencies and the States; to receive, review and comment on reports; and to make recommendations to the Secretary as appropriate.

Sec. 205 establishes the allocations of costs and responsibility for repayment of the works undertaken pursuant to title II.

Sec. 205(a) declares that 75 percent of the cost of construction, operation and maintenance shall be nonreimbursable.

The subsection also provides that the remaining 25 percent shall be allocated be-

tween the Upper and Lower Colorado River Basins; that this amount shall be suballocated between the basins; establishes criteria for suballocating between the basins; and provides that not more than 15 percent of the reimbursable amount shall be charged to the Upper Basin.

The subsection establishes a repayment period of 50 years and declares the investment to be non-interest bearing.

Sec. 205(b) provides that the reimbursable amount allocated to the Lower Basin may be defrayed from the Lower Colorado River Basin Development Fund and amends the Colorado River Basin Project Act accordingly.

Sec. 205(c) provides that the amounts allocated for reimbursement by the Upper Basin may be defrayed from the Upper Colorado River Basin Fund.

Sec. 205(d) amends the Colorado River Storage Project Act to enable use of the Upper Colorado River Basin Fund as a source of repayment for this title.

Sec. 205(e) authorizes rate increases for power marketed by the Secretary under authority of the Colorado River Storage Project Act and directs that these revenues shall be used exclusively for repayment, operation, maintenance, and replacement of salinity control units.

Sec. 206 requires biannual reports to be prepared by the Secretary and establishes their content and distribution.

Sec. 207 disclaims repeal, modification, or interpretation of the Compacts, Decrees and Statutes comprising the "Law of the River," except as specifically provided.

Sec. 208 authorizes the Secretary to modify plans subject to the modifications being submitted to appropriate committees of Congress for 60 days.

It also authorizes appropriations in the amount of $125,100,000 with indexing from April 1973 price levels. Additional sums are authorized for payment of excess awards in condemnation cases and to cover the cost in connection with the Uniform Relocation Assistance and Real Property Acquisition Policies Act.

Sec. 209 contains definitions.

V. COSTS OF THE MEASURE

The investment costs of S. 2940 as reported by the committee are as follows:

Title I:	
Desalting complex and associated measures	$100,050,000
Coachella Canal lining	21,450,000
Protective pumping at the board	34,000,000
Subtotal, title I	155,500,000
Title II:	
Paradox Valley, Colo	16,000,000
Grand Valley, Colo	59,000,000
Crystal Geyser, Utah	500,000
Las Vegas Wash, Nev	49,600,000
Subtotal, title II	125,100,000
Total	280,600,000

VI. COMMITTEE RECOMMENDATIONS

The Committee on Interior and Insular Affairs, by unanimous vote of a quorum present at an open executive session on June 3, 1974, recommends that S. 2940, as amended, be enacted.

VII. EXECUTIVE COMMUNICATIONS

The reports of the Department of the Interior, the Department of State, and the Environmental Protection Agency on S. 2940 and related bills, a letter from the Department of State transmitting the draft of a proposed bill "to authorize implementation of an agreement with the Government of Mexico to resolve the international problem of the salinity of the Colorado River waters delivered by the United States to Mexico under the Water Treaty of 1944," and the "Report of the President's Special Representative for Resolution of the Colorado River Salinity Problem With Mexico," follow:

The PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, 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 (H.R. 12165) was read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that S. 2940 be indefinitely postponed.

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

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill (H.R. 12165) was passed.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, this is another achievement in which the Mexican-United States Interparliamentary Group, which has existed since 1961, has served a useful purpose, just as it did in connection with the Chamizal dispute which lasted for many decades whereas the Colorado salinity problem lasted for a considerably less period of time. It is my hope that this milestone in the relationship between our two countries will be satisfactory to all concerned.

I wish to pay a special tribute to former Attorney General Brownell, who was called back from retirement by President Nixon to undertake the delicate negotiations to bring about results at a difficult time in Mexico City last year. I also commend President Nixon for being responsible for bringing this matter to a head. He has followed in the footpath of his predecessors in bringing about a better relationship, more understanding, and a better climate between our two countries. It is to be hoped that the problems will be less and the understanding more, and the relationship between our countries closer with the passage of time.

A special commendation should go to Senator HENRY JACKSON, chairman of the Interior Committee, who worked hard to achieve this bill and who has shown a deep understanding of its need at this time. The Senate and the people of both our countries owe him a vote of thanks. He has earned it and it is well deserved.

QUORUM CALL

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

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

The legislative clerk proceeded to call the roll.

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

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

NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES ACT OF 1974

The Senate continued with the consideration of the bill (S. 3523) to establish a Temporary National Commission on Supplies and Shortages.

Mr. NELSON. Mr. President, I ask unanimous consent that I may withdraw amendment No. 1406.

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

Mr. NELSON. Mr. President, it is my intention to make a motion later this morning to recommit the bill with instructions.

The PRESIDENT pro tempore. Who yields time on the bill?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be charged to both sides.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the recommittal motion to be offered by the distinguished Senator from Wisconsin (Mr. NELSON) and the distinguished Senator from Colorado (Mr. HASKELL) occur not later than 12 o'clock noon.

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

Mr. NELSON. Mr. President, it is my intention, as I mentioned a few moments ago, to move to recommit the bill, S. 3523, a bill to establish a Temporary National Commission on Supplies and Shortages.

This bill, in my judgment, inadequately addresses itself to the critical questions of the nationwide and worldwide problems and shortages in various areas of critical resources, and it seems to me that we need to establish a permanent agency with the responsibility of inventorying our resources, collecting the data, evaluating it, making annual reports, and 5- and 10-year predictions, so that the executive branch, Congress, and the country will have some information that will enable us to guide ourselves in our decisionmaking in respect to the utilization of resources.

Mr. President, we have reached a critical juncture in the economic history of the Nation. The economy is oscillating between shortages and surpluses and the governmental apparatus for predicting these disequilibriums is clearly inadequate.

Time has long since passed for Congress to take action on this issue. We are in the midst of a worldwide crisis respecting many resources, and the Nation to whom all others look for guidance and

leadership—the United States of America—has no agency responsible for collecting the necessarilly detailed information and predicting trends for the future.

I might say at this point, Mr. President, that the distinguished Senator from Colorado (Mr. HASKELL) and I submitted for the RECORD a detailed evaluation and discussion of what we considered to be the inadequacies of S. 3523, including a discussion of what we believe ought to be done under the circumstances. I shall not take space in the RECORD by reprinting that statement, but make reference to it for those who are interested in examining that evaluation of the bill and our objections to it.

Everybody who has addressed this question agrees we need an agency to systematically deal with this monumental problem. Everyone agrees that we need this responsible mechanism, not another commission to study the advisability of such a mechanism.

The Paley Commission's recommendation 22 years ago, the National Commission on Materials Policy reporting in 1973, a Library of Congress study conducted this year at my request, and finally the GAO report of April 1974 on "U.S. Actions Needed to Cope with Commodity Shortages" are unanimous in their conclusion.

The Paley Commission cited the need for a single organization discharging the overall functions of cataloging and projecting America's resources and needs. The National Commission on Materials Policy proposed "a comprehensive Cabinet-level agency be established for materials, energy, and the environment." The Library of Congress study concluded that—

> The most pressing management requirement in the field of materials policy is increased information about the basic parameters of materials supply and demand.

The GAO called on Congress to "consider the need for legislation to establish a centralized mechanism for developing and coordinating long-term policy planning." And Comptroller General Elmer Staats specifically stated at the joint hearings in April of the Commerce and Government Operations Committees:

> I would favor . . . Senator Nelson's point (of) having at least a monitoring and oversight responsibility in an independent agency to be sure that it does get done.

The issue of resources for the future is an issue of planetary dimensions. It encompasses every discipline imaginable—ecology, economy, geology, agronomy, meterology, biology, zoology, botany, demography, statistics—and perhaps a little astrology.

Population growth, greater affluence, technological explosion, and a generally increased tempo of human activity have combined, at our moment in history, to burden the world's resources to an extent our forefathers never imagined.

The United States is in a poor position to cope with global shortages developing in food, fibers, and minerals. The energy crisis, the ill-fated Russian wheat deal, and the soybean embargo of last June together with dozens of other crises caused by shortages of critical materials including paper, lumber, automobile, and other manufacturing parts, protein, asphalt, baling wire, chlorine, cotton, wool, and various minerals, have all demonstrated that the Federal Government does not have the ability to measure the depth of world resources and the demands on them, or to forecast the short- and long-term consequences of decisions affecting those resources.

This Government under the last four administrations, has not had a policy for dealing with forecasting. And it does not have one today.

The most dramatic evidence of the critical need for a monitoring and forecasting system is the energy crisis. A handful of resource experts warned that it was coming, but they were like voices crying in the wilderness.

What we needed was a sophisticated and trusted system that would have recognized the danger signals—like the soaring rise in energy consumption, the startling lack of refinery capacity, the slump in U.S. domestic production, the political deterioration in the Middle East, the Government refusal to consider conservation methods, and the complete failure to seek alternative sources of energy.

We did not have such a system and drifted into an energy crisis.

The Russian wheat deal offers equally compelling evidence of the need for a forecasting system.

In the wheat deal, the United States agreed to sell the Soviet Union millions of tons of wheat. We oversold the wheat without even knowing it. Ultimately the sale caused a wheat shortage in the United States and drove up the price of bread and other wheat products.

There was no agency, committee, commission, or other authoritative body or individual in the Government responsible for looking at the totality of the transactions before they occurred to predict the ultimate effect.

Mr. President, how much time does this side have left?

The PRESIDENT pro tempore. On what? On the bill?

Mr. NELSON. We have agreed to vote no later than noon on a motion to recommit. My question is, how much time has been charged against this side?

The PRESIDENT pro tempore. The agreement as to time on the bill provides 20 minutes on a motion to recommit, but there was no formal arrangement that all time until noon be on the motion. Is the Senator asking that all time until noon be on the motion to recommit?

Mr. NELSON. That is what I had understood to be the situation.

The PRESIDENT pro tempore. It was not done.

Mr. NELSON. I see. So there is no time limitation.

The PRESIDENT pro tempore. There are 10 minutes to each side after the motion has been made. It has not been made.

Mr. NELSON. There is no time limitation imposed on debate at this time then, except that we will vote at noon; is that correct? All I am trying to find out is am I going to run out of time. How much time have I remaining?

The PRESIDENT pro tempore. The Senator from Montana has unanimous consent that the vote come at noon—no later than noon. That was the only request made. There was no arrangement as to time.

Mr. NELSON. I thank you, Mr President.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield to me briefly?

Mr. NELSON. I yield.

Mr. ROBERT C. BYRD. Would the Senator like to establish a time limitation on his motion to recommit now?

Mr. NELSON. That would be satisfactory. The understanding is, I think, that it probably will be about noon.

Mr. ROBERT C. BYRD. The vote?

Mr. NELSON. The vote, yes I did not want to end up by taking so much time that the Senator from Colorado would not have an opportunity to make any remarks.

It is agreeable to me that the time limitation be at 12 o'clock or earlier.

The PRESIDENT pro tempore. The Senator from Wisconsin has not made the motion.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator from Wisconsin be recognized at the hour of 11:40 a.m. today for the purpose of making a motion to recommit. Is it not already ordered that time on any debatable motion will be limited to 20 minutes?

The PRESIDENT pro tempore. The Senator is correct.

Mr. ROBERT C. BYRD. Then, the 20 minutes would expire precisely at 12 noon and, in the meantime, time can be used on the bill for debate; am I not correct?

The PRESIDENT pro tempore. That is correct.

Mr. NELSON. How much time is there for debate on the bill?

Mr. ROBERT C. BYRD. Two hours from the time debate started.

The PRESIDENT pro tempore. Some time was used yesterday and on the quorum this morning.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time used for quorums thus far today not be charged against the bill.

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

Mr. GRIFFIN. Will the distinguished Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. GRIFFIN. I do not think there will be any problem with the Senator from Wisconsin having as much time as he needs. I might indicate that whenever he finishes, the Senator from Ohio (Mr. TAFT) will use some of the time remaining between now and 12 o'clock to explain an amendment or amendments that he will offer after the vote on the NELSON motion to recommit.

Mr. ROBERT C. BYRD. If the motion does not succeed.

Mr. GRIFFIN. If it does not succeed.

Mr. ROBERT C. BYRD. So at 20 minutes of 12 the Senator from Wisconsin will be recognized to make his motion.

I thank the Presiding officer.

Mr. NELSON. Thank you, Mr. President.

The soybean embargo decision also demonstrated poor planning. The United States had made commitments around the world to sell regular customers soybeans. Then in June of last year the Government, in a slap-dash manner, put an almost total embargo on soybean shipments, aggravating the already serious world food shortage.

These examples all reveal that the U.S. Government has been derelict in its duty to equip itself with the tools and techniques needed to keep tabs on material vital to national and international well being.

In the well chosen words of Nobel prize-winning economist Wassily Leotief of Harvard University:

> The resulting scene reminds one of a Ringling Brothers act with four frantic characters in a car, one pressing on the gas, another on the brake, the third clutching the steering wheel, and the fourth blowing the horn.

Leontief believes—

> It is high time to revive President Franklin D. Roosevelt's National Resources Planning Board which was created in 1939.

He states:

> Our technical capabilities for monitoring the state of all the branches of the economy in their mutual interrelationships and for analyzing in great detail the available options—not from the point of view of an individual company or sector but of the system as a whole—are much greater today than they were forty years ago.

I agree with Professor Leontief that "most of the necessary factual information is available, and what is missing can be readily obtained."

On March 21, Senator RIBICOFF and I introduced the National Resource Information Act to accomplish the end described by Leontief. S. 3209 would establish a system to coordinate all related data and monitor, analyze, and forecast supplies of and demand for important world resources and the implications for the U.S. economy.

The problem we face can be simply stated: An abundance of shortages and a shortage of information. The information shortage complicates the market shortage of scarce items. And the Government is overburdened with an abundance of agencies with a paucity of coordinated information.

The General Accounting Office document entitled "U.S. Actions Needed to Cope with Commodity Shortages, is the most important single document detailing Government inadequacy in this area. I am particularly pleased that at the conclusion of the 300-page study, GAO recommends that Congress "consider the need for legislation to establish a centralized mechanism for developing and coordinating long-term policy planning." S. 3209 would establish such a system to maintain a careful inventory of critical national and world resources so that we will have a reliable data base for both short- and long-term planning.

It is an elementary step we must take to fill an astounding information void caused by our perpetually optimistic belief that Mother Nature would never run out of resources that mankind needs. We have been gluttons at the table of Mother Nature. And now we know differently.

The energy crisis presents a classic case of blissful ignorance combined with mismanagement and lack of planning on the part of Government and industry, abetted by the American belief in endless abundance and technological magic.

Energy, its sources, its availability, its uses, is an enormously complicated matter.

Nevertheless, for a quarter century resource experts have warned about the coming energy crunch. And even long before that many others have discussed the limit of these natural resources on the planet. The problem is that resource experts read what resource experts write but decisionmakers do not.

Resource experts throughout history have become a chorus of Cassandras. They have the blessed gift of being able to predict the future and curse of no one believing them. But unless we act, the entire world will suffer the dire consequences of Cassandra's predicament.

If the Government had established a central data collection agency with the responsibility for collecting statistics on energy resources, projecting consumption rates, reporting refining capacity, evaluating current technology and making annual reports to the Congress, the President and the public, we could have made plans to meet this crisis 15 or 20 years ago. Certainly, we would have passed an energy resource and development act 15 years ago instead of 3 months ago. By now we would have explored new energy sources, developed efficient methods of coal gasification, coal liquefaction, shale oil extraction, and instituted long-range energy conservation plans.

Our failure was not lack of availability of the critical statistics. They were available to be collected and used. It was, rather, a failure to establish a mechanism to forcefully thrust this important issue upon the attention of the President, the Congress and the country. If that had been done we would have acted years ago instead of waiting until a crisis forced the issue to our attention. The Energy Information Act which is pending before the Interior Committee will provide us with the tools we need to guide us in future decisionmaking on energy matters.

However, this should be only a first step in the critically important process of establishing a comprehensive program of evaluating the status, availability and use of all-important resources.

The energy crisis is only symptomatic of a much broader and far more serious phenomenon. That phenomenon, in fact, encompasses a series of approaching crises involving many resources vital to all nations, developed or developing.

Twenty-five years ago Aldous Huxley was predicting a worldwide shortage. "World resources," he said in 1949, "are inadequate to world production."

In the early 1950's, mineral shortage authorities began predicting shortages in metals. Then, in 1969, a U.S. Interior Department study concluded that the U.S. had become dependent on other countries for more than 63 percent of 30 minerals and metals designated as critical to national security. Fred Bergsten of the Brookings Institution points out that the United States today depends on imports for over half of its supply of 6 of 13 basic raw materials (chromium, nickel, rubber, aluminum, tin and zinc). And Interior Department projections suggest the number will rise to 9 by 1983. This represents, according to Bergsten, "the culmination of a long-term trend: the United States changed from a net exporter of raw materials to a net importer in the 1920's, and our dependence on foreign sources has been growing ever since." In fact, U.S. imports of all nonfuel minerals cost $6 billion in 1971 and are estimated to rise to $20 billion by 1985 and $52 billion by the turn of the century.

A Library of Congress study on resource supply and demand conducted at my request, reports that—

> U.S. population will probably increase by approximately 50% by the year 2000, and world population may double. Per capita consumption (of materials) is also increasing dramatically, with U.S. per capita consumption demand possibly doubling by the year 2000. . . . Total U.S. materials consumption may double or triple by the year 2000 with similar trends in the rest of the world . . . what is certain (from all of this) is that there will be constraints upon the world supply of materials throughout the remainder of the 20th century. There will probably be periodic materials shortages, and materials costs are likely to rise.

Complicating the whole issue is the possibility of a handful of raw material-exporting nations banding together in an Arab oil producers OPEC arrangement to withhold resources from the rest of the world. The possibility is not so farfetched. Guinea, Australia, Guyana, Jamaica, and Surinam, the principal producers of bauxite, a basic ingredients in aluminum, recently discussed such an arrangement. Zaire and Zambia, suppliers of 70 percent of the world's tin exports could also make a similar arrangement. This week the four biggest copper exporters—Chile, Peru, Zaire, and Zambia—inspired by the principal bauxite countries to take concerted action will meet in Austria to draw up their demands. And the pattern could be repeated by the four countries controlling more than half the supply of natural rubber.

FOOD SHORTAGE

Mineral shortage is only a part of our scarcity problem. On the agricultural side, the prestigious journal "Foreign Policy" recently said that a combination of factors "suggest that the world food economy is undergoing a fundamental

transformation and that food scarcity is becoming chronic."

Protein supplies are overburdened, and most arable cropland already is being farmed. The ocean, viewed historically as an inexhaustible source of protein in fish and algae, also is being depleted—a condition few expected until 5 years ago. And climate experts led by Dr. Reid Bryson of the University of Wisconsin predict long-range worsening weather conditions that could spell famine for tens of millions of people. Changing weather, Bryson points out, is a major contributing factor to starvation conditions in the Sahel in Africa and in northern India.

The world is experiencing a disastrous food crunch--all the rosy public relations announcements about the Green Revolution notwithstanding. Agriculture development expert William Paddock has stated that—

The truth is that, while the new wheat and rice varieties are excellent, high yielders under certain specialized conditions (controlled irrigation, high fertilization), they have done little to overcome the biological limits of the average farm.

Population growth has exceeded increases in food production in those areas of the world where the Malthusian food production squeeze has always been the most acute. Andrew J. Mair, of the Office of Food for Peace of the AID has recently stated that agricutural production, on a per capita basis, had actually fallen 2 percent in the underdeveloped countries over the 10-year period 1963–72. He concluded:

Without an eventual reduction in the rate of growth of world population, there can be no long-run solutions to the world food problem. Food expert Lester Brown seconds that conclusion: "At the global level, population growth still generates most of the additional demand (for food). Expanding at about 2% per year, world population will double in little more than a generation. If growth does not slow dramatically, merely maintaining current per capita consumption levels will require a doubling of food production over the next generation.

Increasing demand for food is also generated by growing affluence and new tastes for meat in some developing nations. The average person in a poor country, where the diet is predominantly cereal, eats 400 pounds of grain a year. Of this total, only about 150 pounds are consumed directly in bread, cake or breakfast cereal. The rest is consumed indirectly in the form of meat, milk and eggs, which inefficiently convert grain to protein.

We in the United States are experiencing shortages in the form of spiraling food prices; 1973 was the year of the biggest jump in grocery prices in more than 25 years. However, the London Economist's index of word commodity prices shows that while food prices were up last year by 20 percent in this country, food prices were up an average of 50 percent worldwide. (Prices for fibers have risen 93 percent and metals 76 percent).

Whereas the American consumer will have to pay more for his food, millions of human beings in this world cannot afford any food at all. For individuals living on marginal incomes—the vast majority of the world population—the fact that food prices are up less than other prices is no comfort. When one spends about 80 percent of one's income on food, as a large portion of mankind does, any price rise—and indeed a price hike of 50 percent—"drive(s) a subsistence diet below the subsistence or survival level," according to Lester Brown.

INFORMATION SHORTAGE

Shortages of basic minerals and proteins are matched by the equally serious shortage of knowledge about U.S. and world reserves of essential materials and foodstuff. For a quarter of a century resource experts have been writing, speaking and pleading for the preservation of our resources, but few at the political level bothered to listen. Similarly, for a quarter of a century the United States has ignored warnings of an information shortage.

The last four Presidents and the Congress consistently failed to recognize that our knowledge is insufficient for wise policy choices concerning the world's resources. Twenty-two years ago the Paley Commission, the familiar title for the President's Materials Policy Commission concluded in its report, "Resources for Freedom" dated June 1952 that—

No single organization is today discharging these over-all functions (of cataloging and projecting America's resources and needs.)

It recommended the establishment of a high level organization to fill this void. Since the Paley Commission filed its report 22 years ago, nothing yet has been done to implement its recommendations. In June 1973, history repeated itself with the National Commission on Materials Policy proposal that "a comprehensive Cabinet-level agency be established for materials, energy and the environment."

The Library of Congress study conducted at my request, echoed the conclusion that—

The most pressing management requirement in the field of materials policy is increased information about the basic parameters of materials supply and demand.

The time is long past due for adjusting the Government apparatus to the problems of resource scarcity. In fact, there are many agencies in the Government charged with the task of monitoring the status of the Nation's major commodities. But therein lies the problem. Monitoring and forecasting capability is fragmented and scattered throughout the Government including the Departments of Agriculture, Commerce, Interior, State, and even the CIA. A November 1968 Library of Congress report counted 58 U.S. governmental agencies with, in the words of the report, "a materials function."

The Department of Agriculture has 500 experts concerned with agricultural commodities. There are 50 people looking at cotton alone. In the Department of Commerce, there are 160 people in the Office of Business Research and Analysis, 20 to 30 of whom are concerned with industrial commodities; two of them are Ph. D.'s. The State Department has six people involved in commodity questions. And the Department of the Interior has a vast staff of resource experts, geologists, et cetera.

And yet—all these experts notwithstanding—the United States has been plagued by shortages in every sector of the economy. The problem is poor coordination of would-be valuable information. For example, we and the rest of the world face serious fertilizer shortages, shortages which will last for years. In this period of grave world food shortages, fertilizer is all the more essential a factor. No U.S. fertilizer plants have been opened since 1970; only two are under construction now. Fertilizer depends on natural gas for energy and phosphates and nitrogen as basic raw materials; the availability of these items, therefore, involves the Departments of the Interior and Commerce. Moreover, the Agriculture Department is also concerned with fertilizer for the Nation's crop production. Plus the State Department is no doubt involved in jawboning foreign demand on fertilizer.

Furthermore, official information often suffers from the fact that agencies address client audiences more than the general public. For example, the chemical experts at the Commerce Department seem to be reporting to the chemical industry. The cotton people at the Department of Agriculture serve as a reporting network for the cotton industry.

The disastrous consequences of limiting distribution of agency information was demonstrated in the Russian wheat deal. Starting in June 1972, one-fifth of America's wheat crop was sold to the Russians without the appropriate U.S. Government authorities even knowing. According to GAO investigators, as late as September 1972, Agriculture officials "told us (they) were still unaware of the magnitude of the sales made by the trade." There is evidence, however, that some individuals in the government were knowledgeable but that their information was not properly, channeled to the public or even the upper echelons of the Government, including the office of Henry Kissinger.

The grain deal disaster was followed by the June 1973 soybean embargo.

The administration, convinced that the U.S. faced a domestic shortage of soybeans, slapped an almost total embargo on soybean shipments. The outcome showed again the devastating inability to predict effect. Had the Government been properly monitoring supply and demand on soybeans and soybean-related products, the drastic measure of export controls perhaps would have been unncessary.

The soybean embargo intensified a world food shortage, undercut a concerted U.S. drive to increase agricultural exports, weakened our long term balance of payments situation, squeezed the flow of foreign currency the United States

needs to pay for mineral and petroleum imports, discouraged agriculture production, and reduced U.S. credibility.

Agriculture Secretary Butz admitted the decision resulted in a fiasco.

Treasury Secretary Shultz called the controls a mistake.

Henry Kearns, former president of the Export-Import Bank, damned them as "a bunch of baloney. You can't get in and out of markets," he said, "you have to develop a market, earn it and keep it."

The Senate Banking Committee said the controls were "tardy and hastily conceived."

Secretary of State Kissinger explained that the decision was "taken so rapidly that the foreign policy agencies did not get either adequate warning or an adequate opportunity to express themselves. He had to admit that the adverse effect was not taken fully into account.

The Nixon administration, imposed the export controls in a shockingly seat-of-the-pants, patchwork, short-term, stopgap, crisis-reaction way.

The decision was made in an information vacuum.

It was based on inadequate information unsystematically gathered. In fact, no individual or agency is statutorily entrusted with export control decisionmaking. There is an ad hoc interagency commission that meets occasionally—usually motivated by impending crises—but no staff or committee has the formal task of looking to commodity supply and demand.

Thus there was no prior, intelligent, systematic analysis of the impact that the soybean control might have on the economy. There seems to be no evidence of any written decision that spelled out the ramifications of his momentous decision.

The Government does not have a clearcut statement of procedure or systematic requirements for reporting. There is inadequate model building and systems analysis to deal with forecasting per se. The tools for such a system do exist. Sophisticated systems to measure, analyze, and forecast are routinely used by industry, the academic community, and Government at various levels. Now we have a responsibility to so equip the U.S. Government.

Reporting is purely crisis-oriented. For example, in the Commerce Department, experts are spread thin and jump from commodity to commodity depending upon how many inquiries and complaints they receive from industry, Congress, and so forth.

Decisions—when they are made—are based on inadequate information gathered unsystematically and in an ill-coordinated fashion. Simply stated, there is no coordinated reporting and forecasting system in the U.S. Government.

It will give one agency sole monitoring responsibility for collecting all data in the Government on supply and demand of major raw materials and foodstuffs.

It will make an annual report to Congress and the public on critical resources.

It will make regular projections of future demand and supply for major resources based on such factors as per capita consumption rates and population growth for, for example, the next 5, 10, 15 years.

It will have authority to contract for research in academic institutions to augment agency work.

It will have the authority to subpoena industrial information necessary for maintaining accurate and adequate national resource inventories.

It will provide for guarding confidentiality of company information of a competitive nature.

With thorough information, sophisticated analysis and constant monitoring we can overcome our ignorance about world reserves of essential materials and food and the demands on them.

We will have created a distant early warning system to prevent us from blundering into more painful crises. It will tell us what and when to conserve, how much to produce, how to avoid shortages or gluts now caused by ignorance, when to begin significant research programs.

Mankind has reached such a state of interdependence and technological sophistication that the need for such an information system is critical.

Mr. President, the Senate has before it four measures on which hearings have been held. All of them would set up permanent systems and responsibilities for monitoring resources. If the motion I am making, to recommit S. 3523, is carried, the work and the thought that has gone into those measures can also be cranked into the committee's consideration of the amendment, No. 1406, which is the measure that we principally wish to have considered.

One bill is Senator TUNNEY's S. 2966, the Domestic Supply Information Act. It gives the monitoring responsibility to the Department of Commerce. But it assigns responsibilities now; it does the job now, not later.

Then there is amendment No. 1069, by Senators MAGNUSON and STEVENSON. It is called the Domestic Supply Information Act also, and is an amendment to the Tunney bill. It would give the monitoring job to a specially created arm of the Council of Economic Advisers.

Another proposal is amendment No. 1195, by Senator HART, the Shortages Prevention Act of 1974. It would assign to the General Accounting Office the task of monitoring supplies and predicting shortages.

Those three measures, along with S. 3209, the bill which I introduced for myself, Senator RIBICOFF and others, have all been the subject of hearings.

S. 3209 also established a resources monitoring system in the Department of Commerce—although I have since come to advocate an independent agency, as is proposed in the fifth-draft version of the energy information bill which is pending in the Interior Committee, in markup, and on which our amendment is primarily patterned.

Every one of these measures answers the question, "Do we need a monitoring system?" with the answer "yes"—and every one sets up a system, with subpena powers and other necessary powers.

Under our amendment, as under S. 3209, there would be a permanent mechanism, a National Resources and Materials Monitoring System. This summer we should be establishing that System, not establishing a Commission to study whether we need that System. The System can and should do these things, and would under the proposed amendment as well as some of the other pending bills.

I think it is a mistake for Congress to establish a commission to study whether we need to establish such an agency when it is clear that we do, when we have the necessary legislation pending that can be marked up by the appropriate committees of Congress, and when, furthermore, if we establish a temporary commission it will be at least 2 years from now, even if the commission acts expeditiously and Congress acts upon the commission's recommendations, before we can establish this critically important monitoring agency.

That is too long to delay. We have toyed with this issue for a quarter of a century. In my judgment, it is time for Congress to act now, this summer.

Mr. President, I yield the floor.

Mr. HASKELL. Mr. President, I support the desire of the distinguished Senator from Wisconsin to refer this measure to the appropriate committees so that a permanent agency may be established now, rather than having a study to see if we need one.

The distinguished Senator from Wisconsin has detailed the bills which are in the Committee on Commerce and the Committee on Interior and Insular Affairs dealing with this subject.

I would like to give the President and another Senator a recent example of the necessity for such agency.

Before the Arab cutoff of oil, we were told that the United States imported 6 percent of its crude oil from Arab sources. That was correct. But we then concluded that we were 6 percent dependent upon Arab sources. That was not correct. The information that we did not have was the amount of refined product coming into this country which, in turn, had been derived from Arab crude.

Mr. President, had we had an agency such as the one the distinguished Senator from Wisconsin is discussing, we would have known the source of the crude to those refineries because those refineries outside the continental limits of the United States were, in fact, operated by multinational corporations subject to the jurisdiction of the United States.

That is just a recent example of the need for an agency to be established now. Of course, my example applies solely to the energy field but, as the distinguished Senator says, we may run short of protein. We may need to know what the raw materials are that go into what kind of production, or the substitute materials that can be obtained, on

what the cost of the substitute materials would be. We need all that kind of information.

To me, at least, it is abundantly clear that such information must be available for the use and benefit not only of the United States but also of the world.

That is the reason why I enthusiastically support the motion which the distinguished Senator from Wisconsin will make, to refer to Government Operations, Commerce, and Interior S. 2523, together with amendment No. 1406, in the hope that it will be in the judgment of those committees that we need a permanent monitoring agency. Suitable legislation to establish such an agency would then come to the floor for our consideration.

The statement which the Senator from Wisconsin (Mr. NELSON) and I submitted yesterday describes the situation in detail; that is, it describes the background need in detail and the reason why we are making this motion.

Mr. President, I have no desire to take up the time of the Senate in reference to this discussion. For that reason, I yield the floor and would suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURDICK). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. TAFT. Mr. President, what is the situation with regard to time on the amendment?

The PRESIDING OFFICER. There is no amendment pending, but time on the bill is available.

Mr. TAFT. Mr. President, who has control of the time on the bill?

The PRESIDING OFFICER. The Senator from Michigan (Mr. GRIFFIN).

Mr. TAFT. Mr. President, I yield myself 5 minutes on behalf of the distinguished minority whip.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 5 minutes.

Mr. TAFT. Mr. President, I should like to invite the attention of the Senate, first, to the issues that have been raised by the distinguished Senator from Wisconsin (Mr. NELSON) and to express my general agreement with them. I feel that we are turning up here with a small boy to do a man-sized job.

I said yesterday that I thought the delay of 1 year that would be involved was something we should try to avoid and that we ought to try to go into an agency that had some specific monitoring authority and some specific responsibility, not only in the material shortages field but also covering other areas. The agency should be concerned with all of the aspects of shortages, prices, business practices, and employment practices relating to the supply problems we have that help cause inflation.

Inflation is certainly the current most serious domestic problem, as every American who goes to the supermarket or to any other purchasing establishment knows from his own experience daily.

I do not think the approach which the distinguished Senator from Illinois yesterday was advocating, that of having a commission merely to study the structural problems and come in with a report in 6 months deals adequately with supply-related problems.

Moreover, any commission that comes in with such a report will face the same kind of protracted debate and differences that we already have had on the international economic policy bill, which resulted in the defeat the other day of the Muskie amendment.

This is a political decision that I think Congress is not going to delegate to anyone else, so I fear we will be wasting time if we take the approach advocated. For that reason, I voted for the Tunney amendment to expand the period of time or to make the period of time a period of 2 years so that the commission could undertake the broader responsibilities which it seems to me are clearly laid out for it in the draft of the bill.

The shortening up of the commission's functions which was advocated by its sponsors to a 6-month period and a 1-year period, it seems to me, is wholly inadequate to meet the need. Furthermore, as I have stated, I would have to go beyond the distinguished Senator from Wisconsin and indicate that I feel the scope of such commission should not be limited to material shortages. That is an important fact, but there are other factors as well which relate to our supply problems and the inflation problems they cause.

Mr. President, for a few minutes I should like to talk about an amendment which I have submitted, No. 1408, which deals with the problem of existing decontrol commitments. This problem has not been addressed in the bill and there is a complete void presently in the law. My amendment would append to the pending legislation, if it is passed, a provision which would at least give the President specific authority to enforce the commitments that were made to the Cost of Living Council at the time when wage and price controls were still in effect. The commitments are allegedly still in effect but there is no mechanism for seeing that they are carried out.

Mr. President, this amendment 1408 would allow the President to enforce the commitments to inflation restraint actions, including some commitments to expand productive capacity or to limit exports and thus combat domestic supply problems, which were given by industries and firms during the price decontrol process. I do not think many Members of the Congress fully realize that commitments were obtained voluntarily from hundreds of firms in various industries by the Cost of Living Council during the decontrol process. In 17 sectors of our economy, the Council obtained such commitments from the leading firms to take serious and constructive measures to alleviate various inflation-related problems existing in their industry. In all but two, fertilizer and zinc, the major firms committed themselves voluntarily to some degree of price and/or profit restraints.

The PRESIDING OFFICER (Mr. BURDICK). The time of the Senator from Ohio has expired.

Mr. TAFT. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized for an additional 5 minutes.

Mr. TAFT. Mr. President, commitments to increase production and to expand capacity—exactly what the bill before us is all about—were agreed upon by firms producing fertilizer, cement, zinc, semiconductors, petrochemicals, tires, and tubes, canned fruits, and vegetables, and coal. Firms in industries such as fertilizer, petrochemicals, paper, and aluminum, made various commitments designed to limit exports or to maintain historic patterns of domestic sales, which are also in keeping with the purposes of this bill. Improved price reporting to the Bureau of Labor Statistics was agreed upon by firms producing cement, semiconductors, and tires. Firms in the petrochemical sector committed themselves to preparing customer allocation plans, and to submit these plans to the Government.

I believe that for Congress not to provide the government machinery to monitor and enforce these commitments is to weaken the fight against inflation and to undermine further the Government's credibility. The recent announcement by the Ford Motor Co. of price increases which could conceivably be in compliance with such a commitment only through an escape clause, with mere prior notice and alleged justification to the Government, should serve as an indication of the fragility of these commitments unless specific legislation is passed.

I cannot emphasize too much that my amendment involves more than a question of economics, although it could certainly make a contribution to inflation control and also to the alleviation of shortages in some of these fields. Americans are already questioning the Government's resolve and ability to combat inflation, while at the same time the effectiveness of the entire Government is brought under heavy fire. The Senate, in its action on S. 2986, tabling the entire proposal, after frustrating debate, helped to confirm that impression.

Yet, in the case where an agency of the Government already has taken actions which will help somewhat to restrain prices, Congress has not taken the first steps either to back up these actions or to protect companies which adhere to their commitments from competitors which may not do so. The message to the American people about Congress resolve to fight inflation and to enforce the Government's own earlier actions is unmistakably clear.

My amendment would insure that these agreements with the Government are legally binding as they should be, particularly since they were made voluntarily in exchange for specific Government actions. It does so in a manner which takes

into account objections expressed about previous proposals. While the Muskie amendment, debated last month, provided unlimited authority to reimpose controls on violators of decontrol commitments and thus spurred fears of irresponsibly punitive Government actions, my amendment limits use of this remedy "to the extent necessary to apply appropriate corrective action" and requires a statement from the President explaining how he has complied with this requirement. In recognition of industry's arguments that major changes in the economic picture necessitate changes in the terms of various decontrol commitments, the President is given explicit authority to modify any commitment if he determines that modification is in the national interest and publishes the reasons for that determination in the Federal Register. However, although the President could receive advice on such matters from affected industries, the decision to modify a commitment would clearly be the Government's alone.

With these modifications, I can see no further objections to the provisions specifically allowing enforcement of decontrol commitments. Furthermore, I believe that S. 3523 is an ideal vehicle for this amendment. As I have pointed out, some of the decontrol commitments deal directly with the problem of alleviating future domestic shortages and were designed to increase domestic supplies. Others generally deal with the goal of facilitating domestic price stability, a major goal also of the temporary national commission on supplies and shortages.

Mr. President, I expect to call up this amendment after the vote that is already scheduled, and I hope the Senate will give it attention and favorable consideration at that time.

Mr. President, I reserve the remainder of my time, and I yield the floor.

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 legislative clerk called the roll.

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

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

NATIONAL SECURITY LEAKS

Mr. NELSON. Mr. President, I yield temporarily to the distinguished Senator from New Mexico and ask unanimous consent that his remarks appear in the RECORD at the conclusion of the discussions on S. 3523 by myself and the Senator from Colorado.

Mr. GOLDWATER. I thank my good friend.

Mr. NELSON. With the understanding that I do not give up my right to the floor.

Mr. GOLDWATER. I thank my friend. At one time Arizona was a part of New Mexico [laughter] but we broke away. I am honored to be associated with that State. I wish we had remained.

Mr. NELSON. I made a wager that the Senator would not notice the mistake. I apologize.

Mr. GOLDWATER. Mr. President, in all of the controversy concerning Secretary of State Henry A. Kissinger's possible role in the so-called wiretapping dispute, I feel the news media and many of my colleagues are overlooking the most important fact. The issue that strikes me as vitally important to this Nation is the issue of security; not the issue of nitpicking over exactly what Dr. Kissinger said when he was questioned by the Senate Foreign Relations Committee prior to his confirmation.

I notice in the morning paper, Mr. President, that the Secretary's critics are calling upon leaked documents from a dead man, secondhand. Apparently anything goes nowadays. Any Government employee with any kind of information apparently feels free to hand it over to the nearest Washington Post reporter he can find. The motivation is something of a puzzle. Do these Government employees sell the information or do they just enjoy the privilege of performing acts of a traitorous nature while the Nixon administration is in office? In all events, the fuss now seems to involve a memorandum by former FBI Director J. Edgar Hoover to the effect that Dr. Kissinger asked him to find out who was leaking national security information of a classified nature. Dr. Kissinger, it seems, denied before the Senate Foreign Relations Committee that he had ordered the imposition of specific wiretaps made during the years 1969 to 1971. Perhaps the problem is that Dr. Kissinger is a diplomat, not a policeman. He apparently found himself confronted by a situation in which highly secret information of an international nature was being leaked and he took necessary steps to have it halted. Personally, I believe he would have been derelict in his duty if he had not done everything in his power—including suggesting the imposition of wiretaps—to discover the source of dangerous leaks in the Government. I think the President of the United States and all the members of his Cabinet have a duty to this country to protect its secrets, and if they have any reason to believe that members of their staffs are the sources of these leaks, I believe they should use every means at their command to detect who those people might be and to punish them accordingly.

Mr. President, in most of the accounts I have read about Dr. Kissinger's testimony before the Foreign Relations Committee, very little attention is ever given to the overriding reasons why security measures had become necessary. It was a time when the climate was such that a man named Ellsberg could steal top secret papers from the Pentagon and distribute them to newspapers without the kind of public condemnation such as a treasonable act deserves. It was a time also when information was being supplied to the press from sources obviously within the White House or offices closely connected with the White House. And in my opinion, these two conditions required action to find out who was guilty in every case where leakage of sensitive information took place.

Had I been the President of the United States at that time, I would have used every means at my command to see that the leaking of top classified material was stopped and the perpetrators punished. I would have done the same thing in the case of Mr. Ellsberg, although I certainly would not have permitted resort to illegal methods. As we all know, because some of the people working on the problem of leaks got carried away with their efforts to find out about Ellsberg, he has gone scot free and has been made something of a hero by people who see nothing wrong with leaking top secrets to our potential enemies if they happen to involve policies with which these people disagree.

Mr. President, if this has become the frame of mind of the people who worked for the Government in Washington; and if this has become the frame of mind of the average American citizen, then I suggest this country has gone a long, long way down the road toward self-ruination.

Mr. President, I think it is time we stopped this incessant nit-picking and stopped directing abuse, innuendos and accusations toward people like Dr. Kissinger and start, instead, a determined inquiry as to how and why leaks of sensitive government information are still dripping all over the place.

Mr. President, I am not attempting to defend Dr. Kissinger if he did, indeed, tell a falsehood when he testified on his nomination. I do not know whether he did or not, but I can certainly see how something of this sort might have appeared to happen and is now being magnified by people who frankly dislike Dr. Kissinger because he has been an outstanding performer for the Nixon administration.

In all events, I urge Dr. Kissinger and others who have been subjected to the harassment of interrogation by the news media, that they lay the case out in a plain and simple fashion so that any newsman will be able to understand it. What I mean is that it is time that we decide once and for all whether it is more important to protect secret information relative to our Government or more important to provide more circulation for newspapers, more viewers and listeners to the electronic media, and more money and adulation for people willing to turn against their Government?

I thank the distinguished Senator from Wisconsin for yielding. In fact, as I was talking and thinking about his

associating me with New Mexico, I became "muy simpatico."

RECESS UNTIL 11:40 A.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 11:40 a.m. today.

The motion was agreed to; and, at 11:16 a.m., the Senate took a recess until 11:40 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BURDICK).

NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES ACT OF 1974

The Senate continued with the consideration of the bill (S. 3523) to establish a Temporary National Commission on Supplies and Shortages.

Mr. ROBERT C. BYRD. Mr. President, without prejudice to the distinguished junior Senator from Wisconsin (Mr. NELSON), I suggest the absence of a quorum, the time to be charged equally to both sides on the bill.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. 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. NELSON. Mr. President, I move that S. 3523 be re-referred jointly to the Committee on Government Operations, the Committee on Commerce, and the Committee on Interior and Insular Affairs until July 19, 1974, to be reported back on that day with recommendations on amendment No. 1406 and such other amendments as may, to the committees, seem appropriate; and that on that day should no report be made, the committees be considered as having been discharged from further consideration of the bill, and that that bill, together with amendment No. 1406, be placed on the calendar.

Mr. President, the Senator from Colorado (Mr. HASKELL) and the Senator from Ohio (Mr. TAFT) join with me in this motion.

The PRESIDING OFFICER. Will the Senator please send the motion to the desk?

There are 20 minutes on this question, equally divided. Who yields time?

Mr. TUNNEY. Mr. President, the Committee on Commerce opposes this motion on the ground that yesterday the Senate spoke rather clearly. It indicated that it felt that a 1-year commission was appropriate under the circumstances and that with the 6-month reporting period there could be action to establish a permanent commission within 18 months if it is deemed that such a permanent commission is desirable.

Yesterday, the vote was almost 2 to 1 in favor of the 1-year commission, and the leadership in the Senate reached an agreement with the administration that this was the appropriate way to proceed.

I find myself in a difficult position because, as an individual Senator, I support the motion that has been made by the junior Senator from Wisconsin. I personally think it will be most appropriate to have the relevant committees report back soon to the Senate a recommendation for a permanent mechanism in order to monitor material shortages.

We have had all the studies that we need. Congress is perfectly capable now, through the hearing process, to develop a permanent structure. We do not need the advice of any more commissions. We have had three of them, and some of the recommendations they have made are very specific.

However, my own individual views were not supported by the Senate yesterday when, as I indicated, by a vote of 2-to-1 a decision was made to go ahead with a 1-year commission.

It would be my hope, as an individual, that a majority of Senators would feel it appropriate to allow the relevant Senate committees to get to work on this problem and, within a period of about 6 weeks, report back to the Senate a specific recommendation. As a spokesman for the Commerce Committee, however, I take the position that we should support the decision that was made by the Senate yesterday.

Mr. NELSON. Mr. President, in response to the comments of the distinguished Senator from California, in evaluating yesterday's vote, I want to dissent from his conclusion that the 2-to-1 margin—that was the margin by which the Tunney amendment was rejected, thereby limiting the time of the commission to 1 year—I wanted to dissent from his interpretation of that vote as an indorsement of the temporary commission.

I voted for the Percy amendment not because I favor a temporary commission. I do not. I am going to vote against it unless the bill is sent back to the committee.

I voted for the temporary commission and argued in behalf of it—the 1-year limitation—with other Senators on the ground that if we are going to have a commission that is not going to do very much, the less time we give them to do it the better off we are, so that, the more quickly, we can address ourselves to doing what we should have done 20 years ago.

So I would favor a 1-month commission or a 1-day commission or no commission. That is why I voted for the 1-year limitation, not as an indorsement of the temporary commission, because I am opposed to it.

The distinguished Senator from California has spent much time on this question, and I know his views. He has a deep understanding of what the issue is all about. He has conducted hearings in behalf of his committee. He knows and has said that it is important that we stop having study commissions and that we commence now to establish a permanent agency to monitor and evaluate the status of the critical resources that are within our boundaries and that are available elsewhere in the world.

This whole thing has been talked about for a quarter of a century or more. Not only the Paley Commission of 1952, but Harrison Brown's book of 1954, warned about the coming shortages. Oil shortages were warned about 10 or 15 years ago or more.

We know what the problem is. We have had extensive hearings in several committees on this issue.

The Energy Information Act, which deals with precisely the same problem—that is, resources specifically confined to energy, but it is a resource problem—is in its fifth draft before the Interior Committee. It has been discussed, evaluated, written, and rewritten for a period of months. It provides a very fine format or framework for establishing a monitoring agency right now. As a matter of fact, at the hearings on the Energy Information Act, the administration spokesmen appeared and endorsed the concept of the bill. Well, if it applies to coal and oil, the same concept applies to metals, proteins and fibers.

The administration itself urges the creation of an Energy Information Agency to do the same things we are talking about here respecting all other resources.

So it is time we started now. This Congress, probably rightfully, is earning a reputation for lathering about problems but never shaving. We talk, talk, talk, establish commissions, and discuss and discuss, but nothing happens.

I think it is time Congress stood up and acted on this issue, passed the legislation, and laid it on the President's desk, so that we will not continue to be criticized for an incapacity, an incapability of addressing ourselves to critically important national and international issues.

If this commission proposition is adopted, it will be 2 years before a bill will pass Congress. In the meantime, we do not know what our status is respecting oil and natural gas, metals, fibers, proteins—all kinds of resources, vital, in fact critical, to the operation of our highly sophisticated industrial system.

So why do we not act? That is the issue.

I hope that Congress will send the bill back to the committees which have been working on this issue for half a year and request that they send us a bill. They have the staff; they can conduct further hearings if it is necessary. I do not know of any member of those committees who will tell us privately that the bill does anything. They say it does not do much; it just postpones action. Well, if that is the case, why pass it? Let us pass a real bill.

Mr. President, I ask unanimous consent to have printed in the RECORD, so that it will be available for those who wish to study it, Amendment No. 1406, which was proposed by myself and the Senator from Colorado (Mr. HASKELL).

There being no objection, the amendment (No. 1406) was ordered to be printed in the RECORD, as follows:

(1) Following line 2 of page 1 (the enacting clause and short title), insert the following new sections and title heading:

"FINDINGS AND PURPOSES

"SEC. 2. (a) The Congress hereby finds that—

"(1) The development of coherent and effective national resources and materials policies to provide for the future needs of the United States is a matter of overriding national importance;

"(2) The Federal Government must take the lead in formulating and implementing such policies to avert future shortages of resources and materials;

"(3) Present understanding of the United States resources and materials supply system, including its related problems, and the formulation and management of national resources and materials policies, have suffered from a lack of credible, standardized, and relevant information on resources and materials supplies and consumption;

"(4) The existing collection of resources and materials data and statistics by scores of Federal agencies is uncoordinated, fosters duplication of reporting, and relies too heavily on unverified information from industry sources; and

"(5) Management of the finite and nonrenewable resources supplies of the United States on the basis of adequate, accurate, standardized, coordinated, and credible information concerning all aspects of resources and materials availability, extraction, production, distribution, and use is of overriding national importance for the public health, safety and welfare, and for the national security of the United States.

"(b) The purposes of this Act are—

"(1) To provide for an improved national capability for the coordinated collection, collation, comparison, analysis, tabulation, standardization, and dissemination of resources and materials information.

"(2) To provide for periodic, standardized, and centralized collection of information by the Federal Government from the resources and materials industries so as to minimize duplication of reporting concerning resources, related operations, usage of resources in all forms, and holdings of resources and materials.

"(3) To establish within the Federal Governments centralized National Resources and Materials Information System to assure the availability of standardized, accurate, and credible resources and materials information to the Congress, to Government agencies responsible for resources and materials policy decisions, and to others.

"(4) To create an independent National Commission on Supplies and Shortages to administer the National Resources and Materials Information System, to study the materials and resources supply and consumption patterns of the United States and other nations, and to coordinate the resources and materials information collection activities of other Federal agencies so as to minimize and, to the maximum extent practicable, eliminate duplication of reporting by resources and materials enterprises.

"(5) To provide, to the greatest extent practicable, for public access to the information gathered pursuant to this Act subject to the safeguards provided by this Act.

"DEFINITIONS

"SEC. 3. As used in this Act—

"(a) 'Resources and materials industries' mean all resources enterprises and all materials enterprises.

"(b) 'Resources enterprise' means a person or agency engaged in any of the following lines of commerce: (1) ownership or control of resources; (2) exploration for or development or extraction of resources; or (3) production of raw materials.

"(c) 'Materials enterprise' means a person or agency engaged in any of the following lines of commerce: (1) production of semifinished or finished materials; (2) the storage or transportation by any means whatsoever of raw, semifinished, and finished materials; or (3) the wholesale or retail distribution of raw, semifinished, or finished materials.

"(d) 'Resource' means any unproduced, undeveloped, or unextracted natural resource that is or is capable of becoming a source of raw materials. The term includes, but not by way of limitation, mineral deposits of all kinds, land, marine and inland fisheries, water supplies, forests, and nonmineral resources which have been identified or developed as sources of energy, including but not limited to water, geothermal, solar, tidal, or wind energy.

"(e) 'Raw material' mean any commodity or product of any extractive industry in its first state after extraction or production from a resource. The term includes, not necessarily by way of limitation, all raw commodities produced by all industries of the Agriculture, Forestry, and Fishing Division and the Mining Division of the Standard Industrial Classification.

"(f) 'Semifinished material' means any commodity or product that has been produced by one or more steps of refining, manufacturing, or otherwise processing a raw material, but which is not a finished material. The term includes but is not limited to all unfinished products, other than raw products of the two Divisions of the Standard Industrial Classification mention in subsection (e), and the Manufacturing Division. The term expressly includes all unfinished fuels and electricity generated for wholesale distribution or resale, by whatever means.

"(g) 'Finished material' means any commodity or product made from a raw material or semifinished material that is capable of being used or consumed without further refining, processing, or manufacture. The term expressly includes, but not by way of limitation, all fuels and electricity ready for end use.

"(h) 'Person' means any legal entity (other than an agency) capable of contracting, suing, or being sued, including but not limited to any natural person, corporation, partnership, association, consortium, or any entity organized for a common business purpose, wherever situated, domiciled, or doing business, who directly or through affiliates is engaged in or affecting commerce.

"(i) 'Federal agency' shall have the meaning of the term 'executive agency' as defined in section 105 of title 5 of the United States Code.

"(j) 'Agency' means a Federal agency or a comparable division or entity of a State, local, or foreign government.

"(k) 'Standard Industrial Classification' (and the abbreviation thereof, 'SIC') have the same meanings as in the Standard Industrial Classification Manual 1972 prepared by the Statistical Policy Division, Office of Management and Budget, Executive Office of the President: *Provided*, That the Commission or the Administrator by regulation, may submit a later edition of such manual or a later publication officially designated as the successor in function to the Standard Industrial Classification Manual.

"(l) 'Company', unless the context otherwise clearly requires, has the same meaning as 'ecmpany' and 'enterprise' as used in the Standard Industrial Classification.

"(m) 'Establishment', when referring to companies, has the same meaning as in the Standard Industrial Classification. When referring to any agency or instrumentality of the Federal Government, the term 'establishment' shall have the meaning of the term 'independent establishment' as defined in section 104 of title 5 of the United States Code.

"(n) 'Affiliate' means a person (or an establishment not legally a person but a part or branch of a person) that controls, is controlled by, or is under common control with one or more other persons.

"(o) 'Control' means, in the case of a business establishment, the ability to determine its business policy, including but not limited to such ability based on ownership, contract, agreement, or a combination thereof. In the case of a resource, 'control' means the ability to determine whether, when, and how such resource will be extracted or developed, including but not limited to such ability based on ownership of the fee in, or a lease of, land or submerged land, or a combination of ownership and lease, or on any contract or agreement.

"(p) 'Commerce' and 'corporation' have the meanings set forth in section 44 of title 15, United States Code.

"(q) 'Public lands' means all lands owned by the United States, including mineral deposits owned by the United States in lands that surface of which is in other ownership, and including the submerged lands and waters over the submerged lands of the oceans, to the outer boundaries of United States jurisdiction.

"TITLE I—NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES".

(2) On page 1, at line 8, redesignate section 2 as section 101.

(3) on page 3, at line 16, redesignate section 3 as section 102.

(4) On page 3, following line 16, insert the words "to establish and initiate operation of the National Resources and Materials Information System authorized by title II of this Act, and".

(5) On page 3, beginning at line 19, strike out all through line 2 of page 4 (all of clause (1) of section 3(a), hereinabove redesignated section 102(a)) and insert in lieu thereof the following:

"(1) the existence or possibility of any long- or short-term shortages of resources, or market adversities affecting resources, or any other shortages or market adversities affecting the supply of any raw, semifinished, or finished material:

"(2) any possible impairment of productive capacity which may result from shortages, in resources, or from shortages of raw, semifinished, or finished materials, or from market adversities, including, but not by way of limitation, shortages, deficiencies or misallocations of capital investment;".

(6) On page 4, at lines 3 and 8, redesignate clauses (2) and (3) as clauses (3) and (4), respectively, and, on line 5 of page 4 (third line of clause (2) hereinabove redesignated as clause (3)) strike out the words "paragraph (1)" and insert in lieu thereof the words "paragraphs (1) and (2)".

(7) On page 4, strike out lines 15 and 16 (clause (4), as originally numbered, of section 3(a), hereinabove redesignated section 102 (a)) and insert in lieu thereof the following:

"(5) the operation of and any needed improvements in the National Resources and Materials Information System authorized by title II of this Act, including the permanent placement of such System within the Federal Government.".

(8) On page 4, strike out all of lines 16 through 19 inclusive (all of subsection (b) following "with respect to institutional

adjustments," and before the words "United States and in relation to the rest of the world.") and insert in lieu thereof the following: "and its own analysis of supplies and shortages of resources and materials in the economy of the".

(9) On page 5, at line 4, redesignate section 4 as section 103.

(10) On page 5, at line 11, redesignate section 5 as section 104.

(11) On page 5, at line 15 (clause (1) of section 5(a), hereinabove redesignated section 104(a)), following the word "Director" insert the words "of the Commission and an Administrator of the National Resources and Materials Information System".

(12) On page 6, at line 7, redesignate section 6 as section 105.

(13) On page 6, strike out lines 14 through 18, inclusive (section 7 in its entirety) and insert in lieu thereof the following:

"TITLE II—NATIONAL RESOURCES AND MATERIALS INFORMATION SYSTEM

"ESTABLISHMENT OF SYSTEM

"SEC. 201. (a) The Commission shall establish a National Resources and Materials Information System (hereinafter referred to in this Act as the 'System'), which shall be operated and maintained by the Commission during the existence of the Commission and thereafter by such other Federal agency as the Congress shall create or designate. The System shall be independent of the executive departments and under the control and direction of an Administrator. The Administrator shall be appointed as provided in paragraph (1) of subsection 104(a) of this Act during the existence of the Commission and thereafter in such manner or by such authority as the Congress shall by law provide.

"(b)(1) The functions and powers of the System shall be vested in and exercised by the Administrator, subject to the direction and control of the Commission during its existence.

"(2) The Administrator may, from time to time, and to the extent permitted by law, consistent with the purposes of this Act, delegate such of his functions as he deems appropriate.

"(c) The System shall have a General Counsel appointed by the Commission, who may also, in the Commission's discretion, serve as General Counsel of the Commission. The General Counsel shall be the chief legal officer of the System and shall receive compensation at the rate provided for level IV of the Executive Schedule (5 U.S.C., sec. 5315).

"(d) The Administrator may appoint, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him, and prescribe their authority and duties.

"FUNCTIONS AND POWERS OF THE ADMINISTRATOR AND THE SYSTEM

"SEC. 202. (a)(1) The function of the System shall be the collection, collation, comparison, analysis, tabulation, standardization, and dissemination of resources and materials information pursuant to this Act.

"(2) The Administrator is authorized to request, acquire, and collect resources and materials information from any person in such form and in such manner as he may deem appropriate in order to fulfill the requirements of the System and to achieve the purposes of this Act.

"(b)(1) The Administrator may prepare schedules, and may determine the inquiries, and the number, form, and subdivisions thereof, for the reports, surveys, and statistics required or authorized by this Act.

"(2) The Administrator, by regulation, shall prescribe the forms on which the reports required by paragraph (1) of subsection 208(c), and any other reports prescribed by the Administrator pursuant to this Act, shall be made. Such forms shall be drafted in consultation with advisory committees established pursuant to section 205, the General Accounting Office, and such other Federal agencies as either the Administrator or the Comptroller General of the United States may deem requisite.

"(3) The Administrator may, through contract or otherwise, conduct such mechanical and electronic development work as he determines is needed to carry out the purposes of this Act.

"(c) The Administrator may utilize, with their consent, the services, personnel, equipment, and facilities of Federal, State, regional, local, and private agencies and instrumentalities, with or without reimbursement therefor, and may transfer funds made available pursuant to this Act, to Federal, State, regional, local, and private agencies and instrumentalities, as reimbursement for utilization of such services, personnel, equipment, and facilities.

"(d) The Administrator may accept unconditionally for the benefit and use of the System gifts or donations of money or property, real, personal, or mixed, tangible or intangible.

"(e) The Administrator may enter into and perform contracts, leases, cooperative agreements, or other similar transactions with any public agency or instrumentality or with any person.

"(f) The Administrator may perform such other activities as may be necessary for the effective fulfillment of his administrative duties and functions.

"(g) In any civil action, the Administrator is required to appear in a court of the United States. The Administrator may elect to appear on his own behalf or by an attorney designated by him for such purposes, after formally notifying and consulting with and giving the Attorney General ten days to take the action proposed by the Administrator.

"(h) The Administrator, with consent of the Commission, may issue such rules, regulations, and orders in the manner prescribed by the Administrative Procedure Act (5 U.S.C. 551 et seq.) as he deems necessary or appropriate to carry out the provisions of this title.

"(i)(1) Except as provided in subsection 208(1) any interested person may seek judicial review of rules, regulations, or orders promulgated under this Act only by filing within thirty days of the implementation of such rule, regulation, or order a petition for review in the United States court of appeals for the circuit in which such interested person resides or has his principal place of business, or in which the Administrator is located, or in the United States Court of Appeals for the District of Columbia.

"(2) Notwithstanding the amount in controversy, the district courts of the United States shall have exclusive original jurisdiction of all other cases or controversies arising under this Act, or under rules, regulations, or orders issued thereunder.

"(j) The System shall have a seal containing such device as the Commission may select. A description of the seal with an impression thereof shall be filed in the Office of the Secretary of State. The seal shall remain in the custody of the Administrator and shall be affixed to all certificates and attestations that may be required from the System. Judicial notice shall be taken of the seal.

"COORDINATION AND TRANSFER OF AGENCY ACTIVITIES

"SEC. 203. (a) The Administrator shall coordinate existing resources and materials information collection activities of all Federal agencies and may enter into agreements to assume all or part of such activities except where such activities are authorized by statute: *Provided, however,* That nothing in this section shall be construed to limit the collection of resources and materials information by Federal agencies for the purposes of law enforcement or to constrain investigations carried out by independent regulatory agencies.

"(b) Within one year from the date of enactment of this Act, the Administrator shall make recommendations to the Commission, and the Commission shall make recommendations to the President and the Congress, for the further consolidation and, to the greatest extent practicable, centralization of resources and materials information activities of all Federal agencies.

"(c)(1) The President may transfer to the System all or part of the resources and materials information activities being carried on by a Federal agency if he finds that such transfer will further the purposes of this Act.

"(2) The plan for such transfer shall be transmitted by the President to the Congress and shall take effect pursuant to the provisions of subsection (d) of this section.

"(d) A transfer plan shall be effective at the end of the first period of sixty calendar days of continuous session of Congress after the date on which the plan is transmitted to it unless, between the date of transmittal and the end of the sixty-day period, either House passes a resolution stating in substance that that House does not favor the plan. For the purpose of this section—

"(1) continuity of session is broken only by an adjournment of the Congress sine die; and

"(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day period.

"ANALYTICAL CAPABILITY AND INFORMATION SCOPE

"SEC. 204. (a) The Administrator shall maintain within the System the capability to perform analysis and verification of resources and materials information to the extent necessary to serve the purposes of this Act. This capability may include such scientific, professional, engineering, and other specialized personnel and equipment as the Administrator may deem requisite.

"(b) The Administrator shall maintain within the System the capability to carry out independent interpretations of the significance and evaluations of the usefulness of the resources and materials information provided to the Commission and the System pursuant to this Act in relation to (1) the purposes of this Act and (2) the performance of the analyses and verification described in this section. Such evaluations may include, but need not be limited to:

"(1) studies which identify the types, levels of detail, comparability, and levels of accuracy of the resources and materials information required to perform the analyses mentioned in subsection (c) of this section.

"(2) the development and evaluation of models characterizing various sectors of the economy, and lines of commerce and segments of business of the resources and materials industries deemed significant by the Administrator; and

"(3) the development of an energy accounting system capable of describing the flow of energy through the United States economy.

"(c) The System shall contain such information as is required to provide a description of and facilitate analysis of resources and materials supply and consumption within and affecting the United States on the basis of such geographic areas and economic sectors as may be appropriate, and to meet

adequately the needs of the Congress and of those Federal agencies which are responsible for resources and materials policy analysis and formulation and for related regulatory functions, including energy-related regulation. At a minimum, the System shall contain such information as is required to define and to permit analysis of—

"(1) the institutional structure of the resources and materials supply systems, including patterns of ownership and control of resources and resources companies, and the production, distribution, and marketing of raw, semifinished, and finished materials;

"(2) the depletion of resources and the consumption of raw, semifinished, and finished materials by such classes, sectors, and regions as the Administrator shall determine are appropriate to the purposes of this Act;

"(3) the sensitivity of resource exploration, development, production, transportation, and consumption to economic factors, environmental constraints, technological improvements, and substitutability of resources and materials in various uses;

"(4) the capital requirements of the public and private institutions and establishments responsible for the production and distribution of materials and the development of resources;

"(5) the methods of comparing and reconciling resources and materials statistics that have been compiled and published by different sources, and under different systems and methods, for immediate interpretation and use, and with a view to developing at the earliest practicable date methods, rules, and regulations for the standardization of resources and materials information, accounting, and statistics;

"(6) industrial, labor, and regional impacts of changes in patterns of resources and materials supply and consumption;

"(7) international aspects, economic and otherwise, of the evolving resources and materials situation; and

"(8) long-term relationships between resources nad materials supply and consumption in the United States and world communities.

"ADVISORY AND INTERAGENCY COMMITTEES

"SEC. 205. (a) The Administrator shall establish, with the approval of the Commission and the heads of the Federal agencies affected, interagency committees to advise and make recommendations to him.

"(b) In addition to any advisory committees established by the Commission under section 103 of this Act, the Administrator is authorized to establish boards, task forces, commissions, committees, or similar groups not composed entirely of full-time Government employees, to advise with respect to the administration of this Act or actions taken pursuant to this Act which affect the resources and materials industries and lines of commerce or business segments thereof. The Administrator shall endeavor to insure that each such group is reasonably representative of the various points of view and functions of each resources or materials industry with which such group is concerned, including residential, commercial, and industrial materials consumers, and shall include, where appropriate, representation from both State and local governments.

"(c) Each meeting of such board, task force, commission, committee, or similar group, shall be open to the public and interested persons shall be permitted to attend, appear before and file statements with, such group, except that the Administrator may determine that such meeting shall be closed in the interest of national security. Such determination shall be in writing, shall contain a detailed explanation of reasons in justification of the determination, and shall be made available to the public.

"(d) All records, reports, transcripts, memoranda, and other documents, which were prepared for or by such group, shall be available for public inspection and copying at a single location in the offices of the System.

"(e) Advisory committees established or utilized pursuant to this Act shall be governed in full by the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), except as inconsistent with this section.

"UNAUTHORIZED DISCLOSURES; THEFT OF INFORMATION; PENALTIES

"SEC. 206.(a)(1) Any employee of the Commission or the System who makes an unauthorized disclosure of information (A) to which public access is restricted pursuant to this Act, or (B) furnished to the Administrator by another Federal agency subject to restrictions pursuant to section 208, shall be fined not more than $1,000, or imprisoned for not more than one year, or both; and shall be removed from office or employment.

"(2) The Administrator may by regulation prescribe rules and procedures for exchange and communication of information the public disclosure of which is restricted pursuant to section 208.

"(b) Any officer or employee of the United States other than employees referred to in paragraph (1) of subsection (a), any officer or employee of any State or political subdivision or agency of either, or any other person who has access to information to which public access is restricted or denied pursuant to this Act, who, having obtained from the System by reason of his employment or for official use any such information to which public access is restricted or denied pursuant to this Act publishes, releases, or communicates such information otherwise than in accordance with regulations promulgated by the Administrator, shall be fined not more than $1,000 or imprisoned for not more than one year, or both, and if a Federal employee, removed from office or employment.

"(c) Any person who steals or intercepts electronically stored or transmitted resources and materials information, or other information, contained in the System by any conventional, mechanical, or electronic means, or who otherwise obtains information from the System to which he is not entitled under this Act, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

"PENALTIES FOR PROVIDING FALSE INFORMATION OR REFUSING TO FURNISH INFORMATION

"SEC. 207.(a) Any individual who knowingly submits or causes to be submitted, a materially false or fraudulent answer, response, or report in response to any lawful request for resources and materials information made under this Act, shall, notwithstanding section 1001 of title 18 of the United States Code, be fined not more than $20,000 or imprisoned not more than five years, or both, for each such offense.

"(b) Any individual that refuses to submit an answer, response, or report in response to any lawful request for resources and materials information made under this Act shall be subject to a civil penalty of not more than $10,000 for each such refusal.

"(c) Any individual who shall knowingly submit an incomplete or inaccurate answer in response to any lawful request or demand for resources and materials information under this Act, shall be subject to a civil penalty of not more than $5,000 for each such answer or violation.

"ACQUISITION AND DESIGNATION OF INFORMATION BY SOURCE, TYPE AND ACCESS CATEGORIES

"SEC. 208. (a) Pursuant to section 202(h) of this Act, the Administrator shall issue regulations under which resources and materials information and other information will be acquired for the System and will be designated and indexed by source and by type or subject. Those regulations shall also provide for designation of the restrictions, if any, on access to, exchange of, or use that may be made of particular items or groups of items of related information in the System. The regulations shall also provide for designation of the categories of information, and access, set forth in this section, and for such additional categories and subcategories, consistent with this section, as the Administrator may find to be requisite.

"(b) The Administrator's regulations shall designate as 'Federal agency information' all resources and materials information and other information possessed by Federal agencies which is relevant to the purposes of this Act. The regulations shall also provide for the designation of the following subcategories of Federal agency information:

"(1) The term 'excluded Federal agency information' shall designate Federal agency information to which the administrator may not have access and which shall accordingly be excluded from the System. That designation shall be applied only to

"(A) information which the head of a Federal agency certifies in writing to the Administrator is privileged or confidential, was obtained by the agency for law enforcement purposes, and would adversely affect law enforcement procedures if made available to the System, even in the category of statistical Federal agency information;

"(B) information the disclosure of which by the possessing Federal agency to another Federal agency is expressly prohibited by an act of Congress;

"(C) information which includes or consists of trade secrets, commercial, financial, geological, or demographic information which is privileged or confidential and was acquired by a Federal agency from a person for statistical purposes, the disclosure of which to another Federal agency would frustrate the development of accurate statistics by the acquiring agency.

"(2) The term 'statistical Federal agency information' shall designate Federal agency information which the Administrator may obtain from other Federal agencies for inclusion in the System, subject to the safeguards and limitations of this subsection. Statistical Federal agency information shall include all Federal agency information that—

"(A) is classified for reasons of national defense or foreign policy pursuant to statute or Executive order; or

"(B) constitutes or involves restricted data as that term is defined in the Atomic Energy Act of 1954, as amended (42 U.S.C., sec. 2011 et seq.).

"(3) In furtherance and not in limitation of any other authority, the Administrator is authorized, for the purposes of carrying out his responsibilities under this Act, to request from any Federal agency, and such agency shall provide him, any or all Federal agency information, other than excluded Federal agency information, that it may possess.

"(4) Federal agencies shall furnish statistical Federal agency information to the Administrator only pursuant to an agreement or memorandum in writing between the head of the Federal agency and the Administrator describing the use of and access to, and the limitations on use of and access to, such information in the System. Statistical Federal agency information shall be furnished to the Administrator in the same form in which it was acquired by the Federal agency, unless the head of the Federal agency and the Administrator otherwise agree, which shall be within the Administrator's sole discretion; but such information, in its original form, shall be available only to the Administrator or his delegate, to the Comptroller General of the United States or his delegate under section 401 of this Act, to

committees of the Congress upon request by the chairman, or to other individuals designated by the President pursuant to section 2(A) or section 2(B) of Executive Order 11652, dated March 3, 1972, 'Classification and Declassification of National Security Information and Material.' All persons receiving statistical Federal agency information pursuant to this paragraph shall use such information, in its original form, only in a manner which preserves the degree of confidentiality accorded such information by the Federal agency supplying it to the Administrator. Nothing in this paragraph shall prevent any person receiving statistical Federal agency information pursuant to this paragraph from making such information available to the public in the form of statistical summaries prepared in such a way as to prevent any person not having lawful access to such information in its original form from identifying, learning or inferring information or data furnished by any particular person.

"(c) The Administrator's regulations shall designate as 'official use information' all resources and materials information and other information relevant to the purposes of this Act, acquired by the Administrator from any source and included in the System, which is neither statistical Federal agency information nor public information, as defined in this section. Such regulations shall provide for descriptions of official use information, and limitations on its access and use, which shall be consistent with this subsection. The regulations shall also provide for the designation of the following subcategories of official use information:

"(1) The term 'proprietary company information' shall be used in the Administrator's regulations to designate official use information which the Administrator acquires on a privileged or confidential basis, which pertains to a particular company, in which such company has a lawful proprietary interest, and concerning which the Administrator finds on the basis of clear and convincing evidence that the public disclosure thereof would cause substantial harm to the competitive position of such company.

"(A) When all the criteria of the first sentence of this paragraph are met, the Administrator's regulations may provide for the designation as proprietary company information of any of the following subcategories of such information:

"(i) Any 'trade secret', a term which shall be used in the Administrator's regulations to designate an unpatented, secret, commercially valuable plan, appliance, formula, or process which is used for the making, preparing, compounding, or treating of articles or materials which are trade commodities;

"(ii) 'Geological information', a term which shall be used in the Administrator's regulations to designate information of a geological, geophysical, or engineering nature concerning resources including, but not limited to: location; lithology; paleontology; types of entrapment, results obtained by the use of torsion balances, gravimeters, magnetometers, seismographs, and other geophysical or geochemical instruments; surface and well logs (electric or radioactive); core samples and porosity; pay thickness; fluid analyses and pressure performance; production mechanism; recovery efficiency; and reservoir performance;

"(iii) 'Company financial information', a term which shall be used in the Administrator's regulations to designate information pertaining to a company's investments, assets, sales, costs, profits, and other accounting data, and accounting systems and procedures, on either a consolidated basis or by segments of business;

"(iv) 'Company commercial information', a term which shall be used in the Administrator's regulations to designate information pertaining to a company's suppliers, customers, and commercial contracts, on either a consolidated basis or by segments of business; and

"(v) Such other subcategories as the Administrator may find to be requisite.

"(B) In furtherance and not in limitation of any other authority, the Administrator is authorized, for the purposes of this Act, to require from any company, and such company shall provide him, proprietary company information. Subject to any authority and to all safeguards and limitations contained in this Act, the Administrator may also acquire proprietary company information from sources other than the company to which such information pertains: *Provided,* That (i) when the Administrator's sole source for any information pertaining to a company is a Federal agency and such information is described in paragraph (2) of subsection (b) of this section such information shall be designated and handled as statistical Federal agency information; and (ii) when the Administrator's sole source for any information pertaining to a company is an agency, as defined in section 3(j) of this Act, and the acquisition of such information is described in paragraph (2) of this subsection, such information shall be designated and handled as restricted governmental information.

"(C) In order that proprietary company information acquired by the Administrator from companies shall be of maximum value to the System for the purposes of this Act, the Administrator's regulations shall designate—

"(i) 'Segments of business' which shall facilitate comparisons on a standardized basis among resources enterprises and materials enterprises. In the designation of segments of business, the Administrator shall give consideration, to the maximum extent practicable, to: (a) Standard Industrial Classification; (b) the physical establishments of a company; (c) the identified organizational structure of a company, including all ownership and control relationships among establishments, divisions, subsidiaries, and other segments; (d) the product classes, products, and, when appropriate, product brands of a company; (e) any unusual or peculiar circumstances of particular industries and companies; and (f) the established and accustomed accounting standards, practices, and systems of particular industries and companies;

"(ii) 'Resources enterprises,' which alone or with their affiliates are involved in one or more lines of commerce or segments of business in the resources industries, so that the collection of resources information pertaining to the resources industries shall provide a statistically accurate profile of each line of commerce or segment of business for the resources industries within the United States and, to the extent practicable, outside the United States;

"(iii) 'Materials enterprises,' which alone or with their affiliates are involved in one or more lines of commerce or segments of business in the materials industries, so that the collection of materials information pertaining to the materials industries shall provide a statistically accurate profile of each line of commerce or segment of business for the materials industries within the United States and, to the extent practicable, outside the United States.

The Administrator shall require designated resources enterprises, designated materials enterprises, and designated segments of business of such enterprises to report within one year of the date of enactment of this Act and annually thereafter so much of their proprietary company information, and other information, as shall be necessary for the formulation of accurate statistics on the resources and materials controlled, produced and consumed, revenues, costs, profits, assets, liabilities, and other information, of such enterprises and segments.

"(D) Proprietary company information in the System shall, in general, be available in its original form only to—

"(i) officers and employees of the executive, legislative, and judicial branches and the independent establishments of the Federal Government having official use for the information; and

"(ii) any official, body, or commission, lawfully charged with the administration of any energy program of any State, if the information is to be used in furtherance of such administration.

The Administrator's regulations shall establish procedures whereby those seeking access to proprietary company information may identify themselves and the information they seek and establish their right thereto under this paragraph. All persons receiving such information shall use it only in a manner which preserves the degree of confidentiality accorded such information by the Administrator's regulations. Nothing in this paragraph shall prevent the Administrator or other authorized person from making proprietary company information available to the public in the form of statistical summaries prepared in such a way as to prevent any person not having lawful access to such information in its original form from identifying, learning, or inferring information or data furnished by any particular company. Proprietary company information may be made available to the public in its original form only when the Administrator has redesignated it as public information in accordance with regulations promulgated under subsection (i) of this section.

"(2) The term 'restricted governmental information' shall designate official use information which the Administrator acquires on a privileged or confidential basis from any Federal agency or from an official source within any State or local or foreign government or any agency or subdivision thereof, which the Administrator deems valuable to the System, and which the Administrator has determined cannot be acquired for the System or cannot be acquired in a sufficiently timely or inexpensive manner as public information. The Administrator's regulations shall establish procedures for and necessary limitations on the acquisition, use and exchange of restricted governmental information.

"(3) The Administrator's regulations shall provide that no information may be designated as official use information when the sole reason for such designation is that public disclosure thereof would cause personal embarrassment to any public or company official. Such regulations shall provide for the prompt redesignation as public information of any official use information when the Administrator determines that the conditions of the preceding sentence have come to apply to such information.

"(d) The Administrator's regulations shall designate as 'public information' all resources and materials information and other information acquired by the Administrator and included in the System concerning which no limitations or restrictions on use or access (other than rules concerning office hours and usage fees) are presently in effect. Such regulations shall provide for access to public information in accordance with this subsection.

"(1) Public information shall be available to the public for inspection and copying at reasonable cost during normal business hours and may be published or otherwise disseminated by the Administrator or others. The Administrator shall endeavor to establish fee schedules which cover or approach covering the costs of public use of the System; but the

regulations may, in the Administrator's discretion, provide for reduction or waiver of fees in the case of scholars, nonprofit organizations, and others whose use of public information is determined by the Administrator to be likely to enhance the System by making useful new inputs to the System, or otherwise to further the purposes of this Act.

"(2) The Administrator shall develop and maintain filing, coding, and indexing systems that identify the public information in the System, and all such systems shall themselves be public information.

"(e) Pursuant to subsection (i) of this section, the Administrator's regulations shall provide for the designation or redesignation as public information of any item or group of related items of information in the System claimed to constitute or previously designated as proprietary company information or any subcategory thereof, when the Administrator finds that—

"(1) any one or more of the criteria set forth in the first sentence of paragraph (c) (1) of this section does not apply or has ceased to apply to such information; or

"(2) the benefit to the public interest in designating or redesignating such information as public information outweighs the demonstrated harm to the competitive position of the company; or

"(3) denial of public access to such information would result in an adverse effect on the public health or safety.

"(f) Pursuant to subsection (i) of this section, the Administrator's regulations shall provide for the designation or redesignation as public information of any geological information claimed to constitute or previously designated as proprietary company information, when the Administrator finds that—

"(1) any one or more of the criteria set forth in the first sentence of paragraph (c) (1) of this section does not apply or has ceased to apply to such information; or

"(2) such geological information has been in the System for more than two years and continuation of the proprietary company information designation may tend to lessen the value to the public of resources in the public lands, or may tend to deprive the public of needed or desirable development of new sources of raw materials; or

"(3) such geological information is more than five years old and has been in the System for more than one year; or

"(4) such geological information is more than ten years old.

"(g) Pursuant to subsection (i) of this section, the Administrator's regulations shall provide for the designation or redesignation as public information of any company financial information claimed to constitute or previously designated as proprietary company information, when the Administrator finds that—

"(1) such information pertains to a segment of business of the company involving assets of $10,000,000 or more or gross sales or other gross business receipts of $10,000,000 a year or more; and

"(2) the nature and extent of itemization or detail of the information pertaining to such segment of business, which is to be designated or redesignated as public information, is substantially similar to or not substantially greater than the itemization or detail that would normally be included in or inferable from a public annual report filed with the Securities and Exchange Commission under section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C., secs. 78m and 78o) by a hypothetical registered company which had, as its sole business property and operations, property and operations substantially identical to the property and operations of the segment of business of the company in question.

"(h) In addition to and not in limitation of the powers and duties conferred by subsections (e), (f), and (g), but pursuant to subsection (i) of this section, the Administrator shall review annually all official use information in the System and shall redesignate as public information any of such official use information for which he finds that—

"(1) all reasons for restricting access to such information have ended; or

"(2) such information is company financial information and is more than five years old; or

"(3) such information is company commercial information and is more than ten years old; or

"(4) such official use information has become readily available to the public from sources other than the System in substantially the same form and detail as such information is contained in the System.

"(i) No designation or redesignation as public information of any information claimed to constitute or previously designated as official use information shall be made by the Administrator unless he shall furnish the source of such information, and in the case of proprietary company information shall also furnish the company to which such information pertains if different from such source, direct notice by mail and notice in the Federal Register not less than thirty days prior to any such designation or redesignation, and shall afford such source, and such company if different from such source, an opportunity for oral and written submission of views and argument. The Administrator's regulations shall provide for such notice and for hearings on any such designation or redesignation and on any rule, regulation, question, or dispute concerning the designation or redesignation of information in the System by access category. Except as inconsistent with this subsection, the Administrative Procedures Act (5 U.S.C., sec. 551 et seq.) shall govern such hearings. The Administrator's regulations shall afford to any interested person an opportunity for oral and written submission of views, data, and argument. All such hearings shall be open to the public, except that a private formal hearing may be conducted solely for the purpose of preventing the disclosure of information in the System other than public information to any persons not authorized under this section to have access to such information. In such proceedings, the Administrator shall designate or continue the designation as proprietary company information of any such information described in subsections (g) and (h) of this section, notwithstanding the age of such information as mentioned in such subsections, when he finds on the basis of clear and convincing evidence that—

"(1) a company's lawful proprietary interest in the denial or continued denial of public access to such proprietary company information is more substantial than any public benefit that would be associated with designation or redesignation of such information as public information, in the light of the purposes of this Act; and

"(2) designation or redesignation of the proprietary company information in question as public information would result in substantial and clearly inequitable harm to the competitive position of the company, considered in the light of proprietary company information, similar in nature and in age, possessed by competitors of the company in question, which would remain unavailable to the public and to the company in question.

"(j) In proceedings under this section, the Administrator shall employ and utilize the services of attorneys and such other personnel as may be required in order properly to represent the public interest in the designation of a maximum practicable percentage of all the information in the System as public information.

"(k) In the event that the Administrator requires excluded Federal agency information for the System, or requires statistical Federal agency information for public use in a form other than anonymous statistical aggregates, the Administrator may acquire such information directly from the original source pursuant to authority conferred upon him by this Act, subject to the provisions of this section concerning the designation or redesignation as public information of any information claimed to constitute or previously designated as official use information.

"(l)(1)(A) On complaint by any person, the district court of the United States in the district in which the complainant resides or has his principal place of business, or in which the System's records are situated, or in the District of Columbia, has jurisdiction to enjoin the Administrator from withholding resources and materials information and to order such information be designated or redesignated as public information. In such a case the court shall consider the case de novo, with such in camera examination of the contested information as it finds appropriate to determine whether such information as it finds appropriate to determine whether such information or any part thereof may be designated or redesignated as public information in accordance with the standards set forth in this section, and the burden is on the Administrator to sustain his action. (B) An interested party may intervene in such an action.

"(2) Notwithstanding any other provisions of law, the defendant shall serve an answer or otherwise plead to any complaint made under this subsection within twenty days after the service upon the Administrator of the pleading in which such complaint is made, unless the court otherwise directs for good cause shown.

"(3) Except as to causes the court considers of greater importance, proceedings before the district court, as authorized by this subsection, and appeals therefrom, take precedence on the docket over all causes and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

"(4) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this subsection in which the complainant has substantially prevailed. In exercising its discretion under this subsection, the court shall consider the benefit to the public, if any, deriving from the case, the commercial benefit to the complainant and the nature of his interest in the resources and materials information sought, and whether the Administrator's classification of such information as confidential or secret had a reasonable basis pursuant to this section.

"(5) Whenever records are ordered by the court to be designated or redesignated as public information under this section, the court, upon consideration of the recommendation of the agency, shall on motion by the complainant find whether the designation of such records as other than public information was without reasonable basis in law and which Federal officer or employee was responsible for the wrongful designation. Before such findings are made, any officers or employees named in the complainant's motion shall be personally served a copy of such motion and shall have twenty days in which to respond thereto, and shall be afforded an opportunity to be heard by the court. If such findings are made, the court shall direct that the appropriate official of the agency which employs such responsible officer or employee suspend him without pay for a period of not more than sixty days or take other appropriate disciplinary or corrective action against him.

"(6) In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible

employee, and in the case of a uniformed service, the responsible member.

"ACQUISITION OF INFORMATION BY SAMPLING

"SEC. 209. The Administrator may acquire information for the System by using the statistical method known as sampling whenever the adoption of such a method would significantly reduce the cost to the Federal Government and burden upon those supplying information without sacrificing the accuracy required to achieve the purposes of this Act: *Provided*, That, when such method is employed to obtain required information on any line of commerce, the sample used shall, to the utmost extent practicable, include the universe of resources enterprises and materials enterprises operating in such line of commerce and having total annual sales or total assets in all lines of $100,000,000 or more, and the universe of segments of business of such enterprises (including foreign segments which are affiliates of United States enterprises) operating in such line of commerce and having or accounting for annual sales or assets of $10,000,000 or more.

"INSPECTION OF RECORDS AND PREMISES; SUBPENAS; ENFORCEMENT OF SUBPENAS

"SEC. 210. (a) All persons owning or operating facilities or business premises who are engaged in any phase of resources ownership, control, or development, or materials supply or major materials consumption shall make available to the Administrator such information and periodic reports, records, documents, and other data, relating to the purposes of this Act, including full identification of all data and projections as to source, time, and methodology of development, as the Administrator may prescribe by regulation or order as necessary or appropriate for the proper exercise of functions under this Act.

"(b) The Administrator may require, by general or special orders, any person engaged in any phase of resources ownership, control, or development, or materials supply or major materials consumption, to file with the Administrator in such form as he may prescribe, reports or answers in writing to such specific questions, surveys, or questionnaires as may be necessary to enable the Administrator to carry out his functions under this Act. Such reports and answers shall be made under oath, or otherwise, as the Administrator may prescribe, and shall be filed with the Administrator within such reasonable period as he may prescribe.

"(c) The Administrator, to verify the accuracy of information he has received or otherwise to obtain information necessary to serve the purposes of this Act, is authorized to conduct investigations, and in connection therewith, to conduct, at reasonable times and in a reasonable manner, physical inspections at facilities and business premises of resources enterprises and materials enterprises, or of persons that are major materials consumers, to inventory and sample any stocks of materials, to verify geological information concerning resources by geological or engineering tests or otherwise, to inspect and copy records, reports, and documents from which resources and materials information has been or is being compiled, and to question such persons as he may deem necessary.

"(d)(1) To assist in carrying out his responsibilities to collect resources and materials information, the Administrator may sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant books, records, papers, statistics, and other documents, not to include file copies of information from other Federal agencies the disclosure of which is specifically prohibited by statute; and may administer oaths.

"(2) Witnesses summoned under the provisions of section shall be paid the same fees and mileage as are paid to witnesses in the courts of the United States.

"(e) In case of contumacy by, or refusal to obey a subpena, interrogatory, request for written report, or other information served upon, any person subject to this Act, the Administrator may invoke the aid of any district court of the United States within the jurisdiction of which such person is found or transacts business, in requiring the production of the books, documents, papers, statistics, data, information, and records referred to in this section. Such district court of the United States may, in case of contumacy or refusal to obey a subpena issued by the Administrator, issue an order requiring such person to produce the information and the books, documents, papers, statistics, data, information, and records containing or pertaining to the same; and any failure to obey such order of the court shall be punished by the court as a contempt thereof.

REPORTS

"SEC. 211. (a) The Administrator shall make regular periodic reports to the Commission, the Congress and the public, including but not limited to—

"(1) such reports as the Administrator determines are necessary to provide a comprehensive picture of the monthly and, as appropriate, weekly, supply and consumption of materials for which shortages exist or are threatened in the United States; the information reported may be organized by company, by States, by regions, or by such other producing and consuming sectors, or combinations thereof, as the Administrator finds significant, including appropriate discussion of the evolution of the resources and materials supply and consumption situation and such national and international trends and their effects as the Administrator may find to be significant;

"(2) an annual report which includes, but is not limited to, a description of the activities of the System during the preceding year; a summary of all special reports published during the preceding year; a summary of statistical information collected during the preceding year; critical resources and materials consumption and supply trends and forecasts for subsequent one-, five-, ten-, fifteen-, and twenty-year periods under various assumptions; and a summary or schedule of the amounts of all major or critical resources and materials that can be brought to market at various prices and technologies and their relationship to forecasted demands; and

"(3) an annual report to the Congress, including recommendations as to such additional authority as the Administrator considers necessary to assist in carrying out the purposes of this Act.

"(b) The Administrator shall also submit to the Congress annually on January 1 a report disclosing the extent of compliance and noncompliance by industry and Federal agencies subject to this Act and the rules and regulations of the Administrator. Such compliance report shall detail the enforcement resources available to and utilized by the Administrator, the number and types of compliance investigations conducted, the number and types of incidents of noncompliance discovered, the sanctions imposed for each incident of noncompliance, and the reasons for failure to impose other available sanctions. Such report shall also contain the Administrator's requests for changes in enforcement resources or sanctions available to him.

"(c) At the request of the chairman of any committee of the Senate or the House of Representatives, the Administrator shall make such special tabulations, interpretations, or analyses of information in the System as will serve the functions of the requesting committee and the purposes of this Act. To the extent that personnel and funds are available, by appropriation or by contract, the Administrator may also make such special tabulations, interpretations, or analyses on his own initiative, on the request of any Member of Congress, or on such requests made by others, including members of the public, as the Administrator determines will serve the purposes of this Act. Reports prepared in accordance with this subsection shall be made available to the public for inspection and copying, or may be published, unless the Administrator determines that all or portions of such reports should be withheld from the public under provisions of section 208 of this Act.

"ACQUISITION OF ENERGY INFORMATION FROM INSTITUTIONS OUTSIDE THE FEDERAL GOVERNMENT

"SEC. 212. The Administrator shall enter into arrangements to collect from institutions outside the Federal Government such additional resources and materials information as the Administrator determines is required for comparison with, or extension of, the information base of the System in furtherance of the purposes of this Act. These institutions may include but need not be limited to—

"(1) governments of foreign countries;

"(2) appropriate offices or divisions of the United Nations and other international organizations;

"(3) departments and agencies of the governments of the several States and their subdivisions;

"(4) universities and foundations; and

"(5) corporations and business associations that are engaged in the collection or analysis of resources and materials information.

"SHORT TITLE

"SEC. 213. This title may be cited as the 'National Resources and Materials Information Act'.

"TITLE III—RESOURCES SURVEYS AND INSPECTIONS BY THE DEPARTMENT OF THE INTERIOR

"SURVEY OF RESOURCES IN THE PUBLIC LANDS

"SEC. 301. (a) The Secretary of the Interior (hereinafter referred to as the 'Secretary') shall compile, maintain, and keep current on not less than an annual basis a survey of all resources in the public lands of the United States.

"(b) The survey program shall be designed to provide information about the location, extent, value, and characteristics of such resources in order to provide a basis for (1) development and revision of Federal leasing programs; (2) wider competitive interest by persons who are potential producers of raw materials from such resources; (3) informed decisions regarding the potential quantity of materials to be derived from these resources; and (4) the purpose of this Act.

"(c) The Secretary is authorized to contract for, or to purchase the results of, seismic, geomagnetic, gravitational, geochemical, or earth satellite investigations, or drilling, or other investigations which will assist in carrying out the survey program pursuant to this title.

"(d) Within six months after the enactment of this title, the Secretary shall submit to Congress and to the Commission and the Administrator a plan for conducting the survey program required by this title. The plan shall include an identification of the areas to be surveyed during the first five years of the program and estimates of the appropriation and staffing required to implement it.

"(e) On or before the expiration of the twenty-month period following the effective date of this title, the Secretary shall submit a report to the Congress concerning the carrying out of his duties under this title, together wtih a summary of initial information compiled, and shall thereafter, on not less than an annual basis, submit a report to

the Congress concerning the carrying out of such duties and shall include as a part of each such report the status of the current survey, including information compiled during the previous year.

"(f) Copies of all such reports and surveys shall be furnished by the Secretary to the Administrator for inclusion in the System.

"(g) No action taken to implement this title, except the drilling of exploratory wells for oil and gas and other physical exploratory activities of comparable or greater magnitude, shall be considered a major Federal action for the purposes of section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347).

"(h) Nothing in this Act shall be construed to authorize the Secretary or the Administrator to conduct any physically disruptive exploratory activities on any Federal lands that are within any national park, wilderness, seashore, or wildlife refuge area, or on any lands held by the United States in trust for any Indian or Indian tribe; but exploration which can be conducted from the air, without intrusion on the surface or below the surface of such lands, may be conducted with the written consent of the principal administrators or trustees of such lands.

"VERIFICATION OF REPORTED RESOURCES IN PRIVATE OWNERSHIP

"SEC. 302. When requested by the Administrator, the Secretary may inspect company records for the purpose of verifying the accuracy of information pertaining to resources required to be reported to the Administration under this Act.

"CONTENTS OF SECRETARY'S REPORTS

"SEC. 303. Reports by the Secretary to the Congress and the Administrator under section 301, and to the Administrator under section 302, shall in all cases be organized to include, but not be limited to, ownership, control, location, extent, value, and characteristics of resources. Information on ownership and control of reserves and resources, correlated with locations, shall be designated as geological information that is proprietary company information and shall be handled by the Administrator in the System in accordance with subsection (f) of section 208 of this Act.

"TITLE IV—MISCELLANEOUS

"GENERAL ACCOUNTING OFFICE OVERSIGHT OF RESOURCES AND MATERIALS INFORMATION COLLECTION AND ANALYSIS

"SEC. 401. (a) The Comptroller General of the United States shall continuously monitor and evaluate the operations and activities of the System including its reporting requirements. Upon his own initiative or upon the request of a committee of the Congress or, to the extent personnel are available, upon the request of a Member of the Congress, the Comptroller General shall (1) review the System's resources and materials information gathering procedures to insure that the System is obtaining necessary resources and materials information from the appropriate sources to carry out the purposes of this Act, (2) review the issues that arise or might arise in the collection of any of the types of resources and materials information required to achieve the purposes of this Act, including but not limited to issues attributable to claims of business establishments, individuals, or governments that certain resources and materials information is proprietary or violative of national security, (3) conduct studies of existing statutes and regulations governing collection of resources and materials information, (4) review the policies and practices of Federal agencies in gathering, analyzing, and interpreting resources and materials information, and (5) evaluate particular projects or programs. The Comptroller General shall have access to all information within the possession or control of the Administrator obtained from any public or private source whatever, notwithstanding the provisions of any other Act, as is necessary to carry out his responsibilities under this Act and shall report to the Congress at such times as the Comptroller General deems appropriate. The report shall include but not be limited to a review of the System's operations and effectiveness and the Comptroller General's recommendations for modifications in existing laws, regulations, procedures, and practices.

"(b) The Comptroller General or any of his authorized representatives in carrying out his responsibilities under this section shall have access to any books, documents, papers, statistics, data, information, and records of any person relating to the management and conservation of resources and materials including but not limited to costs, demand, supply, reserves, industry structure, and environmental impacts. The Comptroller General may require any person to submit in writing such resources and materials information as he may prescribe. Such submission shall be made within such reasonable period and under oath or otherwise as he may direct.

"(c) To assist in carrying out his responsibilities, the Comptroller General may with the concurrence of a duly established committee of Congress having legislative jurisdiction over the subject matter and upon the adoption of a resolution by such a committee which sets forth specifically the scope and necessity therefor, and the specific identity of those persons from whom information is sought, sign and issue subpenas requiring the production of the books, documents, papers, statistics, data, information, and records referred to in subsection (b) of this section.

"(d) In case of disobedience by any person to a subpena issued under subsection (c) of this section the Comptroller General may invoke the aid of any district court of the United States in requiring the production of the books, documents, papers, statistics, data, information, and records referred to in subsection (b) of this section. Any district court of the United States within the jurisdiction of which the person is found or transacts business may, in case of contumacy or refusal to obey a subpena issued by the Comptroller General, issue an order requiring the person to produce the books, documents, papers, statistics, data, information or records. Failure to obey such an order of the court is punishable by such court as a contempt thereof.

"(e) Reports submitted by the Comptroller General to the Congress shall be available to the public at reasonable cost and upon identifiable request, except that the Comptroller General may not disclose to the public any information which could not be disclosed to the public by the System under this Act.

"SEPARABILITY

"SEC. 402. If any provision of this Act or the applicability thereof is held invalid the remainder of this Act shall not be affected thereby.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 403. There is authorized to be appropriated $15,000,000 for each of the fiscal years ending June 30, 1975, June 30, 1976, and June 30, 1977. One-tenth of the amount appropriated in each year shall be for the general purposes of the Commission and nine-tenths shall be for the operation of the System."

(14) On page 1, strike out lines 3 through 6 inclusive (the short title, following the enacting clause) and insert in lieu thereof the following: "That this Act, divided into titles and sections in accordance with the following table of contents, may be cited as the 'National Commission on Supplies and Shortages Act of 1974'.

"TABLE OF CONTENTS

Amend the title so as to read: "A bill to establish a National Commission on Supplies and Shortages and a National Resources and Materials Information System, to authorize the Department of the Interior to undertake a survey of United States resources on the public lands and elsewhere, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the motion to recommit.

The yeas and nays were ordered.

Mr. TUNNEY. Mr. President, I yield 3 minutes to the Senator from Mississippi.

SENATE RESOLUTION 338—TO AUTHORIZE THE COMMITTEE ON THE JUDICIARY TO PROVIDE AN AFFIDAVIT

Mr. EASTLAND. Mr. President, I report an original resolution from the Committee on the Judiciary, granting permission to authorize Peter Stockett, Jr., chief counsel and staff director of the Committee on the Judiciary, to provide an affidavit with respect to the case the *United States* v. *Howard Edwin Reinecke* (Criminal No. 74–155), pend-

ing in the U.S. District Court for the District of Columbia.

Mr. Leon Jaworski, Special Prosecutor, has written to me, as chairman of the Judiciary Committee, requesting that the Senate grant permission for this affidavit to be filed. I ask unanimous consent that the text of this letter be printed in the RECORD.

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

MAY 21, 1974.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Mr. Ruth has advised me, on the basis of his telephone conversation with you, that the Judiciary Committee has kindly agreed to assist in securing any necessary resolutions to permit Counsel to the Committee to testify in the *Reinecke* case. We will, of course, make all efforts to avoid the necessity for such testimony by seeking to obtain stipulations as to the relevant facts. At the hearing last week on defendant's motions in the *Reinecke* case, counsel for Mr. Reinecke, contrary to our initial expectation, put in issue several factual matters relating to the Committee's adoption of a one-senator quorum rule in January 1972. The trial judge deferred ruling on the defendant's motion challenging the competency of the Committee hearings and allowed the government leave to supplement the record by affidavit. Accordingly, I am requesting that the Judiciary Committee obtain the permission of the Senate for Mr. Stockett to execute an affidavit on the above matter for filing in the *Reinecke* proceeding.

Thanking you for your cooperation in this matter, I am,

Yours sincerely,

LEON JAWORSKI,
Special Prosecutor.

Mr. EASTLAND. Mr. President, by the privilege of the Senate and rule XXX thereof, no Member or Senate employee is authorized to produce Senate documents except by order of the Senate, and information secured by Senate staff employees pursuant to their official duties as employees of the Senate may not be revealed without the consent of the Senate.

This resolution would authorize Mr. Stockett to furnish an affidavit, based upon his knowledge and the transcript of an executive session of the committee on January 26, 1972, concerning the adoption by the committee of a rule providing that only one Senator need be present to take sworn testimony and the practice of the committee not to take any vote on any measure or matter unless a quorum is present at the time the vote is taken.

The resolution further provides that Mr. Stockett may provide information with respect to any other matter material and relevant for purposes of identification of any document or documents in such case, if such document has previously been made available to the general public or should have been made available to the public, but the resolution directs him to respectfully decline to provide information concerning any and all other matters that may be based on knowledge acquired by him in his official capacity, and further directs him to respectfully decline to provide information concerning any matter within the privilege of the attorney-client relationship existing between him and the Committee on the Judiciary or any of its members.

Mr. President, I ask that the Senate give favorable consideration to the resolution.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read the resolution, as follows:

Whereas, in the case of United States v. Howard Edwin Reinecke (Criminal No. 74–155), pending in the United States District Court for the District of Columbia, Peter Stockett, Junior, Chief Counsel and Staff Director of the Committee on the Judiciary, has been requested to furnish an affidavit concerning the adoption by the Committee of a rule on the quorum necessary to conduct hearings: Now, therefore, be it

Resolved, That by the privileges of the Senate of the United States no evidence under the control and in the possession of the Senate of the United States can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession, but by its permission.

SEC. 2. By the privilege of the Senate and by rule XXX thereof, no Member or Senate employee is authorized to produce Senate documents but by order of the Senate, and information secured by Senate staff employees pursuant to their official duties as employees of the Senate may not be revealed without the consent of the Senate.

SEC. 3. When it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that testimony of an employee of the Senate of the United States is needful for use in any court of justice or before any judge or such legal officer for the promotion of justice and, further, such testimony may involve documents, communications, conversations, and matters related thereto under the control of or in the possession of the Senate of the United States, the Senate of the United States will take such order thereon as will promote the ends of justice consistently with the privileges and rights of the Senate.

SEC. 4. Peter Stockett, Junior, Chief Counsel and Staff Director of the Committee on the Judiciary, is authorized, in response to a request made by the Special Prosecutor for the United States in the case of the United States v. Howard Edwin Reinecke (Criminal No. 74–155), to furnish an affidavit, based upon his knowledge and the transcripts of an executive session of the Committee on January 26, 1972, concerning the adoption by the Committee of a rule providing that only one Senator need be present to take sworn testimony and the practice of the committee not to take any vote on any measure or matter unless a quorum is present at the time the vote is taken.

SEC. 5. The said Peter Stockett, Junior, may provide information with respect to any other matter material and relevant for the purposes of identification of any document or documents in such case, if any such document has previously been made available to the general public or should have been made available to the public, but he shall respectfully decline to provide information concerning any and all other matters that may be based on knowledge acquired by him in his official capacity either by reason of documents and papers appearing in the files of the Senate or by virtue of conversations or communications with any person or persons. The said Peter Stockett, Junior, shall also respectfully decline to provide information concerning any matter within the privilege of the attorney-client relationship existing between him and the Committee on the Judiciary or any of its members.

SEC. 6. A copy of this resolution shall be transmitted to the Special Prosecutor as an answer to his request.

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

There being no objection, the resolution (S. Res. 338), with its preamble was considered and agreed to.

Mr. EASTLAND. Mr. President, was the resolution adopted?

The PRESIDING OFFICER. Yes.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. BIDEN) 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.)

NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES ACT OF 1974

The Senate continued with the consideration of the bill (S. 3523) to establish a Temporary National Commission on Supplies and Shortages.

Mr. TUNNEY. Mr. President, how much time have I remaining?

The PRESIDING OFFICER (Mr. BURDICK). There is a unanimous agreement to vote not later than 12 o'clock noon today.

Mr. TUNNEY. I yield whatever time I have remaining to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. BARTLETT. Mr. President, first I would like to point out that I think that the bill before us is a very good bill that should not be delayed by having it referred to a committee.

Second, I would like to point out that the bill does provide, on page 4, subsection (3)(b), for the commission, in its report, to provide for a comprehensive data collection and storage system to aid in examination and analysis of the supplies and shortages in the economy of the United States and in relation to the rest of the world.

I think it is important that this commission study be made. It would be somewhat deliberately done, and I think that is important, because I think as we analyze the shortages of all supplies of energy and minerals, we can see that there has been, first, a tendency of Congress to place blame on industry—the oil industry, certainly, and other industries in some cases.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Wisconsin has 1 minute remaining.

Mr. NELSON. I yield that minute to the Senator from Oklahoma.

Mr. BARTLETT. I thank the Senator from Wisconsin.

There has been a tendency to take punitive action, and very little tendency to take positive action to relieve the supply shortages. But I think that in one way, by trying for more and more information, just all information, without careful attention to what is privileged and what is important. There is a tendency for Congress to protect itself, to try to show that it was not involved in any way in the shortages that exist at the present time. I am concerned with the amendment of the Senator from Wisconsin, with one of the findings on page 2, section 3, not that I do not think there is a certain amount of truth in the finding, and I agree with it in part, but it says also in part that the blame for the shortages is to ——

The PRESIDING OFFICER (Mr. BIDEN). All time has expired under the amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be 1 additional minute to each side.

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

Mr. BARTLETT. Mr. President, I thank the Senator from West Virginia.

One reading of this finding would give an indication that the shortage of information has been responsible for the shortage of supplies. I do not think that is the case. We had a lot of testimony before various committees that I have served on. An indication that this has not been the case is that William Simon, in his testimony before the Interior Committee, when he was specifically asked a question on that point, said that it was not the case.

What I am trying to say is that there should be more information made available, but I think we want to be careful how we do that so that we do not in any way injure the ability of industry to perform, and that we take positions which will create a better environment rather than an inferior environment for the production of materials and for the production of energy.

Mr. NELSON. Mr. President, I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I shall be as brief as I can. I agree with the Senator from Wisconsin that we are living in a critical time. This country uses 50 percent of the natural resources of the world. The time has come when we should stop talking, we should stop debating, we should stop studying—the time has come when we should start to act.

Everyone knows that most of our resources are in short supply. The lines at the gasoline pumps are too long. The price of heating oil is much too high. We are told that that is because we have to import these things. The price of food goes up every day. There are shortages here and shortages there—there are shortages everywhere.

We do not need another group to go out and study the situation for another year. The time has come—now—to set up an agency in the U.S. Government that will achieve results for the American people so that prices will be restored, so that people can pay for the things they need—especially in buying meat, buying food, and buying oil.

Let us make sure that we are not going to die on the vine.

I am going to vote for the motion to recommit the bill.

Mr. BARTLETT. Mr. President, this amendment No. 1406 may give the administration powers that border on invasion of privacy of individuals. The definitions of "resources enterprise" and "materials enterprise" would include virtually every individual in the United States. The Administrator and the Agency which he would head could, even more than now, tend to computerize individuals and burden them with unnecessary requirements for information.

What we could have would be another bureaucratic agency whose requirements for information could lead to additional operating costs for private enterprise and, therefore, increasing costs for the consumer.

Any legislation of this nature should provide for informing the consumers and taxpayers of America just how much they are paying to obtain possibly redundant or useless information.

If certain information is needed in order to determine prudent Government policy, then I am in favor of acquiring it so long as we do not hinder the efforts of the industry to cope with shortages. I am not in favor of collecting information for the sake of collecting information.

Mr. BROCK. Mr. President, I think S. 3523 represents an important first step toward solving our materials problems. There is no question either of the seriousness of the problem or of the concern of the Senate. Yesterday's debate clearly showed this.

However, yesterday's debate also showed that there is still much disagreement on the type of structure necessary to deal with the problem of materials and material shortages. I think it would be instructive at this point to review the specific recommendations made over the last 22 years concerning the appropriate structure to deal with the problem.

First, of course, we have the Paley Commission. It recommended that the National Security Resources Board, an advisory agency that was in the Executive Office of the President at that time, be given the mandate to deal with the materials problem.

Next, the National Commission on Materials Policy studied the problem in great detail. In chapter 11 of their final report, the Commission urged the establishment of a Cabinet-level agency to develop a comprehensive, integrated materials energy environment policy.

Neglected in yesterday's debate, but of equal importance to the issue of a materials policy, are the recommendations of the 1972 Henniker conference. Under the sponsorship of the Engineering Foundation, Dr. Frank Huddle of the Library of Congress, organized the conference to bring to a focus the issues surrounding materials. The conference recommended that "a permanent policy-making body should be established by legislative action within the Federal Government," to coordinate a national strategy for materials. However, the conference did not make any specific organizational recommendations.

Most recently, the General Accounting Office studied the problem of commodity shortages. The report issued by the GAO pointed out the lack of coordination among existing institutions. As the Senator from Wisconsin (Mr. NELSON) pointed out, the GAO made no specific recommendations for institutional reforms either.

Mr. President, I think two things should be clear from this brief review. One, the experts all agree that reforms are necessary to deal with the problem of materials and material shortages. Two, the experts all disagree on the kind of institutional and structural reform needed to deal with the problem. I suggest that this lack of agreement by the experts in the field was reflected in yesterday's debate.

Mr. President, on one issue of institutional reform, at least one group of experts, the National Commission on Materials Policy, was in agreement. I speak of the need for committee reform. In their final report, the Commission stated that—

> A concomitant restructuring in the Congress is essential for the harmonization of materials, energy, and environment policies and for the elimination of inconsistencies in law and practice.

Mr. President, I might also point out that the House Select Committee on Committees recommended that an Energy and Environment Committee be established for the House in order to look at the issues surrounding energy and environment as a whole. Perhaps we should start, then, by reforming the Congress, as many of us have so consistently urged.

Much has been made of the monitoring function necessary to avoid future shortages. The Paley Commission used the word and it has cropped up repeatedly since then. One definition of "to monitor" is "to watch, observe or check * * *." Consider what Joseph Harris, a leading authority on Congress, says in his book, "Congressional Control of Administration":

> "Oversight" strictly speaking refers to review after the fact. It includes inquiries about policies that are or have been in effect . . .

I suggest that a portion of this monitoring necessary to avoid future problems with materials be carried on by the Congress in oversight hearings.

Mr. FANNIN. Mr. President, I oppose amendment No. 1406 offered by the Senator from Wisconsin. Those who have been following this issue of data gathering authority, which specifically arose during the height of the energy crisis, are surprised to see this amendment offered on this bill dealing with the National Commission on Supplies and Shortages. The Senator from Wisconsin earlier in 1974 introduced S. 3209 to establish a national resource information system and it was referred to the Government Operations Committee. To my knowledge no hearings have been held on that bill. A parallel bill which dealt specifically with energy information gathering was in-

troduced in March of 1974, which was referred to the Interior and Insular Affairs Committee. That bill is S. 2782. This amendment No. 1406 is the embodiment of both of these pieces of legislation. Because each of these bills have been introduced as separate measures and have been referred to separate committees, the normal system of considering legislation ought to be adhered to now. It would be inappropriate to act on this particular 58-page amendment. S. 3523 to establish a Commission on Supplies and Shortages calls for recommendations regarding the need for a permanent data agency now. If the Senator from Wisconsin is serious about the adoption of this measure he should be willing to have it scrutinized through the normal committee hearing process. This Senate ought not blindly adopt a measure which has far-reaching consequences without thorough and deliberate consideration. I might say that the 58 pages in this amendment contain provisions which I know deserve the utmost discussion by this body.

Let us look at some of the provisions of amendment No. 1406, specifically that section that would establish a national resource and material information system, section 202, page 11. The function of this system would be to collect, collate, compile, analyze, tabulate, standardize, and disseminate information in regard to resources and materials. The administrator of this program would be authorized to request, acquire, and collect resource and material information from any person in such forms and in such manners as he may deem appropriate. This amendment would create a huge bureaucracy whose purpose in life would be to search out all types of information from all parties in this country and even abroad which deal with resources. The administrator would have the authority to collect this information from any person and any business and one need not use very much imagination to grasp the potential abuses that could spring from such authority. Under the guise of searching for data this bureaucracy would be able to barge into any corner of this country cloaked with unbridled authority to ferret out what this administrator in his own subjective determination decides is necessary to fulfill the purposes of this act.

One might ask the question, Why does an agency need this kind of information? Second, why does this agency need this much authority? Third, what is this agency going to do with this information once it receives it? Fourth, what protections or safeguards are going to apply to the collection and dissemination of this information once it is gathered? Let me tell you that if you analyze those simple four questions you will come to the conclusion, as I have, that this piece of legislation is potentially the most dangerous and disruptive legislation which we have had on the floor of this Senate during this session. There is absolutely no legitimate purpose for a Federal agency to have this much authority; there is absolutely no legitimate purpose to be served by making public the bulk of such gathered information.

In essence, the purpose of the bill is to force public disclosure of almost all information held by the private sector. The purpose of this amendment is to strip our free enterprise system of proprietary information thus placing this Nation in an untenable position in the world marketplace. The administrator of this agency would have the authority to require from any company such proprietary information as that company may possess. Mr. President, ask yourself what legitimate purpose in the world is served by such authority? The administrator may also acquire proprietary company information from sources other than the company to which such information pertains and I specifically here refer you to page 29 of the amendment starting at line 15.

In addition to the handling of this proprietary information, let me suggest that the purpose of this amendment really is to alter and amend the accounting practices of our free enterprise system. What is sought is to force private enterprise to conform to Federal dictates for accounting. When one looks closely at the requirements applied to the private sector you will note the requirement for standardization of all information. Today, our private sector has no requirement for standardization, in fact, that is what it is all about. Private enterprise can use any form to try to ascertain how they are faring. This bill would attempt to standardize all business and accounting practices so that Uncle Sam could keep tabs on the private sector. In this regard, look on page 30 of the amendment starting on line 12, subsection (c):

> In order that proprietary company information acquired by the Administrator from companies shall be of maximum value to the system for the purposes of this act, the Administrator's regulations shall designate (1) Segments of business which shall facilitate comparisons on a standardized basis among resources enterprises and materials enterprises.

Reading the rest of this paragraph and all of page 31, you will certainly find that there is an unmistakable purpose to standardize accounting practices. What legitimate purpose does the Government have to embark upon this course?

Let us suppose we adopt this measure and it becomes law, what burden would both the Federal Government and the private sector have? I have here a list of the current reporting requirements that are used by the Federal Energy Office which details the reports required of just the energy sector alone. You need but spend about a minute looking through all of this periodic current and repetitive reports which are required of this particular segment of our industry to determine that placing additional reporting redtape requirements might even bring this free enterprise system to a screeching halt. It staggers my mind to try and comprehend the size of the bureaucracy that would be necessary to implement the provisions of this amendment. We create this huge bureaucracy to pursue what I believe to be an unlawful purpose and which I believe to be completely superfluous and which will have disastrous effects for us in the world marketplace. Why in the world should we as Americans, trying to compete in the world marketplace, strip ourselves of all protections and parade ourselves around so that all can see those secrets and processes which have made us great and which have made us competitive. Following such course of action would be pure folly and would be pure suicide. Simply weighing the benefits that would accrue, because of passage of this legislation on the one hand and weighing the burdens that would be created on the other, one would have to come to the conclusion that this amendment is not needed.

Let me summarize: This amendment really is a bill which had been submitted to two separate committees which have not completed the normal hearing processes. Certainly that process should be completed on a bill of such magnitude and importance. Second, there is no legitimate purpose for this amendment No. 1406. Third, there is no legitimate purpose for the Federal Government to engage in such a widespread collection of information. Fourth, the protections which are afforded to proprietary information are certainly insufficient to protect private enterprise. Fifth, the size of the bureaucracy necessary to fulfill the requirements of this act is incomprehensible. Sixth, there is no legitimate purpose for the Government of the United States to attempt to restructure the accounting systems used by the free enterprise sector. Seventh, the potential for abuse of the powers afforded under this amendment certainly should persuade one against voting for such powers. Finally, we will only have 3 hours on this amendment of great importance, and I dare say the majority of Senators have not had an opportunity to digest the provisions of this amendment.

The PRESIDING OFFICER (Mr. BIDEN). The question is on agreeing to the motion of the Senator from Wisconsin (Mr. NELSON) to recommit the bill, S. 3523, with instructions.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH) and the Senator from Alaska (Mr. GRAVEL) are necessarily absent.

I further announce that the Senator from Montana (Mr. METCALF) and the Senator from Missouri (Mr. SYMINGTON), are absent because of illness.

I also announce that the Senator from Iowa (Mr. CLARK) is absent because of illness in the family.

I also announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS),

and the Senator from Illinois (Mr. PERCY) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. PERCY) and the Senator from Oregon (Mr. HATFIELD) would each vote "nay."

The result was announced—yeas 34, nays 56, as follows:

[No. 250 Leg.]

YEAS—34

Abourezk	Hughes	Nelson
Allen	Jackson	Packwood
Bible	Johnston	Pastore
Biden	Kennedy	Proxmire
Chiles	Long	Stevens
Cook	Magnuson	Stevenson
Cranston	McGovern	Taft
Eagleton	McIntyre	Tunney
Goldwater	Metzenbaum	Weicker
Hart	Mondale	Williams
Haskell	Montoya	
Hollings	Moss	

NAYS—56

Aiken	Domenici	Muskie
Baker	Dominick	Nunn
Bartlett	Eastland	Pearson
Beall	Ervin	Pell
Bellmon	Fannin	Randolph
Bennett	Fong	Ribicoff
Bentsen	Fulbright	Roth
Brock	Griffin	Schweiker
Brooke	Gurney	Scott, Hugh
Buckley	Hansen	Scott, William L.
Burdick	Hartke	Sparkman
Byrd, Harry F., Jr.	Hathaway	Stafford
Byrd, Robert C.	Helms	Stennis
Cannon	Hruska	Talmadge
Case	Huddleston	Thurmond
Church	Humphrey	Tower
Cotton	Inouye	Young
Curtis	Mansfield	
Dole	McClellan	
	McClure	

NOT VOTING—10

Bayh	Javits	Percy
Clark	Mathias	Symington
Gravel	McGee	
Hatfield	Metcalf	

So the motion to recommit was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HUMPHREY. Mr. President, I have an amendment at the desk, Amendment No. 1442, which I call up at this time.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

The amendment is as follows:

On page 4, at the end of subsection (b), add the following:

"(c) In order to establish a means to integrate the study of supplies and shortages of resources and commodities into the total problem of balanced national growth and development, it shall additionally be the function of the Commission to make reports to the President and to the Congress with respect to the most appropriate means for establishing a policymaking process within the executive and legislative branches of the Federal Government and a system for coordinating these efforts with appropriate multi-State, regional, and State governmental jurisdictions. The principal function of such policymaking process and coordinating system is to develop specific national policies relating to the achievement of a more balanced regional distribution of economic growth and development, income distribution, environmental protection, transportation systems, employment, housing, health care services, food and fiber production, recreation and cultural opportunities, communication systems, land use, human care and development, technology assessment and transfer, and monetary and fiscal policy.".

On page 4, line 21, redesignate subsection "(c)" as subsection "(d)".

Mr. HUMPHREY. Mr. President, I shall explain the amendment. First, I ask unanimous consent that James Thornton, Bob Kerr, and Mr. Daniels be permitted the privilege of the floor during the consideration of this matter.

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

Mr. HUMPHREY. Mr. President, I suggest we might have a little order so we can proceed with this matter.

The PRESIDING OFFICER. The Senate is not in order. The Senate will be in order.

There is 1 hour on the amendment.

Mr. HUMPHREY. Mr. President, first of all, I wish to commend all of those who have taken the initiative in introducing the bill to create a National Commission on Supplies and Shortages. We desperately need to take a close look at the process by which we make decisions affecting our present and future utilization of commodities and resources. The Commission created by this bill will have the authority to examine the problem and the responsibility of recommending a permanent organizational framework within which to order our priorities. It is a first step in the direction we need to go.

At the same time we would be remiss not to consider the fact that even the use of commodities and other material resources cannot be considered in isolation. We need to interrelate our planning for developments in transportation environment, land use, and an equitable and improved social life with our analysis of the availability and management of resources.

Two years ago I first unveiled the details of a plan which I believe would best meet our needs, and this plan was introduced as the Balanced National Growth and Development Act of 1974 (S. 3050) this February.

The Senator from Indiana (Mr. HARTKE), the Senator from New York (Mr. JAVITS), and other Senators have introduced similar legislation regarding the process by which national policies and priorities should be determined.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate is not in order. The Senate will be in order. Senators will please clear the aisle and take their seats or continue their conversations in the cloakroom.

The Senator may proceed.

Mr. HUMPHREY. Mr. President, I take this opportunity to review briefly the major features of the Balanced National Growth and Development Act, and to suggest why the general developments it calls for are necessary if we are not to be mired down in increasingly dangerous flaws in planning and foresight.

My bill provides for the establishment of an Office of Balanced National Growth and Development within the Office of the President to: Develop specific national policies relating to future population settlement and distribution patterns, economic growth, environmental protection, income distribution, energy and fuels, transportation, education, health care, food and fiber production, employment, housing, recreation and cultural opportunities, communications, land use, welfare, technology assessment and transfer, and monetary and fiscal policy.

This new office also would provide the means to develop these individual national policies in such a way as to reflect the appropriate interrelationships that obviously exist between and among such policies.

S. 3050 also includes provisions regarding changes in the Congress and provides for a structure to insure program coordination with multistate and State jurisdictions on questions of national policy and priorities.

The bill before us today directs our attention to the problem of resource shortages and provides for the development of some kind of institution to deal with such shortages in the future as well as help avert them. But as important as such an effort will be, it cannot, in my judgment, provide the more comprehensive context required to develop national policies to insure proper supply and management of such measures. In addition to developing recommendations about what type of institution might be required to monitor, analyze and advise the Nation regarding resource requirements and availabilities, the Commission should be asked to develop recommendations regarding the broader needs of the Federal Government with respect to a number of long-range policy questions. We need to integrate the Commission's work on resource supplies and shortages into a broader effort of determining the means for establishing a Federal policymaking process and coordinating system to deal with all national policy issues.

In today's world, everything relates to everything else. No problem, no policy issue can be totally insulated from other problems and policy issues. What happens in agriculture affects our energy policy, our transportation policy, and our foreign policy. What happens in our energy policy affects our transportation policy, our economic policy and our foreign policy. And the litany of interrelatinships between and among policy areas goes on and on.

But unfortunately, our governmental institutions and policymaking processes today are not designed or equipped to reflect those interrelationships or to provide for long-range policy analysis.

Therefore, I wish to offer an amendment to S. 3523 asking that the Commission under this bill also address such needs, needs which I believe are even more important than those addressed in the original bill.

Mr. President, I happen to believe that the purpose of the amendment I have before the Senate will fit in very well with the structure of the bill before us.

The amendment states:

"(c) In order to establish a means to integrate the study of supplies and shortages of resources and commodities into the total problem of balanced national growth and development, it shall additionally be the function of the Commission to make reports to the President and to the Congress with respect to the most appropriate means for establishing a policymaking process within the executive and legislative branches of the Federal Government and a system for co-

ordinating these efforts with appropriate multi-State, regional, and State governmental jurisdictions. The principal function of such policymaking process and coordinating system is to develop specific national policies relating to the achievement of a more balanced regional distribution of economic growth and development, income distribution, environmental protection, supply and conservation of fuels and energy transportation systems, employment, housing, health care services, food and fiber production, recreation and cultural opportunities, communication systems, land use, human care and development, technology assessment and transfer, and monetary and fiscal policy.".

On page 4, line 21. redesignate subsection "(c)" as subsection "(d)".

Also, I have added the supply and conservation of fuel and energy. I have outlined a couple of things I think are related to proper management of our supplies and resources. It is my judgment that the amendment I have offered would help this bill. It would impose, yes, a little additional responsibility. It would in no way detract from the original purpose of the measure before us, and I believe it could offer us a plan of action on an important, broader front in connection with how we work with State and local governments, how Governments plan and use the resources available to them, and how we can establish priorities and goals.

I would be appreciative of getting the reaction of those who sponsored this legislation as to the proposal.

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

Mr. HUMPHREY. I yield.

Mr. MANSFIELD. Mr. President, I would suggest, and I say this most respectfully because of my great admiration and affection for the distinguished Senator from Minnesota, that he not press this amendment, and that this bill not be weighted down. I would hope that the membership would keep in mind that when it was originally considered at a Democratic Conference this proposal was unanimously approved; the leadership was delegated to go ahead and try to work with the Republican leader and together, if we could find our way clear, to work with the joint leadership of the House, and then to join with the administration to see what could be done.

We have endeavored to do that. There have been executive-legislative meetings over a period of 6 weeks. In that period we discussed many things and many ways of meeting an issue which we all considered of vital importance to the Nation.

The reason I ask that this bill not be weighted down is to give the national commission a chance to lay out the guidelines and in that way to bring about approval by the Senate and the House of a permanent facility at the highest level of the Nation to deal with these potential problem areas in terms of our requirements for resources, materials, and commodities and to assess for us the situation that may exist 5 or 10 years hence. The legislation pending covers all the areas which the distinguished Senator mentioned and it goes beyond because it takes in such things, for example, as clean air and pure water, because even these basic items are becoming scarce in parts of the country.

But I urge the Senator to consider the possibility of narrowing his proposal, and to narrow his thinking in relation to S. 3523, which I would hope would not be encumbered too much with respect to this temporary commission whose mandate is very precise. I repeat, this was a unanimous recommendation on the part of every Democrat in the conference earlier this year.

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

Mr. MANSFIELD. Yes, indeed.

Mr. HUMPHREY. If the Senator will bear with me for just a few moments, I wish to say that it is the first few lines of this amendment that I am really interested in. I do not think it runs at all counter to the Senator's proposal or that it weights the bill down.

At least, I would like the Senator to consider the proposal, since the life of the commission has been extended beyond the original 6 months and it, therefore, has more time to do the job.

I would like the Senator to consider this language in the amendment:

"(c) In order to establish a means to integrate the study of supplies and shortages of resources and commodities into the total problem of balanced national growth and development, it shall additionally be the function of the Commission to make reports to the President and to the Congress with respect to the most appropriate means for establishing a policymaking process within the executive and legislative branches of the Federal Government and a system for coordinating these efforts with appropriate multi-State, regional, and State governmental jurisdictions.

Forget the rest of it. It seems to me all we are really saying there as to the study on supplies and shortages is to go ahead and make further recommendations as to how the Federal Government could better work with State and local governments in matters of long-range policy planning.

Mr. MANSFIELD. Yes. This would be a national commission.

Mr. HUMPHREY. Yes.

Mr. MANSFIELD. All-embracing. Unlike what some Senators said this morning, this is not a study commission. We have studies running out of our ears. This is supposed to be an action group.

Mr. HUMPHREY. Yes, sir.

Mr. MANSFIELD. The part the Senator mentioned is satisfactory, but I hope there would be no further amendments to make this any more difficult than it is at the present time.

I remind my Democratic colleagues again that in conference and in the policy committee it was the unanimous wish that the leadership go ahead. The leadership did. It did, to the best of its ability, what it could. And now we find it is not satisfactory. Some Senators want it recommitted. Others want to weigh it down with amendments. I hope that we might recognize that we have done the best we could. The decision, of course, is up to the Senate.

Mr. HUMPHREY. If the majority leader will bear with me a moment, I voted against recommittal.

Mr. MANSFIELD. I know; I am talking about some Senators.

Mr. HUMPHREY. I understand.

The part of the amendment which I would urge be adopted will not weigh down the Commission. It is nothing except a recommendation to the President and the Congress as to a better means of utilizing our resources. It seems to me that should fall very well within the purview of this legislation.

Mr. MANSFIELD. Mr. President, will the Senator yield on that point?

Mr. HUMPHREY. Yes.

Mr. MANSFIELD. The pending bill does call for a report to the President and Congress, so it would fit in, as far as I can see.

Mr. TUNNEY. Mr. President, is the Senator ready to vote on the amendment?

Mr. HUMPHREY. No. I would hope the manager of the bill would accept this amendment, in light of our discussion here.

Mr. TUNNEY. I may say to my distinguished colleague and friend from Minnesota that I have great respect for his ability and judgment. I have analyzed his amendment. I think, in the long term, there is no question that the proposed study will have to be made. However, I would point out to the Senator from Minnesota that what we did yesterday was to cut back the life of the Commission to one year and to cut back the funding to $500,000. The Commission is just not going to be able to study the mechanism of establishing a permanent Commission on Supplies and Shortages and at the same time get involved in the intricate analysis that the Senator's amendment suggests would be necessary. For instance:

The principal function of such policymaking process—

Mr. HUMPHREY. I was canceling out that provision. I said we would start out with line 3 on page 2.

Mr. TUNNEY. But before line 3, page 2, the Senator is talking about—

establishing a policymaking process within the executive and legislative branches of the Federal Government and a system for coordinating these efforts with appropriate multi-State, regional, and State governmental jurisdictions.

That is a very large undertaking, and I point out to the Senator that with a $500,000 budget, the Commission would have, at the most, 10 professional people working for 1 year. I do not see how they are going to be able to analyze the need for a permanent Commission and the structure of that permanent Commission. The proposed task will require much intergovernmental coordination. The members are going to have to receive opinions from various agencies at the Federal level. It seems to me to add that the proposed responsibility with respect to State, regional, and local governments would be an insuperable burden. The Commission could not accomplish it.

Mr. HUMPHREY. Will the Senator yield for just a moment.

Mr. TUNNEY. I yield.

Mr. HUMPHREY. First of all, my amendment is most consistent with the

recommendations of the Governors' Conference. Second, the Office of Management and Budget has made some preliminary studies. I have met with Mr. Roy Ash and visited with him about some of the studies that have been conducted. Third, the original legislation was for 6 months, and was extended as a result of a vote in the Senate. The committee came back with a 3-year provision. It was cut back to 1 year. It is my judgment with the 6-month period that was added, this limited addition to the proposal to report to the Congress and the President on what might be done in terms of improving governments' forecasting policymaking and structural organization would not be an insurmountable obstacle.

I hope we might at least give it a chance. If the Commission cannot do it within that period of time, it can tell us, but I think it can. Much work has already been done. For example, the Senator from Texas (Mr. BENTSEN) has held hearings on the general matter in the Joint Economic Committee. Substantial studies have been made by the executive branch already. Likewise, the other body has made an in-depth study of this matter.

What I think is needed is a commission to pull it all together and make some recommendations. It is not as if we were setting up a new government; we are merely asking for recommendations as to how we can better plan and coordinate actions between the Federal, State, and regional governments, which there is a great need to do.

Mr. TUNNEY. I could not agree with the Senator more. I think there is a great need for that. I think the purpose of the Senator's amendment is excellent. If we had a permanent commission, I would be 100 percent for it, and I would be 100 percent for it if we had a 3-year commission, which is what was recommended by the Senate Commerce Committee almost unanimously. When the bill passed out of committee we had a $1 million funding for 3 years.

Under those circumstances, I think the Senator's amendment would be in order and would be something the commission should take a look at. But now that we have cut back funds to $500,000 and we have a 1-year study commission, I do not see how they are going to be able to analyze the need for a permanent commission, and then analyze alternative possible structures of that permanent commission, and at the same time analyze the process as it relates to Federal, State, and regional governments. That puts too much on the agenda for the commission, and the commission would probably not do anything right.

I happen to be of the opinion that now that we have cut this commission back to 1 year, it is not worthwhile. I question the advisability of another short-term study commission and I am 100 percent in favor of a permanent commission to analyze shortages. As a matter of fact, I was the first Senator to introduce a bill on the subject in this Congress. I do not agree with the joint leadership that the present proposal is adequate. We in the Commerce Committee were working on legislation to develop a permanent commission that would immediately attack the problem of material shortages, monitoring those material shortages, et cetera. Now that the Senate has acted, by a vote of 2 to 1, to cut it to 1 year, I do not see how we can weigh down the Commission with the kinds of responsibilities that the Senator suggests it should have.

Mr. HUMPHREY. Why does not the Senator give it a chance? The majority leader said he had no objection to this limited amount being included, and I really believe it is necessary. I believe we would be derelict in our responsibilities if we did not do it. We would be deceiving ourselves. We cannot be talking about shortages and critical needs without thinking about a better policymaking structure within our Government to work between the Federal, State and local governments. We had a hearing this morning in the Office of Technology Assessment and heard from the National Science Foundation. The problems to be worked out relate to coordination between the State, local, and Federal governments. What we tend to do around here is ignore such matters. What I am trying to do is lay it before that Commission, in a period of time, which I recognize is limited, but which responsibility I believe the Commission is capable of doing. Even the suggestion that the Commission may need more time, if you please, is something which the Commission can advise us on.

I really plead with the Senator from California not to throw this out or cast it aside, because I do not think it will hurt or injure the role of this temporary Commission. To the contrary, I think it will give it extra meaning in its endeavors and purpose.

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

Mr. BROCK. I think the Senator from Minnesota knows I have a very similar concern. I supported him on a number of initiatives in this area.

Mr. HUMPHREY. Yes, I know that.

Mr. BROCK. But I do have to agree with the Senator from California. The Commission is small, the staff is small, and the amount of time is small. I do not know of anybody in the Senate who is more concerned about Federal-State relations and the federal system than I am. I am deeply distressed about the way we have been going.

I would almost be willing to support—I would support—a new commission to study just that problem in its total context. But to lift it out of a policy study on materials and materials shortages does not, to me, deal with the whole scope of the problem. Yet, while it does not deal with the problem, it does, I am afraid, burden or could burden this Commission to the point where it would lose its effectiveness. I am very reluctant to do so. Therefore, I just have to oppose the amendment of the Senator from Minnesota. I wish there were appropriate mechanisms offered, because I would like to support it.

Mr. HUMPHREY. I would like to have a little private visit with my two esteemed friends, because I think that with a little consultation we can work out an amendment which would satisfy everybody.

I think what we ought to do—maybe during a little quorum call—is to huddle for a few moments to see if we can come to a meeting of the minds. This is an opportunity we ought not to pass by, because this is our chance to more than just touch the surface of these difficult problems.

Mr. TUNNEY. I would be happy to discuss it with the Senator from Minnesota during a quorum call.

Before we get to that point, I should say again that the Commission has some very important responsibilities but a very limited budget. You take a look at what the functions of the Commission is. It is supposed to make reports to the President and Congress with respect to the existence of the possibility of any long- or short-term shortages or market adversities affecting the supply of any natural resources, raw, agricultural commodities, materials, manufactured goods, and so forth.

It goes on in section 2 to describe "the need for and the assessment of alternative actions necessary to increase the availability of the items" referred to in the previous paragraph; and then it states "existing policies and practices of government which may tend to affect the supply of natural resources and other commodities." The "government" is left in its generic sense, which would mean not only the Federal Government but also the State and local government.

Then in section 4 it states "the means by which to coordinate information with respect to the other responsibilities" that have been previously enumerated.

The point is that this commission has so much in the way of responsibility now with such a limited budget, that I fear if we start adding additional responsibilities to the commission, what we will have at the end of the year is a commission that has simply reported on the need for a permanent commission to do what the proponents of this legislation say it is supposed to do, and that is to monitor the shortages that exist today, as well as reporting on a structural institutional means of setting up a permanent commission. I do not see how we can keep adding responsibilities to this commission without killing it by the weight of its responsibilities.

I know that the idea is an excellent one. I wish that the Senator had been with us in the debate yesterday. Knowing the silver tongue of my dear friend from Minnesota, maybe he would have been able to convince the Senate better than I was able to that we ought to have a permanent or semipermanent commission of at least 2 years, with a budget of at least $1 million to accomplish these matters.

I know that the Senator was with us in the vote. Unfortunately, I was not able to convince the Senate that we needed this 2-year commission, and we needed at least a budget of $1 million a year, but the Senate now has spoken and we have a 1-year commission with $500,000, and I just do not see how it is going to be able to do what it is supposed to do already.

Mr. HUMPHREY. For the purpose of what we call informal discussion, I sug-

gest the absence of a quorum, and I should like to take it out of my time, if we have any time left.

The PRESIDING OFFICER. Under the precedents, the Senator does not have enough time for a quorum call.

Mr. HUMPHREY. I have not used 30 minutes yet.

The Senator from California is talking on his time, not mine. [Laughter.] I do not want to go into this sharing business too much.

RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes.

The PRESIDING OFFICER. Without objection, the Senate stands in recess for 5 minutes.

At 12:46 p.m., the Senate took a recess until 12:51 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. BIDEN).

Mr. HUMPHREY. Mr. President, this is a reasonable body of reasonable men. We have reasoned together in the spirit of Isaiah, and we have come forth with these suggestions. I shall read the proposed amendment as now modified:

On page 5, at the end of section 4 add a new paragraph as follows:

"In order to establish a means to integrate the study of supplies and shortages of resources and commodities into the total problem of balanced national growth and development, it shall additionally be the function of the Commission to establish an advisory committee to develop recommendations regarding the establishment of a policy-making process and structure within the executive and legislative branches of the Federal Government, and a system for coordinating these efforts with appropriate multi-State, regional, and State governmental jurisdictions. For the purposes of carrying out this provision, there is authorized to be appropriated not to exceed $75,000 for the fiscal year ending June 30, 1975."

The PRESIDING OFFICER. Will the Senator please send his modification to the desk?

The amendment will be so modified.

Mr. HUMPHREY'S amendment, as modified, is as follows:

On page 5, at the end of section 4, add a new paragraph as follows:

"In order to establish a means to integrate the Study of Supplies and Shortages of resources and commodities into the total problem of balanced national growth and development, it shall additionally be the function of the Commission to establish an Advisory Committee to develop recommendations regarding the establishment of a policy making process and structure within the executive and legislative branches of the Federal Government and a system for coordinating these efforts with appropriate multi-State, regional and State governmental jurisdiction. For the purposes of carrying out this provision there is authorized to be appropriated not to exceed $75,000 for the fiscal year ending June 30, 1975.

Mr. TUNNEY. Mr. President, I have had the opportunity to go over this provision with the distinguished Senator from Minnesota, and I think that the structure that he has established in his amendment totally is a good one.

It requires the Commission to set up an advisory committee to handle this additional responsibility, and because the Senator has added some additional funding, money for this effort would not come out of the funding for the Commission. The advisory committee is engaged to handle its responsibility without in any way derogating the ability of the National Commission to undertake its responsibilities.

I think it is a good proposal as it is now worded. I think that the advisory committee can perform a valuable service.

So, with the funding provision and the advisory committee mechanism, I am prepared to accept the amendment.

Mr. HUMPHREY. May I also say how grateful I am to the Senator from Tennessee (Mr. BROCK) for his cooperation in this matter, as well as the Senator from California. Both Senators have been in the forefront of this whole struggle for better coordination of our Federal, State, and local activities.

Would it not also be desirable that, in the legislative history here, we indicate that the advisory committee would make this report to the National Commission, which would in turn make its report to Congress?

Mr. BROCK. I think, if the Senator will yield, that was the intention.

Mr. HUMPHREY. Yes.

Mr. TUNNEY. It was certainly my intention. I think the very nature of the National Commission and the language of section 4 of the bill, which says that the Commission is authorized to establish such advisory committees as may be necessary or appropriate to carry out any specific analytical or investigative undertakings on behalf of the Commission, and that any such committee shall be subject to the relevant provisions of the Federal Advisory Committee Act, make it very clear that this advisory committee would report to the National Commission. So I think the legislative history is very clear that that is what our intention is—the Senator from Tennessee, the Senator from Minnesota, and the Senator from California, the floor manager of the bill.

Mr. BROCK. Mr. President, will the Senator from California yield briefly?

Mr. TUNNEY. Yes.

Mr. BROCK. I wish to express my personal gratitude to the Senator from Minnesota for his willingness to accommodate to the interests of all concerned in working out something in which I think we are all very much interested. I appreciate his leadership and his very gracious remarks.

Mr. HUMPHREY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from California yield back his time?

Mr. TUNNEY. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BIDEN). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Minnesota (Mr. HUMPHREY), as modified.

The amendment was agreed to.

AMENDMENT NO. 1409

Mr. TAFT. Mr. President, I call up my amendment No. 1409 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. TAFT'S amendment (No. 1409) is as follows:

On page 3, line 20, strike the word "shortages" and insert in lieu thereof the following: "shortages; employment, price, or business practices;".

On page 4, line 2, after "ages" insert the following: ", practices,".

On page 4, after line 2, insert the following: "(2) the adverse impact or possible adverse impact of such shortages, practices, or adversities upon consumers, in terms of price and lack of availability of desired goods;".

On page 4, line 3, strike "(2)" and insert in lieu thereof "(3)".

On page 4, line 6, strike "or".

On page 4, line 6, after "adversity" insert the following: "or practice".

On page 4, line 7, after "items" insert the following: ", or otherwise to mitigate the adverse impact or possible adverse impact of shortages, practices, or adversities upon consumers referred to in paragraph (2) of this subsection".

On page 4, line 8, strike "(3)" and insert in lieu thereof: "(4)".

On page 4, line 11, strike "(4)" and insert in lieu thereof "(5)".

On page 4, lines 12 and 13, strike "and (3)" and insert in lieu thereof "(3), and (4)".

Mr. TAFT. Amendment 1409 would make the directive of the temporary National Commission on Supplies and Shortages both more realistic and more responsive to perhaps the principal problem which generated this bill, even though the word is not mentioned once in the text—inflation.

The first change faces up to the fact that our domestic supply problems may not totally be described as the result of "shortages or market adversities," although the latter term is fuzzy enough to leave some doubts.

The amendment states specifically that the commission shall report upon wage, price, and business practices which also may contribute to supply problems. It is no secret, for example, that the sales and goods distribution policies investment decisions and collective bargaining structures in particular industries may have just as much to do with adequate supplies of various items in a given area as actual "shortages." When one reflects that supply problems, and "shortages" for that matter, are often questions of price rather than actual inability to obtain needed items, the necessity of including wage, price, and business practices within the purview of the commission becomes even more clear. While this is always a touchy area for politicians to act upon, it is one which must be included and emphasized if the commission is to seek answers to supply and inflation related problems in a realistic and comprehensive manner.

The second basic change makes clear that the commission is not just to explore the extent of supply-related problems but also to assess their adverse effect, or possible adverse effect, upon consumer in terms of price and lack of availability of desired goods. The commission also would be charged with assessing alternative actions necessary to mitigate these effects.

This change would emphasize that the commission should be oriented toward the "people problems" associated with short supplies, as well as the actual logistical problems of increasing the amount of goods available. The extent to which shortages are a problem depends largely upon the impact of these shortages on Americans' jobs and pocketbooks. Although the question of jobs is treated in the bill through mention of possible impairment of productive capacity, the possible effects of supply problems on consumers are not treated specifically. Most Americans will feel the impact of shortages in the pocketbook, as they have this year. My amendment will help to assure that the commission assesses the magnitude of and deals with this problem.

That the commission confront the inflation issue is all the more imperative because actions which would often increase supplies effectively—price increases—are inflationary in themselves. It is imperative that these kinds of tradeoffs be considered carefully and as a priority of the commission.

The amendment also adds to the bill by emphasizing that there are answers to short supply problems other than increasing availability of the goods in question, such as conservation efforts, research, and stockpiling. Like the other changes, this provision of the amendment recognizes the complexity of the commission's job and should help to foster a more realistic approach to it.

Mr. President, I shall welcome any comments from the managers of the bill on this matter. The language changes are very minor.

I call attention to the fact that the word "wage" has been changed to "employment" line 2 of the amendment as it presently is at the desk.

I reserve the remainder of my time, and yield the floor.

Mr. TUNNEY. Mr. President, I should like to say to the Senator from Ohio that I think the purpose for which the amendment is offered is a good one. The language of the bill implicitly suggests that an adverse impact on consumers should certainly be taken into consideration by the Commission. However, it is not spelled out in detail.

The PRESIDING OFFICER (Mr. BIDEN). Under the previous order, the hour of 1 p.m. having arrived, the Senate will now resume consideration of H.R. 14434——

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator from California may have 2 minutes to complete his statement.

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

Mr. TUNNEY. Mr. President, the Senator from Ohio has enumerated specifically some matters which are important. There is no question that the Commission should take into consideration the adverse impact on consumers. It was the intention of the Commerce Committee that that be accomplished. However, the Senator has most appropriately and constructively offered language which would make this intention very clear. It is consistent with the purposes of the bill. I am prepared to accept the amendment.

Mr. TAFT. I thank the Senator for his comments.

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

Mr. TUNNEY. Mr. President, I yield back the remainder of my time and I want to thank the Senator from Ohio for his constructive offering. I think it will improve the legislation.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio (Mr. TAFT).

The amendment was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed without amendment the joint resolution (S.J. Res. 206) authorizing the Secretary of the Army to receive for instruction at the U.S. Military Academy one citizen of the Kingdom of Laos.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13998) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 14592) to authorize appropriations during the fiscal year 1975 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; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. HÉBERT, Mr. PRICE of Illinois, Mr. FISHER, Mr. BENNETT, Mr. STRATTON, Mr. BRAY, Mr. ARENDS, Mr. BOB WILSON, and Mr. GUBSER were appointed managers of the conference on the part of the House.

SPECIAL ENERGY RESEARCH AND DEVELOPMENT APPROPRIATION ACT, 1975

The PRESIDING OFFICER (Mr. BIDEN). Under the previous order, the hour of 1 p.m. having arrived, the Senate will now resume the consideration of the unfinished business, H.R. 14434, which the clerk will state.

The legislative clerk read as follows:

H.R. 14434, making appropriations for energy research and development activities of certain departments, independent executive agencies, bureau offices, and commissions for the fiscal year ending June 30, 1975, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The pending question is on whether the contested language shall remain in the bill. There is 20 minutes on the germaneness question, to be equally divided and controlled by the Senator from Hawaii (Mr. FONG) and the Senator from Maine (Mr. MUSKIE), with the vote thereon to occur after the time for debate has expired.

Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I yield myself 1 minute on behalf of the Senator from Arkansas (Mr. MCCLELLAN).

I ask unanimous consent that the pending measure remain before the Senate until disposed of or until the close of business today, whichever is the earlier, and that the unfinished business be temporarily laid aside until such time.

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

Mr. MUSKIE. Mr. President, what is the pending question?

The PRESIDING OFFICER (Mr. JOHNSTON). The pending question is on whether the contested language is germane to the bill.

Mr. MUSKIE. I thank the Chair. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized for 5 minutes.

Mr. MUSKIE. Mr. President, I shall be brief in my comments. The question was discussed rather thoroughly on Monday. But the issue before us is simply whether we want to allow the regulatory base of the EPA to be undermined.

The issue is whether the Senate weakens enforcement of the Clean Air Act and the Federal Water Pollution Control Act, because what we have before us is legislation on this appropriation bill, the result of which would be to give the OMB and the Federal Energy Administrator the authority to transfer research programs out of EPA into other agencies of their choosing.

This issue came before the Government Operations Committee earlier this year in just that form.

The Government Operations Committee considered the issue comprehensively, resolved it in legislation which is coming to the floor of the Senate this week or next week, and which appropriately divides the research effort between EPA and the new Energy Research and Development Administration so that EPA will retain its regulatory research functions and ERDA will develop appropriate developmental research functions.

This language in the appropriations bill was raised in connection with the same issue and did not have the comprehensive attention that was given it in the Government Operations Committee. So I hope that the Senate will reject it.

The issue has been complicated by the technical question of germaneness, which is left to the Senate without any Senators listening to the technical argument, because so few are in the chamber, so there is no way for me to make this point to the Senate as a whole.

I say to you, Mr. President, that this issue is too important to be decided on such a technicality with only three or

four Senators present in the Chamber. In light of the fact that the legislative committee which has jurisdiction over the issue has considered it and resolved and voted to report and to make the report available on the Senate floor within the next 2 weeks, it makes no sense whatsoever to resolve the issue on the basis of the cursory examination given to it by the appropriation subcommittee.

On the technical question of germaneness on this portion of the bill, that is, the appropriation for research to EPA, there is no legislation which has come over to us from the House. If there were, we could not touch it by a point of order. That is the nature of the rule. There is legislative language which has come to us from the House on other portions of the bill. The distinguished Senator from Hawaii argues, therefore, that it is appropriate and germane to the bill to attach legislative language to this portion.

To adopt any such loose definition of germaneness as that is to make us helpless. Where we are now only disarmed, we would be helpless to deal with legislation on an appropriation bill that would come to us from the House.

So on the question of germaneness, it is pointless to discuss it with only three or four Senators in the Chamber. The Senator from Hawaii's case does not stand up. But I want to focus the attention of the Senate on the principal issue. It is an important issue. It is a critical issue. It has to do with the viability of EPA's research program designed to enhance its ability to regulate the activities of polluters in this country. That was the judgment of the Government Operations Committee. That was the judgment of the Subcommittee on Environment Pollution. That was the judgment of everyone except the Appropriations Subcommittee on Environment, which gave this only cursory attention.

Mr. President, if those two judgments are balanced, the decision of the Senate should go with the Senator from Maine.

Mr. President, I have tried to state the issue as briefly and succinctly as I can, and I withhold the remainder of my time.

Mr. FONG. Mr. President, this is a special energy research and development appropriation bill. The amendment permits EPA to transfer "so much of the funds as it deems appropriate to other Federal agencies for energy research and development activities." Clearly the amendment is germane to the entire thrust of H.R. 14434. That amendment is exactly parallel with two other provisions in the bill; namely, page 8, lines 7 through 11, and on page 10 lines 20 through 23.

Mr. MUSKIE. Mr. President, will the Senator from Hawaii yield for a question, on my time?

Mr. FONG. I yield.

Mr. MUSKIE. Does the Senator feel that there is no way for us to reach that language by a point of order?

Mr. FONG. You can strike it if you wish.

Mr. MUSKIE. But it cannot be reached by a point of order, as your language can.

Mr. FONG. You can strike it if you wish.

Mr MUSKIE. If you had inserted that House language on the Senate floor in an area in which my legislative jurisdiction committee had jurisdiction, I would be raising that point of order.

Mr. FONG. Mr. President, clearly the amendment is germane to the entire thrust of H.R. 14434, which deals with energy research and development appropriations.

Now, to answer the distinguished Senator from Maine on the principle of the amendment, the prime reason for the present bill is to provide funds to coordinate and speed up the various research and development programs in the energy field.

Mr. MUSKIE. Mr. President, will the Senator from Hawaii yield for another question?

Mr. FONG. I have only 10 minutes——

Mr. MUSKIE (continuing). That will be on my time—on my time.

Mr. FONG. All right, I yield.

Mr MUSKIE. Is that not the purpose of the ERDA bill which has been reported by the Government Operations Committee and which has been before the Government Operations Committee for weeks and which will be sent to the floor of the Senate? Is that not the bill which sets the policy? Is that not the bill which creates the agency? You do not do that in appropriations but you do that in legislation. That is what we are doing. I am urging the Senate to set the policy in that bill.

Mr. FONG. The ERDA bill has not yet been passed. The question of policy has already been set, which I will come to.

The bill is an urgent bill. We must move ahead as fast as we can in developing an overall energy policy and energy program. Research is a crucial element in our national energy program. The Environmental Protection Agency requested the subject language in the pending appropriation bill.

Although the agency was allowed a considerable increase in funding in 1975 as compared with its budget in 1974, the budget estimate contained no provision for increased personnel. We have no assurance that there will be any increase in personnel are forthcoming, in order to obtain the greatest benefit from the funds appropriated, the agency should have some flexibility and be given the option to utilize the expertise and services of other agencies and to allow those agencies to contract with private contractors.

EPA also needs to cooperate and coordinate its activities with other Federal agencies.

In connection with the principle of transferring funds from EPA to other agencies, that is already in the law. EPA presently has authority to transfer funds to other Federal departments and agencies. I refer Senators to title 31 of the U.S. Code, section 686. That is the authority for EPA to transfer the funds to any agency.

This authority is for in-house research by the Federal departments and agencies receiving transfers of R. & D. funds from EPA.

In other words, EPA could transfer this money to any agency, and that agency would have to use it for in-house research purposes.

What EPA wants now is authority for this money received by the transferee agency to be contracted out by the transferee agency to private contractors. That is the only reason why we have these words in the bill.

The only authority EPA now lacks is authority to transfer funds to other departments and agencies for those departments and agencies to use in contracting out R. & D. projects to outside, non-Federal organizations. It is this pass-through authority EPA seeks by its May 15 letter to the chairman of the Senate Appropriations Subcommittee, the Senator from Wyoming (Mr. McGEE). EPA has requested this language.

The transfer authority is permissive, not mandatory. If EPA has any doubts that the agency to which it transfers funds would use the funds for research not in accord with the goals of the Clean Air Act, EPA would not need to transfer such funds.

EPA will retain as much control over the use of the research and development funds it transfers under the authority recommended in H.R. 14434 as it now has under the existing authority to transfer.

One point has been developed during the course of this debate which I would like to clarify. That is the charge that the inclusion of this language is an attempt to gut the Clean Air Act and the clean air programs. I want to assure my colleagues, as forcefully as I am able, that this is not the case.

The Appropriations Subcommittee, on which I am privileged to serve as ranking minority member, and the full Appropriations Committee have both strongly and consistently supported the Clean Air Act as well as most other environmental programs.

We have consistently added funds in excess of the administration budget estimates for these programs.

In our hearings this year on a bill for fiscal 1975, the Senator from Maine presented a detailed and forceful statement in support of additional funding on various environmental programs, including clean air.

While I am not in a position to advise what action the subcommittee will take on these suggested amendments, I know that they will be carefully considered when we meet to mark up the bills within the next couple of weeks.

I repeat what I have said earlier, that this language was included in this bill at the specific request of the Environmental Protection Agency. The agency requested it and it has written a letter, which I have not yet received. That letter is forthcoming. They said they will send it to my office. That letter will say that they want these words in the bill.

Mr. President, I have every confidence that the EPA Administrator, Mr. Russell Train, a man whose credentials in the field of environmental protection are impeccable, will, if given this language in the bill, do his very utmost to see that every nickel spent for research, whether by his agency, by other Federal agencies, or by private contractors receiving

EPA transferred funds from those departments or agencies, will be for research projects that are designed to help our Nation meet the objectives of the Clean Air Act and the Federal Water Pollution Control Act.

We must face the fact that EPA simply cannot do all the necessary research in the field of environmental controls as in-house research. It must, of necessity, deal with other Federal agencies who have expertise which EPA does not have.

I am confident that Mr. Train will exert his utmost effort to make sure that any EPA funds used in research by other agencies or used by those agencies to award contracts to organizations in the private sector, will be in accord with EPA's environmental goals.

Mr. President, I should like to read the letter from Mr. Train, which I have just received:

DEAR SENATOR FONG: In response to conversations between your staff and EPA staff concerning the Energy R&D Appropriations Bill H.R. 14434 currently under debate in the Senate, I wish to emphasize that I strongly believe that EPA needs legislative authority which would permit other agencies to contract from funds transferred by EPA to carry out needed research activities.

As you know, the Economy Act of 1932, as amended (31 USC 686), specifically prohibits contracting with private industries or institutions by an agency which is the recipient of transferred funds. The Economy Act recognizes that in some cases contracting under these circumstances would be legitimate, but specific legislation would be required to allow such contracting. EPA's request to the Committee of May 15, 1974, is consistent with that procedure.

A decision has not been made as to specific amounts that would be included in pass-through to other agencies. The language that is requested is needed and is essential to assure balanced energy R&D efforts.

Although we are still discussing specific projects with other Federal agencies, I am enclosing a list of projects which would be logical candidates for transfer, if the requested authority were enacted. If the Congress acts favorably on our request, we will keep you and the Committee informed of our use of this authority.

Again, let me reiterate my strong belief that failure to provide EPA clear authority to allow transferred funds to be used for contract purposes would seriously hamper our overall energy R&D efforts, particularly as this research is necessary to support our Clean Air Act efforts.

Sincerely,

RUSSELL E. TRAIN.

Mr. President, the distinguished Senator from Maine has made a mountain out of a molehill. EPA now has this authority to transfer funds to any agency it desires in the Federal Government. The only thing that EPA's transferred funds cannot be used for by the transferee agency is for contracts with private contractors. This is the only issue involved.

The only new thing that is in this bill is the authority to the transferee agency to contract with private contractors. The transferee now has the right to receive the money; EPA now has the right and the authority to transfer the money. It can transfer funds to any Federal authority to which the EPA administrator feels he would like to transfer the money. The only thing is, if he transfers it without the authority proposed in the pending bill, that transferee authority cannot make a contract with a private contractor.

If the EPA administrator has the right to transfer funds to another Federal authority, why should not that Federal authority be allowed to contract with a private contractor? This is the gist of what we are discussing. So I say the distinguished Senator from Maine is making a mountain out of a molehill in fighting this part of the appropriation bill.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the question.

The yeas and nays were ordered.

Mr. MUSKIE. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. MUSKIE. Mr. President, let me make these points. First, there has been a concerted effort by OMB to transfer all research funds out of EPA to ERDA. That is not a mountain out of a molehill. That issue was discussed in the Committee on Government Operations and it was resolved to protect EPA's legitimate interests and ERDA's legitimate interests.

The request for this authority, strangely, was never submitted to the Committee on Government Operations while we were considering this broad issue. It was offered only after the effort lost in the Committee on Government Operations. Only then was this end run tried to do in the Appropriations Subcommittee what OMB did not succeed in doing in OMB. Why, I ask?

Next, I have been in touch with EPA to find out what plans they have for using this authority. They could not give me a single project.

Next point. The language in this bill is much broader than the justification that the Senator offers from EPA. This language is broad enough to accomplish what OMB tried to do in the Committee on Government Operations and did not succeed. This language is broad enough to transfer all research money out of EPA to whatever agency OMB picks.

For 10 years I have had to deal with EPA and those who seek to undermine EPA and its predecesors. We stay in touch with the Agency and we like to think we know what is going on and the forces that are moving.

With all respect to the Appropriations Subcommittee, they have had responsibility in this field for 3 years, and only with respect to appropriations. They have no legislative background in this field and they know I have been making efforts in the last few years to work with them with respect to legislative policy. Yet they bring this end run to the floor of the Senate in order to cut off a decision that we carefully, thoughtfully, and comprehensively made in the Committee on Government Operations over the last few weeks. This is not a mountain out of a molehill. It is a very big mountain, as big as those in the islands of Hawaii. The Senator from Hawaii sees those mountains, but he fails to see this one, not because his motives are bad but because he does not see the forces moving here that have been very visible from my perspective.

The issue is, Do we take this step to undermine the research programs of EPA which are essential to the protection of the Clean Air Act? That is as simple as I can state it.

Mr. FONG. Mr. President, have I time remaining?

The PRESIDING OFFICER. All time has expired.

The Chair, under Senate rule XVI, now submits to the Senate the question raised by the Senator from Hawaii (Mr. FONG), namely, Is the amendment germane or relevant to the subject matter of the House-passed bill?

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Mr. President, as I understand the issue as it will be submitted to the Senate, an affirmative vote would be a vote to uphold the germaneness of the language in the bill.

The PRESIDING OFFICER. That is correct.

Mr. McCLELLAN. A "no" vote would be to reject it as not germane.

The PRESIDING OFFICER. That is correct.

On this question the yeas and nays have been ordered, and the clerk will call the role.

The assistant legislative clerk called the role.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), and the Senator from Alaska (Mr. GRAVEL) are necessarily absent.

I further announce that the Senator from Montana (Mr. METCALF) and the Senator from Missouri (Mr. SYMINGTON) are absent because of illness.

I also announce that the Senator from Iowa (Mr. CLARK) is absent because of illness in the family.

I also announce that the Senator from Wyoming (Mr. McGEE) is absent on official business.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "aye."

The yeas and nays resulted—yeas 40, nays 50, as follows:

[No. 251 Leg.]

YEAS—40

Bartlett	Eastland	McClure
Beall	Fannin	Pastore
Bellmon	Fong	Pearson
Bennett	Fulbright	Roth
Bible	Goldwater	Scott, William L.
Brock	Griffin	Stennis
Buckley	Gurney	Stevens
Byrd, Harry F., Jr.	Hansen	Taft
Byrd, Robert C.	Helms	Talmadge
Cook	Hollings	Thurmond
Curtis	Hruska	Tower
Dole	Long	Weicker
Dominick	Magnuson	Young
	McClellan	

NAYS—50

Abourezk	Hart	Moss
Aiken	Hartke	Muskie
Allen	Haskell	Nelson
Baker	Hathaway	Nunn
Bentsen	Huddleston	Packwood
Biden	Hughes	Pell
Brooke	Humphrey	Proxmire
Burdick	Inouye	Randolph
Cannon	Jackson	Ribicoff
Case	Johnston	Schweiker
Chiles	Kennedy	Scott, Hugh
Church	Mansfield	Sparkman
Cotton	McGovern	Stafford
Cranston	McIntyre	Stevenson
Domenici	Metzenbaum	Tunney
Eagleton	Mondale	Williams
Ervin	Montoya	

NOT VOTING—10

Bayh	Javits	Percy
Clark	Mathias	Symington
Gravel	McGee	
Hatfield	Metcalf	

The PRESIDING OFFICER. On this vote there are 40 yeas, 50 nays. The Senate having voted that the amendment is nongermane, the Chair now rules that the amendment is legislation; therefore, the point of order raised by the Senator from Maine is sustained, and the amendment is out of order.

The bill is open to further amendment.

Mr. HASKELL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report it.

The legislative clerk proceeded to read the amendment.

Mr. HASKELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 8, line 1, delete "$1,023,690,000" and insert in lieu thereof "$1,022,250,000"; on line 14 delete "." and insert in lieu thereof ": *Provided further*, That none of the funds herein appropriated shall be used to further research and development efforts for technology which is solely applicable to nuclear stimulation, except those funds required to complete the technical and economic assessment of Project Rio Blanco, detonated May 17, 1973."

Mr. HASKELL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HASKELL. Mr. President, the purpose of the amendment is extremely clear. It is similar to an amendment which I proposed on Monday. However, since Monday, discussions with my distinguished colleagues on the Appropriations Committee have resulted in narrowing our differences of opinion to a very simple issue. I seek to delete from the energy appropriation bill an amount of money which would be devoted solely to research on the nuclear stimulation of natural resources.

I do not seek to eliminate money for basic research, which could go either for conventional research or for nuclear research. I do not seek to eliminate moneys for evaluating a nuclear stimulation shot in the State of Colorado that occurred last year.

My purpose is merely to eliminate those moneys applicable to basic research solely on nuclear stimulation.

Mr. PASTORE. Mr. President, may we have order in the Chamber? This is a very important subject.

The PRESIDING OFFICER. Let there be order. The Senator from Colorado is entitled to be heard.

Mr. HASKELL. The question, Mr. President, is why oppose nuclear stimulation?

Before I address myself to that subject, I wish to congratulate the committee for putting the extra moneys in the bill for the research of development of the technology for conventional stimulation of natural gas and oil shale.

In western Colorado, in Utah and, I presume, in Wyoming, there are some tight sand formations that contain a considerable quantity of natural gas. There are two ways of breaking up those sands so that the gas may flow through and come to the Earth's surface. One is by conventional hydrofracturing. Pursuit of this technology, incidentally, is something that was recommended last year, and I am pleased to see that the Appropriations Committee has included money for further research. Furthermore, the Atomic Energy Commission recently entered into a joint venture project with a private corporation to try out conventional hydrofracturing in western Colorado.

The other method by which these sands can be fractured is by use of nuclear devices. To be successful in stimulating or recovering 300 trillion cubic feet of gas from this field in western Colorado and the adjacent States, the Federal Power Commission estimates that 29,680 nuclear explosions will have to take place.

I invite attention to the amount of radiation that is generated by one nuclear stimulation.

I have here—and I shall send it to the desk afterward—a letter from the Chairman of the Atomic Energy Commission addressed to me, dated March 2, 1973, in which Chairman Ray, or rather Dr. Fleming and Dr. Johnson on behalf of Chairman Ray, state the amount of radioactive substances that would result from what is known as the Rio Blanco project, a project seeking to stimulate gas in western Colorado.

I read just one sentence from this letter:

One year after the detonation the total in the immediate chimney region will be about 10^8 curies.

Mr. BIBLE. Mr. President, will the Senator yield at that point?

Mr. HASKELL. Certainly.

Mr. BIBLE. I hope the Senator will put the entire letter in the RECORD.

Mr. HASKELL. I will.

Mr. BIBLE. All right. Perhaps I am anticipating what the Senator is going to say.

Mr. HASKELL. Mr. President, I may say to my friend from Nevada that I am holding onto this merely so that I can read one sentence. I will send it to the desk and ask that it be printed following my remarks.

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

(See exhibit 1.)

Mr. HASKELL. What is 10^8 curies? I did not know. I called up a friend of mine who does know this type of thing. I read the letter and read that particular sentence to him. He said something more forcefully than "wow," but "wow" will suffice here.

I said, "Well, now, please describe to me what this is." He said that if you put this amount of radioactive material on the steps of the Capitol, you would get rid of Washington. Admittedly, some people might think that is desirable, but you would get rid of Washington and some of the surrounding area.

Mr. President, the Atomic Energy Commission takes the position that there is no danger. The Atomic Energy Commission takes the position that this radioactive material buried in the ground will not go any place. It is buried down below the Colorado River, it is down below many of the underground streams. They take the position it cannot escape.

They further take the position, or they took the position, that the tritium, which is a radioactive substance that mixes with the gas, would not come to the Earth's surface unless they purposely flared it.

Two things occur to me in this regard, Mr. President: No. 1—and this is not my thought, but again, it was given to me by my friend—he said, "I guess the Atomic Energy Commission has not heard of the inigration of minerals." As most of us know, mineral deposits were formed by a migration over a long period of time until sufficient deposits collected under the Earth.

Therefore, it is entirely possible that these minerals could migrate.

Prior to the Rio Blanco detonation the AEC also said that the tritium could not come to the Earth's surface. Well, as a matter of fact, Mr. President, it did happen. It happened a few months ago.

The leak of tritium was small and, therefore, did not endanger the people in that part of my State. But my point in bringing this up is that prior to the leak they said it could not happen. But it did happen.

So I say, Mr. President, if exploding one nuclear device results in 10^8 curies of radioactive material being buried beneath the Earth's surface 1 year after the explosion the question before us is: Do we really want to explode 29,000 more?

My point is, Mr. President, that as a matter of national policy the risks involved are by no means worth the candle. It is this very simple issue to which my amendment addresses itself.

With that, I will reserve the remainder of my time.

Exhibit 1 is as follows:

EXHIBIT 1

U.S. SENATE,
Washington, D.C. February 14, 1973.

Hon. DIXIE LEE RAY,
Chairman, U.S. Atomic Energy Commission, Washington, D.C.

DEAR DR. RAY: I would appreciate it if you would have a member of your staff let me know as soon as possible two items concerning the proposed Rio Blanco shot in Colorado—

(1) The quantity of each radioactive element resulting from the shot; and

(2) The Commission's recommendations as to disposal or containment.

I realize the answer to my second question might take a little time but assume that the answer to my first question is immediately available and therefore would appreciate an answer to this as promptly as possible.

Thank you in advance for your courtesy.

Sincerely,

FLOYD K. HASKELL,
U.S. Senator.

MARCH 2, 1973.

Hon. FLOYD K. HASKELL,
U.S. Senate,

DEAR SENATOR HASKELL: The following information is provided in reference to your letter to Chairman Ray of February 14, 1973. Enclosure 1 provides a description of what happens when a nuclear explosive is detonated underground and is included as background information.

The radioactive material resulting from a nuclear explosion is produced by three different processes. There is a certain amount of unfissioned fissionable material. In the case of the DIAMOND device which is planned to be used on the Rio Blanco project (three 30-kiloton devices), the amount and composition of this material is classified to protect nuclear explosive design information.

The second type of radioactive material is the fission products which are the new elements of lower atomic weight produced when a heavy fissionable nuclide is split or fissioned. The amounts of these materials per kiloton of fission yield are constant and the amounts for Rio Blanco are given in Table I, Enclosure 2.

The third source of radioactivity is neutron activation. During the fission process, some neutrons interact with the explosive parts and with the surrounding rock to produce radioisotopen. The amounts and types of neutron activation will vary depending on the elemental makeup of the rock at the detonation point. The primary neutron activation products for Rio Blanco are listed below:

Primary neutron activation products for Rio Blanco:

^{42}K	^{59}Fe
^{24}Ha	^{46}Sc
^{54}Mn	^{45}Cn
^{56}Mn	^{203}Hg
^{55}Fe	

The amounts are classified, again to protect nuclear explosive design information.

With the exception of the gaseous radioactive materials which I will describe in more detail, it is not expected that any of the radioactivity produced by the Project Rio Blanco detonations will be transported outside of the immediate cavity area. Most of this remaining radioactivity is nonvolatile and will be permanently incorporated either in three zones or resolidified molten rock (puddle glass) or on rock surfaces in the chimney region. It is estimated that the total amount of nonvolatile radioactivity one hour following the detonation is 4 × 10^{10} curies. One year after the detonation the total in the immediate chimney region will be about 10^6 curies. The amount of radioactivity continues to decrease with time.

The only radionuclides which reach the surface are those gaseous products which are removed from the chimney with the natural gas. The total amounts produced and the quantities estimated to be released during flaring are given in Table 3-3 of the Rio Blanco Environmental Statement. The total amounts produced are given below in curies and grams. All these numbers except Kr-85 are maximum values since the actual values are classified to protect nuclear explosive design information.

INITIAL RADIOCHEMICAL COMPOSITION OF RIO BLANCO CHIMNEY GAS

[90 days after detonation]

Nuclides	Half life	Total production (Ci)	Total production (g)
Tritium (H-3)	12.3 years	3,000	0.3
C-14	5,370 years	22.5	5.05
Ar-37	35.1 days	15,000	.15
Ar-39	270 years	20	.59
Kr-85	10.76 years	2,000	5.1

In addition, there may be trace amounts of Bg-203 (46.6 day half life). The concentration in the gas would be extremely low (estimated at less than 0.001 pci/cc) and there would be no health effects from this source.

With respect to your second question, the Commission's position as to disposal and containment are outlined in Sections 3, 4 and 5 of the Rio Blanco Environmental Statement (copy enclosed).

I hope this information will be of use to you, I regret that we cannot be more quantitative in an unclassified letter; however, we would be happy to provide you with a classified briefing on this subject if you desire.

Sincerely,

(S) EDWARD H. FLEMING,
GERALD W. JOHNSON,
Director, Division of Applied Technology.

TABLE I.—FISSION PRODUCT ACTIVITY IN CURIES AT VARIOUS TIMES AFTER DETONATION OF 3 30-KT NUCLEAR EXPLOSIVES

Nuclide	Activity		
	D plus 30 days	D plus 90 days	D plus 180 days
^{85}Kr	2.05×10^{3}	2.03×10^{3}	2.00×10^{3}
^{89}Sr	1.6×10^{6}	6.8×10^{5}	2.0×10^{5}
^{90}Sr	1.4×10^{4}	1.4×10^{4}	1.4×10^{4}
^{91}Y [1]	1.4×10^{4}	1.4×10^{4}	1.4×10^{4}
^{91}Y	1.8×10^{6}	9.2×10^{5}	3.2×10^{5}
^{95}Zr	2.0×10^{6}	1.1×10^{6}	4.0×10^{5}
^{95}Nb [1]	1.1×10^{6}	1.3×10^{6}	7.2×10^{5}
^{99}Mo	3.6×10^{4}	----------	----------
^{99}Tc [1]	3.6×10^{4}	----------	----------
^{103}Ru	1.2×10^{6}	4.3×10^{5}	9.2×10^{4}
103^{m}Rh [1]	1.2×10^{6}	4.3×10^{5}	9.2×10^{4}
^{106}Ru	4.5×10^{4}	4.0×10^{4}	3.4×10^{4}
106Rh [1]	4.5×10^{4}	4.0×10^{4}	3.4×10^{4}
^{111}Ag	1.7×10^{4}	6.7×10^{1}	----------
^{113m}Cd	1.2×10^{3}	4.5×10^{2}	1.1×10^{2}
^{115}Cd	5.8×10^{3}	----------	----------
^{115m}In [1]	6.1×10^{3}	----------	----------
^{123m}Sn	1.3×10^{3}	9.2×10^{2}	5.6×10^{2}
^{124}Sb	2.7×10^{2}	1.3×10^{2}	4.7×10^{2}
^{125}Sn	4.9×10^{4}	5.8×10^{2}	----------
^{125}Sb	5.4×10^{3}	5.6×10^{3}	5.4×10^{3}
^{125m}Te [1]	2.9×10^{2}	7.4×10^{2}	9.9×10^{2}
^{125}Sb	2.0×10^{4}	7.2×10^{2}	----------
^{127}Sb	1.6×10^{4}	----------	----------
^{127m}Te	1.6×10^{4}	1.1×10^{4}	6.3×10^{3}
^{127}Te [1]	3.4×10^{4}	1.1×10^{4}	6.3×10^{3}
^{129m}Te	3.2×10^{4}	9.4×10^{3}	1.5×10^{3}
^{129}Te [1]	2.0×10^{3}	5.9×10^{3}	9.5×10^{2}
^{131}I	9.7×10^{5}	5.6×10^{3}	2.3
^{131m}Xe	1.6×10^{4}	1.1×10^{3}	----------
^{133m}Xe	2.0×10^{2}	----------	----------
^{133}Xe	5.8×10^{6}	2.2×10^{2}	----------
^{134}Cs	1.7×10^{6}	6.8×10^{3}	5.6×10^{1}
^{137}Cs	1.7×10^{4}	1.7×10^{4}	1.6×10^{4}
^{137}MBa [1]	1.6×10^{4}	1.6×10^{4}	1.5×10^{4}
^{140}Ba	2.5×10^{6}	1.0×10^{5}	7.7×10^{2}
^{140}La [1]	3.1×10^{6}	1.2×10^{6}	8.8×10^{2}
^{141}Ce	2.7×10^{6}	7.6×10^{5}	1.2×10^{6}
^{143}Pr	2.5×10^{6}	1.2×10^{6}	1.3×10^{3}
^{144}Ce	4.7×10^{6}	4.1×10^{5}	3.2×10^{5}
^{144}Pr [1]	4.7×10^{6}	4.1×10^{5}	3.2×10^{5}
^{147}Nd	9.2×10^{4}	2.2×10^{4}	7.9×10^{3}
^{147}Pm	5.6×10^{4}	6.5×10^{4}	6.1×10^{4}
^{149}Pm	1.6×10^{3}	----------	----------
^{151}Sm	4.7×10^{3}	4.7×10^{3}	4.7×10^{3}
^{153}Sm	7.6×10^{1}	----------	----------
^{154}Eu	3.2×10^{3}	2.9×10^{3}	2.7×10^{3}
^{155}Eu	1.2×10^{4}	7.4×10^{3}	----------
Total	2.3×10^{7}	7.0×10^{6}	2.9×10^{6}

[1] Nuclides in transient or secular equilibrium with the isotope listed immediately above.

TABLE II.—PRIMARY NEUTRON ACTIVATION PRODUCTS FOR RIO BLANCO

^{42}K	^{54}Mn	^{46}Sc
^{24}Na	^{59}Fe	^{45}Ca
^{54}Mn	^{59}Fe	^{203}Hg

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. What is the time situation?

The PRESIDING OFFICER. There is half an hour on each side.

Mr. McCLELLAN. How much time has been consumed so far?

The PRESIDING OFFICER. The Senator from Colorado has used 9 minutes.

Mr. McCLELLAN. I yield to the distinguished Senator from Nevada whatever time he may require.

Mr. BIBLE. I thank the chairman of the committee and also the chairman of the subcommittee that handled and heard this matter. That was the Senator from Mississippi (Mr. STENNIS), but he asked if I would handle it, since I have some familiarity with the plowshare program.

Mr. President, I appreciate the concerns and worries of my friend from Colorado. As Members of the Senate know, we discussed this proposed amendment at some length on Monday. I had hoped we might be able to reach an accord in the interest of time in trying to work out the problem, but unfortunately we were unable to accomplish that.

As I said on the floor of the Senate on Monday, those of us who come from Nevada are very, very familiar with this problem to which the Senator from Colorado addresses himself, and I am sure I am correct to say that in the whole wide world there has never been as much underground devastation by nuclear explosions as there has been on the Nevada test site, and before the ban there were explosions above the ground.

I think it is significant to note, in commenting on the statistics that the Senator from Colorado used relative to the Rio Blanco shot—and I wish he would correct me if I make a mistake—that the radioactive material was all contained underground, that there was not any escape, as nearly as I know except for possibly a minor, infinitesimal leakage into the atmosphere. Is that a correct statement?

Mr. HASKELL. If I may refer to the RECORD for a second, on my time, there was a very, very small leak of tritium, as I stated previously, and not enough leaked, as far as I know, to harm anybody.

Mr. BIBLE. I understand the Senator's concern on it. He has been very frank, very honest, very straightforward about it. He just does not want any more tests involving nuclear devices and nuclear explosives.

In order to try to accommodate ourselves to the worries of our friends from Colorado, in the Rio Blanco detonations, and those of our friends in Wyoming who have oil shale and who have the same

concern, we discussed this matter at length within the committee. During the meeting we asked our fellow member of the committee, the Senator from Wyoming (Mr. McGEE) to come over to the markup if he could accommodate his own schedule, and he did.

As a result of this coming over and discussion on the program, we wrote, not into the report but into the bill, an absolute prohibition of any field testing of nuclear explosives in the recovery of oil and gas in two appropriations contained in the bill, in the AEC section of the bill and in the Bureau of Mines section of the bill.

It appeared and occurred to me then, as it does now, that this is ample protection, and that these funds provided in this bill will be used to carry out research and work in the laboratory for the most part.

As we studied the suggestions made by the Senator from Colorado to separate and strike out the strictly nuclear work from the conventional research, when we last discussed this on Monday, it was apparent the two were so thorcughly intermixed and intertwined that I did not see any way that they could properly be separated.

Additionally, I do not see, personally, any objection at all to finding out whether we can best fracture rock in the oil shale areas or to stimulate natural gas development by nuclear methods or whether we should use the conventional TNT or dynamite, or whether we should go to some other method.

That, really, is what this is all about. But, in any event, whatever decision they come up with, there will be absolutely no field testing for the upcoming year. It is prohibited in the bill—not in the report in the bill—and I am sure the AEC would abide by that prohibition.

Those of us who, as I say, have lived under the shadow of the mushroom when it was exploded above the ground, and have devastated the underground unmercifully by underground tests—and they are going on; we have lived with this—hear the same type of concerns expressed time and time again. As my colleague from Nevada (Mr. CANNON) can vouch, we have been called out of bed at various hours of the night by various people to try to stop some of these shots. We discuss it with AEC, and there is always some fear; there is always a little fear that it is going to shake down many of the buildings.

These were shots of high megatons, but the buildings survived, Las Vegas survived, and Clark County survived and continued to prosper, and the people now have very little fear.

Earlier, they did have a fear of the underground shocks.

I do not challenge nor do I question anyone's sincerity about the tremendous, awesome power of an explosion of an atomic device. We all know the Hiroshima and Nagasaki story, and that is enough to strike fear in anybody.

But here we are attempting, in a limited and a refined way, to have detonation of nuclear devices for peaceful uses. As we have gone more and more into the uses of nuclear power, we are trying to turn it to peacetime rather than wartime uses.

I think these uses should be explored. I reiterate that there will be no tests; they are prohibited under this bill. I can assure my friend from Colorado there will be no field tests whatever, even underground, of nuclear devices in the plowshare program during the fiscal year 1975, under the bill to which this amendment addresses itself.

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

Mr. BIBLE. I yield to the Senator from Rhode Island (Mr. PASTORE), who is the greatest authority alive on the uses of atomic energy. I do not know what he is going to say; maybe I should not yield to him.

Mr. PASTORE. Mr. President, I certainly thank the Senator. It is nice to smell the roses while you are alive.

Mr. BIBLE. I agree.

Mr. PASTORE. I congratulate the Senator from Nevada for his very meticulous surveillance of this whole matter. He, like myself, is a member of the Joint Committee on Atomic Energy.

There is no question at all that we are dealing with an awesome power, with all the questions that raises in the minds of those of us who have been connected with it for a long, long time. I have been connected with it ever since I came to the Senate.

We have reached the point now of deciding whether or not we are going to use this tremendous power exclusively to kill.

Mr. President, may we have order, please?

The PRESIDING OFFICER (Mr. JOHNSTON). The Senate will be in order.

Mr. PASTORE. Whether we are going to use this awesome power to kill, or whether we are going to make it useful to mankind.

I do not think that anyone can slough this off as being a frivolous subject. It is not. I think that the Senator from Colorado has every right to have apprehensions.

We have had certain incidents—thank God, they have not been serious—but the record that we have in atomic energy is better than any other safety record we have in any other facets of industry in this country. We have proved that over the years. That is a recorded fact.

I would not want to see this whole thing shut off. I am afraid that that is what the Senator from Colorado is doing, in a sense. He is shutting off this whole attempt to see if we cannot use atomic power, not 29,000 shots at one time, but maybe next year or the year after, or some time after this particular bill expires; because, as I understand it, with the modification that has been made, we are not going to have an underground shot as a result of this appropriation. Am I correct?

Mr. BIBLE. That is correct. Let me read from the language in the bill:

Provided further, That no part of the sum herein appropriated shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

Those are the dollars we are talking about. That is what the bill says.

Mr. PASTORE. The day might well come when we have actually run out of natural gas or oil that we can obtain by conventional means. I say that if there is any natural gas or any oil shale to be gathered by natural, conventional means, we should do it. Atomic energy should only be used in those cases where we cannot do it in any other way. I would not like to see it shut off at this point, because this is an opportunity that we have but once in a lifetime. If we begin to repose ourselves into the frame of mind where we will cut this thing off completely at this juncture, it would be a serious mistake.

I hope that the Senator from Colorado will understand that we are on his side. We understand his apprehensions. We do not want to do anything to hurt anyone. But I hope we will not go to the extreme of shutting it off completely because it may be the only answer, one day, when we might have to get oil shale or to get natural gas which is locked way, way down, deep in the Earth.

Mr. BIBLE. Mr. President, I appreciate the contribution of the Senator from Rhode Island. May I make an additional observation, from what I have understood today in talking to people who have the knowledge and the expertise in this field, that it is very likely it will be more economically feasible to do this fracturing in oil shale areas by conventional means, explosives, dynamite, or by water fracturing. These, too, might turn out to be the indicated ways to deal with releasing the vast reservoirs of natural gas that lie under the ground.

Mr. GOLDWATER. Mr. President, I have an interest in this amendment because we are already preparing for an atomic blast underground on the site of a copper mine in central Arizona. It is the feeling of those who are attempting this blast that, if successful, we can obtain pure copper as a result and eliminate the current process.

The question I should like to ask—and I am glad that the Senator from Rhode Island is in the Chamber—are these blasts going to be the fusion type or the fission type; does the Senator know?

Mr. PASTORE. The fact is that thermonuclear power is clean power. That would be fusion power as against fission power, which is dirty power. The atomic bomb is fission and the hydrogen bomb is fusion. The trouble is that we have not reached the point where it is 100 percent pure. Once we get it, it will be a combination of the two. There is no question that there is radiation contamination but the point is that it has to be done in such a way that it will not come out into the atmosphere.

Mr. GOLDWATER. One other question, which was directed to me, How many underground explosions have there been in Nevada at the test site?

Mr. BIBLE. I cannot supply that information immediately, but I will be happy to get it for the Senator.

Mr. PASTORE. I cannot give the Senator the figure, but it is many—very many.

Let me give the Senator the example of Amchitka, where the Senator will remember the fear that was expressed on

the floor of the Senate at that time, that we would inundate all of Hawaii, that there would be earthquakes and floods.

What happened? Jimmy Schlesinger, who at that time was Chairman of the Atomic Energy Commission, took his whole family there, and he went there to witness the shot. It was a successful shot. As a result of that successful shot, that is how we got the warhead for the anti-ballistic missile, and that is also how we got the SALT I agreement—all because of the Amchitka shot. And no one was hurt.

Mr. GOLDWATER. The reason I have asked the question about numbers is that I cannot recall one instance of any damaging material being released. I think it was detected at Littlefield in Arizona, but it never bothered anyone.

Is there any record of maiming, or of any deaths resulting from underground tests?

Mr. BIBLE. I can respond to that, to the best of my memory and knowledge, by saying that there may have been some burning, some loss of hair, some loss of livestock, because of the so-called genetic effect. That may have happened at the time we had the explosions above the ground, but after they went underground to explode, to the best of my memory and my knowledge there have been no reactions or any damage other than a slight tremor. An explosion shook one building, and its owner was very happy because she got a new building out of it—it was a very old and dilapidated building anyway. But once the shots went underground, there was never any indication of damage.

Mr. GOLDWATER. Mr. President, in summary, I want to thank my friends from Nevada and Rhode Island for allowing me to ask these questions, because, as I have indicated, Arizona is about ready to go on a massive test, and I think it is time—I certainly agree with the Senator from Rhode Island—that we put the power we have to work. It is time we quit being afraid of it to the point that we say never will we have nuclear power in this country.

I happen to believe that the next step forward in energy will come when we completely control the fusion of the atom. I am hopeful that day will not be too far off, but if we continue to prohibit experimentation, then I am afraid that day will be very far off.

Mr. BIBLE. Mr. President, I appreciate the contribution of the Senator from Arizona regarding the upcoming test at the copper mine in Arizona. I am sure it will not damage mankind. None of us would stand here to support any kind of instrumentality that might wipe out a single human life.

Mr. McCLELLAN. Mr. President, will the Senator from Nevada yield?

Mr. BIBLE. I yield.

Mr. McCLELLAN. Do I correctly understand that the pending amendment would reduce the amount on page 8, line 1, by $1,440,000?

Mr. BIBLE. The Senator is correct.

Mr. McCLELLAN. Do I correctly understand that if that $1,440,000 is retained in the bill, no part of it and no part of the $1,023,690,000 will be used for any kind of underground nuclear explosion for the purpose of recovering oil and gas.

Mr. BIBLE. That is exactly right.

Mr. McCLELLAN. Or any kind of nuclear explosions either underground or above?

Mr. BIBLE. That is right—or nuclear devices.

Mr. McCLELLAN. Or nuclear devices.

Mr. BIBLE. That is correct.

Mr. McCLELLAN. Then, what is at issue here with respect to the $1,440,000? What is the real issue? If it is not going to be spent underground, what is it going to be spent for, and what are the anticipated good results from the expenditure?

Mr. BIBLE. I am happy to respond to that question, but it is more properly addressed to the Senator from Colorado (Mr. HASKELL) to speak to it. Actually, most of it will be used in laboratory work and testing, in study, or in other devices, some nuclear devices, admittedly, and other conventional methods for underground testing which the Senator from Colorado admits should be done.

Mr. McCLELLAN. Except for the actual underground testing or explosions in the field or underground, what can be the objection to the laboratory testing and the experimentation to learn more about how to use this great power for peaceful purposes?

Mr. BIBLE. Frankly, I cannot say, but it is not my amendment.

Mr. McCLELLAN. Is there any reason for it?

Mr. BIBLE. In my judgment, no. But in fairness to the Senator from Colorado, he might have a different viewpoint.

Mr. McCLELLAN. Will the Senator from Colorado, on my time, respond to the question: If no part of this money is to be used for field testing, underground or otherwise, but is clearly to be used and is limited to experimentation and laboratory work, what can be the objection to the appropriation if it is only going to be used for that purpose, in an area where we may gain additional valuable knowledge with respect to the use of this tremendous power?

Mr. HASKELL. I will be glad to respond to the Senator from Arkansas by saying, first, that the Senator from Arizona (Mr. GOLDWATER) will have a fusion test, and I would agree this will not affect the area in any way.

The issue is clear, I say to the Senator, that it is a matter of national policy. It is my viewpoint that even if we could develop a technically perfect way of breaking up the rock underground; still, because of the tremendous amount of radioactive material deposited underground, it would be a national mistake to do so.

This should be on my time, because I am doing more than answering the Senator's question.

An FPC task force report I have previously cited indicates that to get this gas out it is necesary to have more than 29,000 nuclear explosions. I have the information as to the amount of curies, 10^6 curies, remaining underground 1 year after detonation of the Rio Blanco shot. One hopes nothing goes wrong. In the words of an adviser to Franklin Roosevelt, I understand he said, "When the boss makes a mistake it is a beaut." So if we make a mistake here, it is going to be a beaut.

Mr. McCLELLAN. Will the Senator yield further?

Mr. HASKELL. I yield.

Mr. McCLELLAN. If it is correct, if it is true, that none of this money can be used for the purposes about which he now expresses apprehension, is not his objection to the appropriation for other purposes premature—for the purpose of experimentation and developing further knowledge about it—premised on the fact that it would be exploded? Is not his objection premature, because we have not reached the point where we are proposing to appropriate money for that purpose?

Mr. HASKELL. I submit to the distinguished Senator that it is not premature in this regard: As I say, even if a technically perfect way could be devised for freeing gases from underground using nuclear explosives, it would be my judgment that we should not pursue this technically perfect way, because it has endemic risks that the Nation does not want to take.

I understand that the Senator's bill prohibits underground explosions for this fiscal year. I understand that. I think the distinguished Senators from Arkansas, Nevada, and Rhode Island have articulated our differences very well.

It is the feeling of those who do not agree with me that we should have this technology developed and in the sack so to speak, in case we need it. It is my feeling that it is so dangerous that I do not even want it in the sack.

So far as I am concerned, Mr. President, I have said all I can on this particular issue.

Mr. BIBLE. Mr. President, in today's energy shortage it is axiomatic that this Nation aggressively conduct research to develop all its energy potential. This certainly includes the possible uses of nuclear explosives, known as the Plowshare program, conducted by the AEC. As a nation, we are now painfully aware that our conventional energy supplies are not unlimited and that we need to buttress our self-sufficiency against the day when extreme shortages or the actions of foreign powers may seriously affect our economy and way of life. It is clear we no longer enjoy the luxury of unreasonable selectivity and playing off one line of research against another. We need to work on all of them.

The Plowshare R. & D. program, as applied to oil and gas recovery and utilization, was one of the first to recognize our need to develop unconventional means of obtaining heretofore unrecoverable energy sources. Underground engineering technology has been developed by AEC, its laboratories and interested industry to the point where it is very useful today in non-nuclear energy recovery methods as well. Industry has shown its interest in the Plowshare technology by contributing heavily to its development through joint projects with the Government.

Despite what the critics imply, progress has been good, although the tech-

nology is by no means proved. Probably because nuclear explosions are involved, the program has been limited over the years; however, the Gasbuggy and Rulison Projects, designed as technical experiments, have shown conclusively that nuclear explosives can stimulate tightly held natural gas. The Rio Blanco experiment, detonated in May 1973, was the first project designed to investigate the potential economics of nuclear gas stimulation by utilizing three explosives in the same wellbore to fracture across all the gas-bearing zones underground.

To date, initial tests of the Rio Blanco well have resulted in 100 million standard cubic feet of gas being produced from the top chimney created by the explosion. It does not appear, however, that connection between the three chimneys has occurred as expected. A joint drilling program with the Continental Oil Co. is now being designed to learn what actually took place underground in this complicated experiment. It is the nature of R. & D. to seek answers for either proving or disproving our technical theories. This additional Government-industry work on Rio Blanco should provide the needed additional data necessary to understand the problem.

The potential of the Plowshare program is not limited to natural gas stimulation; it also shows great promise in oil shale technology, copper leaching, and underground storage or disposal utilization. In oil shale alone, nuclear explosives may be the only technique which can ultimately recover the oil from the thicker shale deposits. The viability and potential of such technology can be seen by noting the Russian program which is much more extensive and energetic in both underground engineering and excavation utilization. The U.S.S.R. has conducted projects in water reservoir construction, oil and gas stimulation, underground storage, control of runaway gas well fires and others, and are actively considering other applications. It may be noted here that under article V of the Nonproliferation Treaty the U.S.S.R. and this country agreed to provide Plowshare technology to nonnuclear nations as a deterrent to their developing a nuclear-weapons capability.

Finally, the safety factors should be noted—they are a plus. Radiation has not been a problem—seismic and ground motion effects are understood and controllable. Years of testing at the Nevada test site and elsewhere have provided a wealth of experience in this area. In any case, there is no reason to believe Government or industry would utilize an unsafe technology.

In summary—energy research of this nature should not be cut off before definitive answers are found so that intelligent decisions can be made about the validity and possible utilization of the technology.

I am prepared to yield back the remainder of my time after I have yielded to the Senator from Wyoming (Mr. HANSEN), who said he had a question on the subject.

Then I am prepared to yield to the distinguished Senator from Maine for the purpose of calling up a conference report.

I should like to clear up this part of the question because I do not think we have any other requests for time.

I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank the distinguished Senator from Nevada for his courtesy.

My point in rising is to ask if I am right in understanding that no money is included in this appropriation that will be spent on underground experimentation programs.

In the State of Wyoming, we have what has been described as Project Wagon Wheel, a project set up to test the efficacy of nuclear stimulation of natural gases trapped in the tight rock formations.

This project has been of great concern to many of my constituents, and it has been my understanding that in the appropriations bill now under discussion there will be no money to continue with that underground project.

I ask the Senator from Nevada if I am right.

Mr. BIBLE. The Senator from Wyoming states the matter correctly. There are no dollars in the bill before us, on which we will be voting momentarily, for the so-called Project Wagon Wheel.

Mr. HANSEN. I thank the Senator.

Mr. DOMINICK. Mr. President, I would like to speak in opposition to Senator HASKELL's amendment regarding nuclear research on stimulation of natural resources.

As the distinguished junior Senator from Colorado has pointed out, the natural gas resources in the Rocky Mountain States are tremendous and important to our energy development picture. Up to 300 trillion cubic feet of natural gas is trapped in extremely tight formations in the Rocky Mountain area. This gas could be recovered with either of two techniques—nuclear stimulation or massive hydraulic fracturing.

I am not in favor of the exclusive use of nuclear stimulation to recover this natural gas. I am in favor of using the best method of assessing and evaluating the Rio Blanco project to its completion.

The $4.4 million being debated at this time is to be used for more than evaluating the Rio Blanco project. There are funds for analysis of the in situ method of oil shale development, funds for the analysis of the in situ method for copper leaching and funds for explosive research, development, and testing.

The most important thing to remember is that none of these funds are to be used for further detonations of any nuclear devices. In fact, the AEC has at this time no plans for any detonations. Now or in the future.

Major reductions have been made in the Plowshare program over the past few years. Certain individuals have suggested that the program be phased out completely. A number of factors strongly argue for the continuation of this program. The amendment would terminate the development of technology of conducting underground nuclear explosions for peaceful purposes. The United States incurred an obligation under article V of the Nonproliferation Treaty to provide assurances to the nonnuclear parties that they will share in the benefit of peaceful application of nuclear explosive devices. Therefore, because of this obligation alone, we should continue with the development of both techniques and devices at this minimal level.

The AEC, in cooperating with industry, is engaging in experiments and planning which might make possible the in-situ recovery of oil from oil shale by explosives, chemical as well as nuclear. Either might turn out to be the most economical method of obtaining tremendous amounts of oil and with the least effect on the environment.

A Federal Power Commission report concerning the need for natural gas, which was released Sunday June 9, 1974, stressed the importance of such techniques as Plowshare to obtain such fuels.

In order to continue investigations which could lead to an economical method of unlocking our energy resources, to obtain data on other engineering applications and our treaty obligations, this amendment must be defeated.

Continuation of the AEC Plowshare program has been endorsed by the administration and by both the Authorization and Appropriations Committees.

Senator HASKELL spoke of 5,680 wells to be stimulated with nuclear explosives. None of these wells, nor any further experiments, are included in the AEC funding. Rather, the funding is to develop the necessary background information to determine if the technique is feasible. I certainly would not ask anyone on the Senate floor to proceed with full application of the technique if any sizable risk is involved, but these questions must be answered to evaluate the possible risk in comparison to the vast natural gas which might be recovered.

This country will for some time to come be faced with energy shortages and now is not the time to turn our backs on possible alternatives to develop additional domestic resources. Our objective is to reach that point where we are self-sufficient. To adopt this amendment would be a step backward rather than a step toward that goal.

Mr. President, I urge my colleagues to vote against this amendment.

Mr. BIBLE. Mr. President, I am prepared to yield back the remainder of my time.

Mr. HASKELL. Mr. President, I am prepared to yield back the remainder of my time.

Mr. BIBLE. Before I yield back the remainder of my time, Mr. President, on a different matter entirely, I yield to the distinguished Senator from Maine for the purpose of calling up a conference report.

Mr. MUSKIE. I thank the distinguished Senator.

The PRESIDING OFFICER. (Mr. DOMENICI). Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object—and I will not object—how much time is the Senator limited to?

Mr. MUSKIE. It should not take more than 2 or 3 minutes.

Mr. ROBERT C. BYRD. I have no objection—not in excess of 5 minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. MUSKIE. Mr. President, the conference report on H.R. 14368, the Energy Supply and Coordination Act, is pending before the Senate. This legislation has been before the Senate in differing froms since last fall. It began as a part of the effort of Congress to respond to the energy crisis by enacting short term energy conservation and environmental modification proposals.

Mr. President, the conference report on H.R. 14368 is a complex but limited measure. It is not, like the House bill, a crisis measure. It is not as general in its terms as the Senate bill. The conference report on this legislation is both a compromise and an improvement. It improves on both the House and Senate bill in that it makes more specific the requirements of each. It is a compromise between the House and the Senate bill because it accepts, in the short term—the period between now and June 30, 1975—much of the approach embodied in the House legislation and it adheres, in the long term—the period between now and January 1, 1979—to the limitations of the Senate amendment.

I think it is important to identify, for the purpose of adequate legislative history, the very significant differences between the House and the Senate approach to the issue of coal conversion.

As I indicated earlier, the House legislation was crisis-related. It was virtually identical to the previously adopted conference report on this issue—a conference report which was written during the period of severe energy shortage and oil embargo.

The Senate bill, on the other hand, recognized that the public's perception of the crisis had changed—that the energy crisis subsided with the termination of the Arab embargo—and that legislation of this kind must necessarily be within the framework of existing environmental constraints, rather than outside of those constraints.

The House bill was mandatory in the near term and voluntary in the long term. But in both short and long term, the House bill abandoned the existing stautory base for clean air regulations—public health-related primary ambient air quality standards.

The Senate bill in the near term permitted compromise of statutory clean air programs only on the basis of a demonstrated unavailability of fuel. In the long term, the Senate bill mandated coal conversions but insisted on maintaining minimum health-related air quality.

Under the House bill, the existing basis for clean air controls was suspended in favor of a new test to respond to crisis. The House bill would have permitted coal conversions to be required or to continue whenever no significant risk to health could be demonstrated.

The Senate bill proposed that energy self-sufficiency should be a function of our ability to maintain our clean air goals while reducing our reliance on foreign fuels. The Senate bill completely barred coal conversions in areas where any primary ambient air quality standard was being exceeded and specifically barred any conversions which would cause the primary standard to be exceeded.

Mr. President, while the bills appeared similar, the intent of each body was sufficiently different that the conferees were confronted with an almost impossible task of putting together a conference report which was acceptable in purpose and in scope to the membership of both bodies. I think we have done this.

In terms of the Senate position, there is adequate protection against any long term coal conversion causing an unacceptable environmental impact. On the other hand, the House has achieved the short term goal of their proposal. And the House has achieved two significant modifications of the Clean Air Act relating to transportation controls—provisions which were in earlier conference reports—provisions which my colleagues in the conference would have preferred to defer to a later time after a more complete review—but provisions on which the House insisted.

The Senate also prevailed in two important respects unrelated to coal conversions. We have House agreement to extend the authorizations of the Clean Air Act for 1 year which will provide time to review carefully the implications of the Clean Air Act. And we have obtained House acceptance of a Senate provision which clarified the relationship between the National Environmental Policy Act and the Clean Air Act.

Without exception, the Clean Air Act actions will not be subject to the National Environmental Policy Act. This provision should reduce the potential for litigation and delay associated with the development and implementation of clean air regulations. It should improve the certainty and finality which the Congress sought in 1970 when it wrote the Clean Air Act. And, most importantly, it should end the effort of those who would use NEPA as a mechanism to compromise the statutory mandate for clean air.

My colleagues should note that the provisions of both the House and the Senate bill regarding auto emissions standards for 1976 vehicles were identical and remain so.

Mr. President, I would like to expand the history of this legislation in terms of coal conversions and the Clean Air Act amendments. I have discussed in general the differences between the two bills. I have outlined the agreement. I have discussed Clean Air Act authorizations, the application of NEPA to the Clean Air Act, the auto emissions questions, and I have referred to the issue of transportation controls. I do not intend to discuss these matters in detail; the conference report and the statement of managers provide an adequate description of each.

The bill provides for a legislative basis to deal with three energy-related problems:

First, the conference report provides a statutory basis for the granting of variances for the period between enactment and June 30, 1975, whenever the Administrator of the Environmental Protection Agency determines that clean air compliance is not possible solely because of the unavailability of fuels necessary to meet the act's requirements. This is a very limited provision. It is intended to respond to embargo type situations. If compliance with the Clean Air Act is dependent on fuels of certain pollution characteristics, and if fuels of those pollution characteristics—or improved pollution characteristics—are not available, then and only then the Administrator can suspend for the period of the unavailability of such fuels between now and June 30, 1975, the applicability of Federal, State or local clean air requirements. This is unilateral authority. It is intended to provide a quick response mechanism in the event another crisis occurs. It is not a method to grant variances where fuel is available but the price is high, nor is it a method to grant variances where fuel burning stationary sources have dragged their feet on installing necessary pollution control equipment.

This provision specifically and precisely permits the Administrator of EPA to suspend for not more than the period between now and June 30, 1975, the application of any stationary source fuel or emission limitation solely on the basis of the unavailability of fuels necessary to comply with that stationary source fuel or emission limitation.

Second, there is authority for the Administrator of the Environmental Protection Agency to suspend temporarily certain stationary source fuel or emission limitations if, as a result of an order by the Federal Energy Administration Administrator which prohibits a power plant or other fuel burning stationary source from burning oil or natural gas, that source converts to coal. This means that the Administrator of EPA can grant a suspension from certain clean air requirements in limited instances where facilities are now burning oil and coal, have the necessary capability and plant equipment to burn coal, and either began conversion to coal between September 15 and March 15 or converted to coal as a result of an order subsequent to enactment of this act. Unlike the situation which occurs when there is an unavailability of fuel, however, the Administrator of the Environmental Protection Agency cannot grant a variance from the clean air requirements unless he determines that to do so would not cause or contribute to emissions of air pollutants which would result in levels of such pollutants in excess of national primary ambient air quality standards.

Moreover, in order to assure that any such conversion does not itself cause primary standards to be exceeded, the Administrator must establish emission limitations, determine the pollution characteristics of coal to be used, or require other enforceable emission control measures as a condition of the suspension.

Third, and perhaps the most significant provision of the coal conversion aspect of this bill is the provision which requires the Administrator of the Federal Energy Administration to issue orders prohibiting the use of petroleum products or natural gas to facilities which have on date of enactment of this act the capability and necessary plant

equipment to burn coal for the period beyond June 30, 1975. This provision is mandatory with respect to powerplants and permissive with respect to other major fuel burning stationary sources. As with the temporary suspension authority, the FEA Administrator must make his determination on a unit-by-unit basis. And, a powerplant which has several units subject to such prohibitions would have to obtain a separate suspension or extension from the EPA Administrator for each unit.

This provision to the extent achieveable within the basic constraints of the Clean Air Act, is intended to reduce the burden and the reliance on foreign oil by increasing utilization of domestic coal. This provision requires that powerplants and other sources which are prohibited from using natural gas and petroleum products and which actually convert to coal comply with the existing implementation emission limitations or other requirements of implementation plans by no later than January 1, 1979. In the interim, these sources must assure compliance with primary ambient air quality standards and in areas where standards are exceeded, with applicable emission limitations.

This is the provision with which the conferees had the most difficulty because it was in the context of this provision that the conferees were treading on the most uncertain ground.

Not only were the conferees confronted with the basic policy question of mandating the use of a certain fuel in the long term but the conferees were also confronted with the need to cause the use of that fuel in a manner consistent with environmental objectives.

The House allowed an extension of the deadline for compliance with all applicable air pollution control requirements to not later than January 1, 1979, if a revised compliance schedule were approved and if no significant health risk would occur in the period of the extended compliance schedule.

The Senate bill required a similar extension of deadline to not later than January 1, 1979, only if a revised compliance plan were approved and primary ambient air quality were not exceeded during the extended compliance period. In addition, under the Senate bill, conversions were barred in air quality regions in which primary ambient air quality standards are now being exceeded.

The conference agreement permits an extension of compliance schedule to not later than January 1, 1979, only if, first, emission limits or other enforceable measures to maintain primary standards will be complied with; second, in any region in which primary standards are now being exceeded, requirements of the implementation plan applicable to any pollutant for which the national primary ambient air quality standard is now being exceeded are complied with; and third, the Administrator has approved a compliance plan.

An approved compliance plan must include adequate assurance that the plant or installation will obtain approval of a revised schedule for and means of compliance with all applicable preconversion implementation plan requirements no later than January 1, 1979. If the source fails to obtain an approved schedule, the compliance extension ceases, and the source is in violation of the Clean Air Act and subject to enforcement action.

The Administrator is required to promulgate regulations within 90 days requiring any source to which a compliance date extension applies to submit and obtain approval of its revised measures for and schedule of compliance.

Such regulations should set forth deadlines for submittal and approval of the revised compliance schedule in order to assure earliest possible achievement of the emission limitations in the applicable implementation plans. Failure to set deadlines in these regulations could result in unnecessary delay in achieving clear air goals. Also, early submittal and approval of revised compliance schedules is necessary to assure achievement of applicable emission limitations no later than January 1, 1979.

As noted above, long term mandatory conversion can only occur where national primary ambient air quality standards will not be exceeded. While the conference report narrows the scope of the Senate prohibition on such conversions in air quality regions where the primary standard is presently being exceeded, it maintains the thrust of the Senate position by prohibiting any conversion from taking place in any region where the primary standard for a particular pollutant is being exceeded if the effect of the conversion would be to cause emissions of that particular pollutant to exceed the limits specified in the applicable implementation plans.

Mr. President, this means that if a region has not achieved the primary standard for oxides of sulfur and a conversion would cause sulfur oxide emissions to exceed limitations applicable to the plant in question, a conversion would be barred until the implementation plan limitations could be achieved. This is the so-called regional limitation.

Further, Mr. President, even if there is no "regional limitation" on the conversion, if the result were to cause emissions which would cause or contribute to concentrations of pollutants in excess of the primary standard—the "primary standard condition"—the conversion would be delayed until the plant was capable of achieving emission limitations or other enforceable measures which would assure compliance with the primary standard condition.

It is important to note that this policy does not prohibit conversions—it only prohibits those conversions limited by the "primary standard condition" or the "regional limitation" until the powerplant or other major installation has installed the necessary pollution control capacity—or obtained clean coal—which permits the unit in question to meet applicable emission limitations.

In other words our purpose is to give the Federal Energy Administration Administrator authority to put plants with the capability and necessary plant equipment on notice that they will be required to convert to coal by a date certain with legal requirement that the plant or installation acquire the necessary pollution control capability to assure compliance with the Clean Air Act at the time conversion occurs. Failure of the plant to acquire the control equipment or clean coal would not be a defense against the FEA prohibition. If the capability to comply were not acquired, the plant or installation would be in violation of Clean Air Act emission limitations and subject to statutory and criminal penalties.

The inclusion of the noncriteria pollutant requirement in no way relieves the administrator from his nondiscretionary duty to develop and publish criteria for such pollutants in order to trigger national standards as required under the Clean Air Act. This provision is included in recognition that some pollutants may need to be regulated before that process can be completed. It recognizes that the air quality standards process entails a time lag. We deemed it unwise to wait for the completion of that entire process before providing some protection from these pollutants.

Mr. President, this bill is special legislation to deal with a special situation. It is not intended to set precedents. The bill is temporary in time and limited in application.

The auto emissions question is resolved for 2 years. The statutory standards will take effect in 1978 which should provide more than ample time to achieve them.

The transportation control limitations are only temporary. Congress must determine whether parking surcharges, parking management regulations and other transportation control measures are necessary and appropriate aspects of urban pollution control strategies.

The variance authority both as a result of unavailability of fuels and short-term coal conversions is temporary. This authorization is for 1 year. While the NEPA–EPA clarification is not time limited, this issue was intended to be resolved in 1969 and therefore is neither new or precedent-setting.

There are significant limitations on the authority of FEA to prohibit the burning of petroleum products or natural gas.

Only those units of powerplants and other major fuel burning stationary sources with the "capability and necessary plant equipment" on the date of enactment of this act may be subject to an FEA order and only those which actually convert to coal—as opposed to facilities which meet the capability and equipment test but presently burn coal—can receive either a short-term suspension or long-term extension under the Clean Air Act.

The test of "capability and necessary plant equipment" is important. As the conference report indicates, each plant or installation would have to have had the capability to burn coal at one time. Also the addition of components necessary to renew that capability would have to be simple and inexpensive.

The conferees were aware of the proposed administration amendment to require that necessary plant equipment only be reasonably available. This amendment was rejected by both House and Senate because it suggested a broader application of the FEA authority to effect conversion than intended by either body.

One example of the kind of modification necessary to facilitate conversion is discussed in a copy of a letter from Charles E. Monty, vice president of Central Maine Power Co. to Mr. Clark Grover, Director, Coal Switching Task Force, Federal Energy Office. I ask unanimous consent to include the text of Mr. Monty's letter at this point in the RECORD.

This plant and others like it would simply not meet the test of necessary plant equipment and capability required by the act, even though such equipment might be reasonably available as proposed by FHA and rejected by the Congress.

Finally, the necessary plant equipment has to be available to the unit for which conversion is required on date of enactment, not at some later date.

An important clarification in the conference report relates to enforcement of interim procedures to assure compliance. Senate conferees insisted that the Environmental Protection Agency's determination that emissions from coal converters would not cause primary standards to be exceeded must be articulated in emission limitations or other precise, enforceable measures for regulating what comes out of the stack. The conference report on this bill underscores the fact that it is not ambient standards which are enforced but emission limitations or other stack related emission control measures. Ambient standards are only a guide to the levels of emission controls which must be achieved by specific sources. In 1970, we recognized that a control strategy based on a determination of ambient air pollutant levels in relation to each individual source would be unenforceable. Existing clean air implementation relies specifically on the application of enforceable controls against specific sources. We have continued that procedure in this law.

To the extent intermittent control strategies are permitted as an interim measure applicable to coal conversion, they too must be enforceable. The bill specifically and precisely sets forth that such strategies must be enforceable. They must be enforceable by the Administrator of EPA, not the States—not the local governments—not polluters—but by the Administrator of EPA who will have the responsibility for imposing such strategies if they are to be allowed at all.

It may be a non sequitur to suggest that intermittent control strategies are enforceable by EPA. An analysis of EPA's monitoring capability suggests that monitoring is severely limited. Budgetary constraints have meant that necessary monitoring equipment and personnel have not been available and in fact the situation has gotten worse in certain regions where EPA has entirely abandoned the monitoring effort to the States. An EPA memo states:

> As a result of decentralization of the national air monitoring networks, required information to define levels of non-criteria pollutants is not available to the scientific community. Specifically, data on sulfates, nitrates, ammonia, aerosols, fine particulates and other non-criteria pollutants is not being obtained on a scientifically defensible basis nor in a timely fashion.
>
> The existing sites of the former National Air Sampling Network (NASN) are not suitable to serve as a foundation of an experimental network. They are generally incorporated into the States' Implementation Plans and are operated as such. Lacking direct control of these stations, because of decentralization to the Regions, EPA has to rely on voluntary cooperation. The net result is an ill-defined program; changing sampling schemes, not being able to demand additional quality control and non-uniform operation of the network. EPA simply cannot expect State and local agencies to conduct such a program over and above their present monitoring requirements.

While this information was requested in relation to so-called noncriteria pollutants, I am advised that it is generally applicable to pollutants for which standards have been set.

Even if the State monitoring efforts were adequate, we cannot rely on the States to enforce the requirements which result from this legislation. Most States would prefer to make the decisions on coal conversions themselves. They would prefer to determine the extent to which their clean air requirements are modified without Federal interference. They would prefer to enforce emission limitations of their own implementation plans to meet the standards which they have determined they want to meet and not just the primary standards as required by this act.

And certainly the polluters themselves cannot be depended upon either now or in the future as a source of information as to the adequacy of the intermittent control strategy. An April 1973, EPA paper states:

> An intermittent control system is a very tenuous mechanism to protect air quality. At TVA, a utility with a reputation for concern for maintaining "acceptable" air quality, the decision to take control action is made by persons whose performance is judged by their capability to produce power at a minimum cost. Their concern for the environment rarely, if ever, is a significant factor in evaluating their "efficiency." The operation at Paradise may at times severely circumscribe the implementation of controls. The outlook for a truly effective use of an intermittent control system by smelters and private utilities is not encouraging.

EPA will have the responsibility and therefore must have the capacity to enforce these strategies. And the information developed on compliance with intermittent controls must be readily available so that citizens can act under the citizen suit procedure. This would not be possible if EPA relied on the private monitoring efforts of the polluters.

Yet another reason for caution in considering alternative or intermittent control strategies is identified in a statement presented by Mr. Christopher P. Quigley, head, mechanical and structural design division, engineering and construction department, at the American Power Conference.

He said:

> Finally, before committing such large investments—to scrubbers—we must assess the probability that utilities may be allowed to institute alternative and more economical methods for achieving SO_2 control such as the use of a fuel switching program based on meteorological conditions.

Endorsement of inadequate or unenforceable interim control measures as continuous control strategies could negate ongoing developmental activities. Our efforts to force technology would be further eroded.

Mr. President, as I have amply indicated, I have serious doubts about the viability of intermittent control strategies, whether or not EPA has the capacity to monitor the ambient impact of emissions from coal conversions. These doubts are summarized in the hearings of the Subcommittee on Environmental Pollution. I ask unanimous consent that annotated excerpts from the subcommittee hearings and files be included in the RECORD at the close of my statement.

It is these doubts that lead me to underscore the fact that no one should view limited application of enforceable strategies related to this legislation as a precedent for future legislation or as a reinterpretation of the requirements of the existing law which bar the application of intermittent control strategies as a substitute for emission limitations.

Mr. President, this legislation points out both the significance of the Clean Air Act as well as the frailties of our efforts to protect and improve our environment. The primary reason that we are talking about coal conversion today is because the users of fuel in this country chose the cheap and convenient way to meet clean air requirements. Rather than develop the technology which would make each fuel burning stationary source capable of using domestic fuels, the power industry and others switched to low sulfur foreign fuel.

Most utilities and others have steadfastly refused to participate in any major effort to develop the technology of stack gas control. To the extent that anyone has come forward to demonstrate stack gas control technology, these same utilities have led the effort to discredit that technology and the credibility of those who would propose it.

I do not know whether effective stack gas control technology for major powerplants is available or not. But I do know that unless powerplants and other major fuel burning stationary sources are required by law to achieve a high degree of emission reduction from their stacks without regard to the fuel to be used, we will never know whether or not technology is or can be made available.

Our dilemma simply put is as it always has been—those who pollute also control the technology of pollution control. For more than 10 years I have participated in the development of legislation to impose an environmental ethic on these polluters. To encourage them to develop the technology of pollution control, I have opposed efforts to determine, by legislative fiat, the choice of technology.

Both the Clean Air Act and the Fed-

eral Water Pollution Control Act articulate pollution control requirements as performance standards rather than technological standards. EPA, too, is expected to articulate regulations in terms of performance rather than technology. Those laws demand only that the pollution controls be enforceable on a continuous basis against precisely defined criteria, so that both regulators and the public will know that the performance test is being met.

Thus far, our reliance on performance standards has been only partially adequate. The automobile companies refused to change their technology and so we have catalysts. The utilities refused to develop new technology and so, when foreign oil disappears, we have an energy crisis.

We have come only a small part of the way in developing an environmental ethic. We have not even begun to press our technological capability. We have only stirred the innovative instincts of those in the private sector who profit from pollution control equipment. We have moved only a little toward the best and the cheapest ways to transfer pollution to a recovered resource rather than a discharged waste.

This legislation is but one example of the failure of industry to move aggressively. But the fact that it does not abandon the clean air goals that we set in 1970 and earlier years is an expression of the national commitment of the goals of the Clean Air Act.

Mr. President, there is a typographical error in the conference report. Section 119(c)(1) refers to "expanding substantial sums to permit such source to burn coal;". The word "expanding" should have been "expending".

I move the adoption of the conference report.

Mr. President, I want to commend all the members of the conference committee for the constructive and cooperative roles they played in developing this legislation. I particularly want to say how much I appreciate the efforts of the chairman of the Senate Public Works Committee, the gentleman from West Virginia (Mr. JENNINGS RANDOLPH). He was always there to help bring us to a common ground, to help find the solution to issues that would allow a breakthrough and resolution of problems. His unfailing efforts made this legislation possible. His decades of efforts to make this country aware of the energy problems this Nation faces gave him an unusual ability to merge the need for energy with the need for clean air.

I also want to point out the assistance given by the ranking Republican of the Senate Public Works Committee, the gentleman from Tennessee (Mr. HOWARD BAKER). He has never lost sight of the environmental goals this Nation should pursue, and his efforts in balancing those goals with the energy needs of the country were crucial in achieving the agreements laid out in this legislation. The Nation should know of his constructive role.

This legislation could never have been completed without the masterful guidance of the gentleman from West Virginia (Mr. HARLEY STAGGERS), chairman of the House Commerce Committee. When others might have abandoned the cause he continued to press this legislation along, meeting the arguments of all sides, and adjusting and improving the bill in light of those arguments. In fact, this was the approach of all of the House conferees, as well as those of the Senate. The mutual cooperation of all concerned deserves commendation, and brought about the agreement now before the Senate.

Mr. President, I do not think there is any need to discuss this matter at length. It has been before the Senate in differing forms since last fall, previously as a part of a broader so-called emergency energy bill. It has been agreed to by the Senate basically in legislative form. The conferees have reached agreement, as they did twice previously.

I ask unanimous consent to have material in connection with this matter printed in the RECORD.

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

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., March 2, 1973.

Subject, Intermittent Control Systems (ICS).

To, Bernard J. Steigerwald, Director, Office of Air Quality Planning and Standards.

The 53 page Staff Report on Intermittent Control Systems (ICS) submitted to our Division by OAQPS is a lengthy and complex description of a relatively simple process. Major sources of sulfur dioxide emissions are attempting to exploit this process in order to avoid the cost of responsible environmental management based on reduction of emissions through conventional methods of permanent emission control. We are particularly perplexed as to the reasons that the OAQPS report was submitted to our office on February 27, 1973, with a request for comments on or before March 2. Although the concept of ICS is simple, enforcement of ICS is not. Nevertheless, in the limited time available for review, we have determined that ICS is unacceptable from an enforcement standpoint.

We cannot comment on the report without drawing attention to several basic errors detected in our review. The report states "The effectiveness of ICS is intuitively obvious for short term standards" and "ICS is a superior approach to achieving annual standards as well." Experience tells a different story. ICS was attempted in Washington and Montana with sufficient lack of success to encourage the Puget Sound Agency in Washington, and the State of Montana to adopt direct emission standards, what the OAQPS report calls permanent emission controls (PEC). The failures were attributed chiefly to (1) insufficient curtailment of operations due to inability to forecast adverse meteorological conditions, and (2) information to prove a violation was completely dependent on self-monitoring by the source without an effective means of policing the monitoring stations. Similar experiences have been recorded in New Jersey, Kentucky, and Pennsylvania. Congress recognized the inherent problems of enforcing ambient air quality standards and deleted from the 1970 Clean Air Act any requirements that enforcement of emission regulations be conditioned on violations of ambient standards. That the OAQPS report would claim ICS is superior to PEC for achieving annual standards is indeed surprising. ICS simply is not designed or needed to achieve long term air quality standards.

We feel the OAQPS report misinterpreted the philosophy of the Clean Air Act and its legislative history with respect to the importance of cost of controls to meet standards. Since national standards must be attained, the cost of a necessary control system is irrelevant to the acceptability of the control technique or regulatory approach utilized to attain the standard, although cost is of course important to the polluter.

New source performance standards (NSPS) provisions within Section 111 of the Clean Air Act did reference cost by defining a standard of performance as "a standard for emissions of air pollutant which reflects the degree of emission limitation achievable through the application of *the best system of emission reduction* which (taking into account the cost of achieving such reduction) the Administrator determines has been adequately demonstrated." (Emphasis added.) An ICS system such as the one operated by TVA at its Paradise Power Plant obviously is not what Congress had in mind as "the best system of emission reduction", since the Paradise Plant achieved only a 0.13% reduction in annual SO_2 emissions in 1972. In addition, since the factors described on page 36 vary from plant to plant, there would be no way to set a *national* standard uniformly applicable to all new sources in the class, which is the intent of Section 111.

The OAQPS report describes two requirements as necessary and essential prior to approval of any ICS for sulfur dioxide emissions. These are that (1) reasonably available control (of the PEC-type) be applied to limit emissions of other pollutants, and (2) good faith efforts (presumably PEC) must be made to augment ICS leading to a reduction in annual emissions. The report says monitors similar to those employed in an SO_2 ICS are not available for particulate matter. This appears to be only a technicality, since continuous tape samplers are available for particulate matter and continuous monitors for other pollutants also are available. If ICS is legally and technically acceptable for SO_2, it should be equally acceptable for particulate matter and all other pollutants. Thus, this prerequisite of applicability of ICS exclusively to SO_2 cannot be met. The other prerequisite, that of requiring PEC along with ICS, is impractical from a legal standpoint. If ICS is an acceptable method for achieving emission reductions to meet national standards, it would appear that no other type of control legally could be required within the authority of the Clean Air Act. Hence both necessary prerequisites are legally impractical.

The OAQPS report advocates an ICS based on enforcement of ambient standards with fines used as "incentives" to operate the system conscientiously. The large sources for which ICS is recommended can well afford to pay many fines rather than install alternative permanent emission controls. The nature of ICS encourages violations of ambient standards and hardly qualifies as maintenance of the standard. Consider the case of a source which has obtained EPA approval of its operations curtailment procedures and has apparently made good faith efforts not to exceed ambient air quality standards. Assume this source exceeds a standard anyway, and reports this violation to EPA. We do not anticipate the fine a judge would impose for such infraction would be large enough to offer an incentive for control, particularly since the curtailment procedures followed were approved by EPA. (One can afford to pay a lot of $25,000 fines rather than install control systems costing millions.)

The OAQPS report suggests various combinations of PEC and ICS. One alternative (number 8) is to "Require RACT for attaining primary standards but allow ICS for attaining secondary standards." Any type of control acceptable for attaining secondary standards would be acceptable for attaining primary standards. Therefore, option 8 probably is illegal; in any event, it seriously weak-

ens any arguments EPA may have for requiring permanent controls.

It was noted that all air quality monitors about the Paradise Power Plant were in a sector which the plume passed over only 10% of the time. Perhaps it is inappropriate to claim an ICS is effective when 90% of the time the plume impacts in an area where no monitors are placed. By careful placement of monitors, it should be possible to demonstrate that practically any ICS scheme "works".

Enforcement of ICS, as the report admits, be complex. Fines levied pursuant to violations of ambient air quality standards cannot be used to prevent these standards from being exceeded in the future, as the Act requires. This is an established Agency policy initially presented by DSSE, OEGC, in a 1972 position paper (copy attached). The only alternative is an ICS operated on a daily variance basis, with provisions for revoking the variance should changing meteorological conditions warrant such revocation. This would require the control agency, whether State or Federal, to provide meteorologists on a 24-hour/day basis. Any source using ICS must be required to reduce emissions at the direction of an authorized Agency meteorologist, whether or not the source's meteorologist orders a reduction. There is a distinct legal problem involved in granting daily variances, but it is felt this problem can be resolved.

Additional conditions must be met for ICS to be enforceable. A plume can be extremely narrow (less than 15°) and can cause maximum ground level concentrations at distances exceeding 5 miles. Simply to guarantee that the plume would pass over a monitor would require a "circle" of 24 monitors (assuming a plume angle of 15). To cover a downwind range of 5 miles at ½ mile intervals would require 240 monitors. With this enormous number, illegal 1-hour concentrations from "looping" plumes could avoid detection, but such a system probably would serve to validate meteorological predictions. In combination with a suitable air quality display model, the number of monitors could be reduced to perhaps 50, with a substantial percentage of these operated by the Agency to ensure "accuracy" of the remainder. For terrain where models cannot be developed, the full complement of monitors will be required. Any enforceable ICS must provide for extensive recordkeeping, for both ambient and emission data.

An enforceable ICS could include no overriding factors which would serve to prevent emissions reduction when environmental considerations indicated the necessity of such reduction. For example, TVA stated that electrical load requirements could make curtailment impossible, even though environmental considerations required the curtailment. ASARCO said protection of equipment might necessitate continuing operation to some extent when atmospheric conditions required total shutdown. Production demands could not influence operation of the system as ASARCO implied was the case. At ASARCO the plant manager could, and did, override the meteorologist's determination to curtail operation.

We feel that the economic advantages of ICS will make the system, even with its enforcement requirements, acceptable to large sources. It may be necessary for sources wishing to exploit the advantages of ICS to reimburse a control agency for the additional cost of administering such a system.

It should be noted that our comments relate to a *permanent* ICS, rather than an *interim* ICS. If ICS is adopted as an interim measure to be employed until permanent emission controls (acid plants, etc.) can be installed, the Act allows greater discretion by the Administrator with respect to enforceability. Since an interim measure can be whatever "the Administrator determines to be reasonable"; an interim ICS could be designed which would closely approximate the system OAQPS recommends. Additionally, such an interim system would have little impact on State or Federal environmental programs, and would not conscience a fundamental change in Agency policy. We do not wish to appear to advocate such a system, but we do feel the option of an interim ICS differs markedly from permanent ICS in enforceability requirements and may be a workable solution to the problem of control. Essential elements for such an interim system include:

1. Sources must assume liability for any violation of NAAQS. Where there is more than one source, each must be held accountable for any violation. Apportioning of blame is relevant only in a Court's consideration of the amount of a fine, not in the determination of a violation. Sources should be precluded from showing the violation was the fault of others; i.e., there should be some form of absolute liability;

2. Failure to follow the approved operations manual must constitute a violation;

3. Sources must agree that any violation after the first is a continuation of the first and thus no new notice of violation is required and criminal penalties are immediately applicable;

4. Extensive recordkeeping requirements must provide for retention of data reflecting both air quality measurements and stack emissions.

These requirements reflect measures this Division considers reasonable to make an interim ICS something more than a license to pollute. They are not adequate to ensure the degree of enforceability necessary for a permanent ICS.

If you wish to further discuss the enforceability of ICS, please feel free to contact me.

WILLIAM H. MEGONNELL,
Director, Division of Stationary Source Enforcement.

Attachment.

ENFORCEABILITY OF INTERMITTENT CONTROL SYSTEMS (ICS)

APRIL 21, 1972.

MR. DON R. GOODWIN: Attached is a paper giving our position on enforceability of an ICS as you requested. After careful analysis it is our conclusion that ICS is unenforceable and its efficiency unknown to achieve and maintain the national standards. Mr. Baum in the Office of General Counsel has reviewed this position paper and gives his concurrence.

I believe our position is nearly the same as OAP with the exception of putting a date-certain on the interim use of ICS. In our opinion, a date-certain for installation of permanent controls is essential and no plan should be approved or promulgated that does not contain such.

WILLIAM H. MEGONNELL,
Director, Division of Stationary Source Enforcement.

DIVISION OF STATIONARY SOURCE ENFORCEMENT
OFFICE OF ENFORCEMENT AND GENERAL COUNSEL

Position paper on the acceptability of intermittent control systems for achieving and maintaining the national ambient air quality standards.

ISSUE

The Office of Air Programs, EPA, has requested the advice of the Office of Enforcement and General Counsel regarding the acceptability of an intermittent control system for meeting the national standards. An intermittent control system (ICS) is defined as any procedure to temporarily curtail emissions through reduced source operations as may be needed to prevent air quality standards from being exceeded.

There are basically two types of intermittent control systems, one based on enforcement of a violation of an ambient air quality standard monitored by ground-level instruments, and one based on enforcement of predetermined emission rates calculated by meteorological forecasting and monitored by in-stack instruments. In both cases since production is curtailed only on a temporary basis it is not likely that total annual emissions will be noticeably reduced, but only that emissions will be reduced during adverse meteorological conditions and increased during favorable meteorological conditions.

BACKGROUND

Section 110(a)(2)(B) of the Clean Air Act, as amended, provides that the Administrator shall approve an implementation plan if "it includes emission limitations, schedules, and timetables for compliance with such limitations, and such other measures as may be necessary to insure attainment and maintenance of such primary or secondary standard, including but not limited to, land use and transportation controls . . ." Section 110 of the Act does not provide a definition of the meaning of this requirement for an implementation plan. However, the Senate report (91-1196) of the Committee on Public Works on pages 11 and 12 provides some insight on this matter as evidenced by the following comments:

"The establishment alone of ambient air quality standards has little effect on air quality. Standards are only the reference point for the analysis of factors contributing to air pollution and the imposition of control strategy and tactics. This program is an implementation plan . . . The Committee bill would establish certain tools as potential parts of an implementation plan and would *require* that emission requirements be established by each State for sources of air pollution agents or combinations of such agents in such region and that these emission requirements be monitored and enforceable. *In addition to* direct emission control, other potential parts of an implementation plan include land use and surface transportation controls . . ." (emphasis added)

The Administrator has elaborated on this requirement, as interpreted by EPA at the recent oversight hearings. He stated:

"The problem is that whenever we adopt a control strategy, the purpose of the strategy is to reduce emissions in that particular air quality region so as to meet the ambient air quality standard and what we mean by emission limitations is really emission reduction so that anything which reduces, including the transportation controls that Senator Randolph was concentrating on, anything that reduces the total emissions in that air quality control region so as to meet the air quality standards, as I read the Act, I have to approve as a control strategy that in fact complies with the Act."

In commenting on a question whether EPA would approve a plan with a "closed loop theory" (another term for an intermittent control system), the Administrator stated: . . . "only if we can become convinced that such a closed loop theory, or any strategy that is adopted, will in fact achieve the ambient air quality standard and can be enforced."

The acceptability of an intermittent control system was evaluated in terms of the requirements of the Act, the quoted statements above.

Question No. 1

Is an intermittent control system that provides for enforcement after violation of an ambient air quality standard approvable by EPA?

Answer No. 1

No; the purpose of an implementation plan is to prevent a violation of an ambient air quality standard, by the enforcement of specific measures applicable to sources. A

plan which on its face provides for enforcement only after a standard has been exceeded does not provide for the achievement and maintenance of the national standards.

Question No. 2

Is an intermittent control system that provides for enforcement on the basic of predetermined emission rates based on meteorological forecasting techniques and monitored by in-stack instruments, approvable by EPA?

Answer No. 2

Although this type of intermittent control might be legally acceptable, it is unenforceable because it is too complex and unmanageable and places an unreasonable burden on EPA and the States. Moreover, its efficacy is uncertain. This type of control strategy is unacceptable as a permanent means of achieving and maintaining the national standards. It is recommended that ICS be restricted for use in certain limited situations discussed below.

DISCUSSION

The discussion is numbered to correspond to the questions and gives the basis of OFGC's opinion.

1. Experience with enforcement of an ambient air quality standard on an intermittent basis has been unsatisfactory. The system has validity only for a point source that is sufficiently remote to be unaffected by emissions from other sources. An extensive ambient monitoring network is required—one that is beyond effective policing by a control agency but rather depends more on the "honor system". We are aware of certain experiences with such systems at large point sources in the States of Washington and Montana. Numerous violations occurred during the period when curtailment systems supposedly were in effect. Penalties were assessed but to no avail. Principal reasons for failure of ICS have been that (1) sources did not curtail operations as often and to the degree needed usually through inability to forecast meteorological conditions requiring curtailment; (2) direct cause-effect relationship for violation of an air quality standard has been difficult to prove, and (3) information to prove a violation was completely dependent on self-monitoring by the source without an effective means of policing the monitoring stations. After this experience with enforcement of ambient air quality standards, the Puget Sound Agency in Washington and the State of Montana adopted direct emission standards.

This experience is not limited to these States. The States of New Jersey, Kentucky and Pennsylvania also experimented with dispersion methods for enforcement of air quality standards for many years and eventually all came to renounce such methods. In 1970 the Congress recognized the problem of enforcing an ambient air quality standard and deleted the requirement that enforcement be conditioned on violations of such standards. We do not consider this type of intermittent control system to be enforceable.

2. An intermittent control system can be refined to provide for enforcement of emission limits. Such a system would have to be developed separately for each affected source. Although, probably due to its complexity, to date, no such system has been fully developed. It would appear that it is not possible to develop an ICS system that includes emission limitations before July 31, 1975. Therefore, if EPA were to accept this concept, the development of the control strategy would have to take place beyond the statutory deadline.

Although this is a sufficient basis for rejection of an ICS as a permanent control strategy, there are more important technical and enforcement problems leading to the same conclusion. This type of intermittent control system is much like an emergency episode plan which is required by all States as part of the implementation plan. However, ICS is not backed up by the enforcement power that EPA or the States have during an emergency; that is the power to shut down sources prior to even giving the source an opportunity for a hearing. This power is essential since *shut down* of source operations is the *control strategy* in an ICS system and this decision cannot be dependent on the source operator who is primarily concerned with meeting production demands. Lack of this power by EPA or the States would make an intermittent control system difficult to effectively enforce.

TVA pioneered the effort to develop ICS and has documented its experience in several publications. TVA has many reservations about the technical feasibility of the system and considers it to be an interim method to be used only until permanent emission control techniques can be installed. The following comment was made by TVA in a statement presented at a hearing of the New Mexico Environmental Improvement Board on October 19, 1971:

"At the outset we should like to emphasize the 'interim' aspects of this type program, as in most cases, it should serve only as an *interim method* for maintaining air quality until such time when a satisfactory SO_2 removal process can be installed. Also, it should be emphasized that this type of control program may not be feasible for all plants as its application depends on plant design and operation, regional and local meteorology, local terrain effects, power system size and flexibility, and regional air quality goals." (emphasis added by TVA)

TVA comments in the same paper that they have been working with interim operational controls since 1955 at their Kingston steam plant. TVA goes on to describe a highly sophisticated operational control program at their Paradise steam plant. Several years were spent for detailed studies in developing a system for Paradise since each operational control scheme must be tailor-made.

For the Paradise Steam Plant the nine criteria listed below were developed by TVA for the limited mixing layer model which was found to be critical for this large power plant.

(1) Potential temperature gradient between stack top, 180 m. and 900 m.

(2) Potential temperature gradient between stack top, 180 m. and 1500 m.

(3) Difference between daily minimum and maximum surface temperature.

(4) Maximum daily surface temperature.

(5) Maximum mixing height.

(6) Maximum mixing height and plume centerline height.

(7) Time for mixing height to develop from plume centerline to critical mixing height.

(8) Mean wind speed stack top and 900 m.

(9) Cloud cover.

TVA further states that for some plants more than one model may be necessary and that certain physiographic features, e.g., valley ridge configuration may cause frequent occurrences of high surface concentrations involving one or more plume dispersion models, thus making operational control not feasible.

Emission limitations are determined daily for the Paradise plant. A TVA meteorologist takes daily early morning meteorological measurements, including temperature profile (by instrumented fixed-wing aircraft) and wind profile (by standard pibal) from surface to 7000 feet. These data along with input from a 15 station ambient monitoring network plus mobile sensing units are processed by a computer for limiting control. The special computer program provides the limiting SO_2 emission rate in terms of megawatt load generation. Even so the system failed on 18 percent of the days to forecast the need for control actions.

It is apparent that an ICS is highly complex and its success (limited as it is) depends on the good faith of the source operator. Neither EPA or the States would have sufficient resources to review this system or to police it if put into effect where the emission limit can vary on a daily basis. Therefore, our position is that ICS must be restricted to an interim measure in certain limited situations which EPA will define.

ICS should be used as an interim measure only when reasonably available technology cannot achieve the primary standard by July 31, 1975. "Interim" is defined as until 1977 for achievement of the primary standards inasmuch as this is the latest date allowed by the Act for achievement of the standards by a permanent enforceable control strategy. Further as regards achievement of secondary standards, "interim" is defined as such "reasonable time", established by OAP, when practicable technology could be developed. The situations where ICS is acceptable as an *interim* measure should be limited to the following:

(a) Sources for which reasonably available control technology is inadequate.

(b) Point sources that are sufficiently remote to avoid interference to the ICS system from other point sources or background.

(c) Pollutants for which in-stack monitors are available for continuous measurement.

(d) Short-term standards only, i.e., 3-hour secondary standard and 24-hour primary standard.

We are particularly concerned that any ICS system that is approved or promulgated contain a date-certain when permanent controls will be instituted.

FEDERAL ENERGY OFFICE,
Washington, D.C., May 20, 1974.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Energy Supply and Environmental Coordination Act of 1974, H.R. 14368, which is now under consideration by the conferees, contains provisions allowing the Administrator, Federal Energy Administration, to order major fuel burning installations, including electric power plants, to cease burning natural gas or petroleum products as their primary energy source. It also has complementary provisions which amend the Clean Air Act to provide that a plant converting to coal under such an order cannot be prohibited by reason of the application of any air pollution requirement from using coal until January 1, 1979, provided the emissions from the source do not cause certain standards that are specified in the bills to be exceeded.

The provisions of H.R. 14368 will provide a flexible, useful approach to short-term coal conversions; sections 119 (a) and (b) contain provisions applicable through the end of the 1970's. These short-term conversions, however, are only an emergency measure. Only long-term conversions to coal will permit us to achieve our goals of energy self-sufficiency. As you know, the Administration has submitted to the Congress, by letter dated March 22, a package of amendments, of which the coal conversion provisions are only a part, that are designed to encourage these long-term coal conversions. We urge the Congress to turn their attention to these additional amendments as soon as they complete work on H.R. 14368.

We are also concerned with several specific aspects of the coal conversion provisions of H.R. 14368. We would like to take this opportunity to bring these concerns to your attention and suggest possible alternative language.

Coal conversion provision. Our first concern is with the language of the Senate-passed Bill which provides that a suspension under Section 119(b)(1) is conditioned on the source being "located in an air quality

control region in which applicable National primary ambient air quality standards are not being exceeded." This language would unnecessarily impair our ability to convert plants to coal.

A number of air quality control regions cover large geographic areas. The air quality control regions may have a metropolitan area combined with a large rural area. Levels exceeding primary ambient air quality standards are generally found in the densely populated areas. However, a number of power plants that are candidates for conversion are located in suburban or rural portions of regions with a major metropolitan center. Thus, it is likely that a number of non-urban power plants may be excellent candidates for conversion (based on a plant-by-plant analysis of predicted ground-level pollutant concentrations), yet be blocked from conversion because primary ambient air quality standards are being exceeded many miles away. In many such cases, the converted source would not contribute to any violation of the primary ambient air quality standards being exceeded in the urban area.

Accordingly, we believe that the test for conversions should be solely on a plant-by-plant basis. The priority classification of an air quality control region should not be a constraint. The latest data available to EPA show that during 1972 primary ambient air quality standards for sulfur dioxide, were exceeded in 13 to 15 air quality control regions. The primary ambient air quality standard for total suspended particulates was exceeded in 102 air quality control regions during that same period. There are 247 air quality control regions in the country.

A preliminary analysis of the situation shows that 8 of 10 plants analyzed by EPA and FEO as candidates for long-term conversion would not cause to be exceeded or exceed the primary ambient air quality standards, but would not be candidates for conversion under the Senate provision because of the air quality control region in which they are located. This analysis is based on the most recent published data on the ranking of AQCR's. A situation that vividly illustrates the point includes the Morgantown and Chalk Point plants in Maryland which emit pollutants into the same air shed yet are situated in different air quality control regions. Under the formula of the Senate bill, one could be converted, while the other one could not, despite the fact that both plants could meet primary standards.

Further, the addition of the air quality control region test would insert further uncertainties and factors for dispute into the process of identifying plants that are candidates for conversion. Regional priority classifications are based on imprecise procedures. We understand that air quality monitoring data or diffusion modeling calculations may serve as the basis for a priority classification determination. Often the classification for an air quality control region is based on monitoring results from only a few, or even only one, monitor operated by Federal, state or local agencies. EPA quality control studies of monitoring programs have revealed deficiencies in both accuracy and consistency, and a significant margin of error from instrument malfunctions as well as inadequate procedures.

Finally, the data used to rank air quality control regions are generally up to a year or more out of date at the time of the reclassification. Such data and the resulting regional rankings are nearly functionally irrelevant when emissions from a converted source will not in fact occur for some time. Some plants ordered to convert may not actually begin to burn coal for two to four years, which is the time needed to open new mines.

Accordingly, the above reasons clearly indicate to us that the proper approach is to make determinations on a plant-by-plant basis. Such a procedure should rely on state-of-the-art diffusion models and assessments of existing, relevant air monitoring data.

The House-passed bill has no language limiting the provisions of section 119(b) to regions where primary air quality standards are not being exceeded. We recommend conforming the Senate bill to the House-passed bill by deleting from section 2 of the Senate-passed bill the following words, appearing in the first sentence of section 119(b)(1) of the Clean Air Act:

"and which is located in an air quality control region in which applicable national primary ambient air quality standards are not being exceeded."

If the conferees wish to make it absolutely clear that a stationary source may not cause or contribute to concentrations of air pollutants in excess of national primary ambient air quality standards, the first sentence of section 119(b)(1) can be further amended by adding at the end of that sentence: "subject to the provisions of subparagraph (b)(2)(A)."

A conforming amendment is needed in subsection 8(a) of the Senate-passed bill, which deals with FEA-ordered coal conversions. The second sentence of that subsection should be amended to delete the following phrase: "the installation is located in a region described in the first sentence of section 119(b)(1)."

Plant equipment for burning coal. Section 8(a) of the Senate-passed bill and section 10(a) of the House-passed bill provide that conversions can be ordered only for plants which on the date of enactment have "the capability and necessary plant equipment to burn coal". We understand that it is the intent of the Congress to permit conversions to be ordered where necessary plant equipment is reasonably available and that it is not necessary for a plant to have *all* the equipment already in place. To avoid any uncertainty, however, we urge the conferees to state this intent in the conference report as was done in the House Report on page 28.

Energy information reporting. The House bill contains, in Section 11, provisions authorizing the Federal Energy Administrator to collect energy information he determines is necessary to assist in the formulation of energy policy or to carry out the purposes of the Act or the Emergency Petroleum Allocation Act.

The Senate Bill contains no such provision.

As you know, the recently enacted FEA legislation now provides the Administrator with broad authority, including subpoena powers, to gather energy information. In view of the enactment of the FEA bill, we strongly support the approach taken by the Senate of deleting Section 11. This will avoid duplication, confusion and conflict with the information gathering sections of the FEA Act.

In particular, subsection 11(e) of the House version is particularly objectionable because it would provide the authority to the Administrator to obtain information directly from other agencies regardless of existing statutes prohibiting such transfer or of the pledge of confidentiality under which it was obtained. Law enforcement and independent regulatory agencies would be required, for example, to make information available which was obtained pursuant to active law enforcement investigations. Other bureaus and agencies who gather statistics on a voluntary basis but with a pledge of confidentiality to the respondent would also be required to make available individual respondent reports, thereby frustrating their ability to collect such data in the future.

There are two aspects of Section 11 which we understand are being considered for inclusion in the conference bill because they have no exact counterparts in the FEA legislation.

Subsection (d)(2) would require quarterly reports setting out a variety of types of energy information. We are very concerned that preparation of such reports would require misdirection of FEA's limited resources. Insofar as is practicable, FEA will publish data in report form, but we would prefer not to be required to prepare such a wide variety of reports, particularly on a quarterly basis.

We are also concerned that this provision might be construed to require publication of data that might be considered proprietary by the persons supplying the data to FEA; for example, inventory data broken down by refiners, and refinery yields by product. Such a provision would be inconsistent with the provisions of section 11(f) of the House bill, which provides confidential treatment for trade secrets and confidential commercial and proprietary data, and the similar provisions of the Emergency Petroleum Allocation Act.

The second provision under consideration, we understand, is one which would provide that the presently applicable restrictions of 18 U.S.C. 1905 against divulging trade secrets and other confidential trade information would not apply to information supplied to congressional committees at their request. We are somewhat concerned that such a provision would impair FEA's capacity to acquire proprietary data necessary for useful statistical information. Our data collection effort depends for its success on having the widest possible sampling. We therefore recommend against inclusion of such a provision. We will, of course, continue to provide Congressional committees with the widest possible range of information, as we have in the past.

Enforcement and penalty provisions. The enforcement provisions of section 8 of the Senate-passed bill appear to contain some technical shortcoming which should be clarified to accomplish the intent of the Congress.

We recommend amending section 8(d)(4) to make it clear that the Administrator, FEA, and not just his delegates, can request the Attorney General to seek injunctive relief. We suggest the following language in lieu of the present section 8(d)(4): "The Administrator, Federal Energy Administration, or his delegate, may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin acts or practices constituting a violation of this section or any rule, regulation or order issued pursuant to this section, and upon a proper showing, a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. Any such court may also issue mandatory injunctions commanding any person to comply with this section or any such rule, regulation or order issued pursuant to this section."

We also recommend an amendment to subsection 8(e) to make it clear that actions may be taken against offenders after June 30, 1975, for acts or omissions occurring before that date. As now drafted, the section could be construed to require formal administrative proceedings actually to have begun on June 30; this requirement could encourage violations of the Act in the weeks immediately prior to June 30.

We recommend adopting the following language on this subject:

"(e) The authority to promulgate and amend regulations and to issue any order under this section expires at midnight on June 30, 1975 but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to midnight June 30, 1975."

Reference to additional legislation in conference report. Let me reiterate my concern that the pending amendments to the Clean Air Act, while helpful if modified substantially, still do not represent long-term solutions to our coal use problems. They provide only limited, short-term assistance and do not correct several major, and I believe, unwarranted provisions or interpretations of the Clean Air Act.

We understand that the conferees are considering a statement in their report that H.R. 14368 deals with only a limited number of topics of extreme urgency and that the committees will be addressing themselves in the near future to other possible amendments, including amendments designed to deal with energy shortages and with insuring the best use of scarce low-sulfur fuels. We strongly support including such a commitment in the conference report.

There are several items included in both House and Senate versions of H.R. 14368 which are not a subject of the conference but which we believe should be discussed now and again during hearings held on additional amendments to the Clean Air Act.

Specifically, we are concerned with the provisions of section 119(b)(2)(B) that require that plants scheduled to convert must be committed to a compliance schedule that provides a date by which the source must enter into contracts for low sulfur coal or scrubbers. This provision is coupled with section 119(b)(2)(C) that requires plants granted suspensions to come into compliance with emission regulations in a state implementation plan that are in effect on the date of enactment of these amendments.

The requirement concerning contracts for low sulfur fuel or scrubbers would effectively preclude the use of intermittent control systems as an alternative method for achieving compliance. If the Administration's proposal to permit use of intermittent control systems, contained in our March 22 amendments to the Clean Air Act, is adopted, this section of H.R. 14368 would have to be amended to conform with it.

The related requirement concerning compliance with state implementation plan emission limitations in effect as of the date of enactment of H.R. 14368, similarly is inconsistent with the Administration's proposal to encourage revision of state implementation plans to avoid "overkill"—the situation in which state implementation plans require the burning of clean fuels in areas where air quality does not necessitate such fuels. If state implementation plans are in fact revised by the states in the interim to avoid overkill, plants should be required to come into compliance at the conclusion of their conversion orders with these revised state plans, not the plans in effect when H.R. 14368 is enacted.

We also strongly believe that the June 30, 1975 deadline for ordering conversions is unduly restrictive. The time-consuming procedure of air quality analysis and compliance plan revisions will be a deterrent to the number of orders FEO can effectively issue by the June 30, 1975 deadline. This deadline should be deleted.

We are interested in the conversion of power plants to coal from natural gas or petroleum products for the purpose of reducing U.S. dependence on foreign fuels. This strategy is designed to assist in achieving the Nation's long-run self-sufficiency goals. Only long-term conversions should be encouraged where secure long-term coal contracts can be established.

We believe there is a serious need to evaluate emission limitations that are designed to achieve ambient air quality cleaner than that required by the health-related standards. EPA's Clean Fuels Policy is essentially addressing this problem. However, this voluntary program has been less than completely successful. As long as overly stringent regulations remain on the books, utilities will not be able to enter long-term coal contracts because of the uncertainty of future emission limitation revisions.

Accordingly, the Federal Energy Office believes that further discussion is needed of several reasonable alternatives:

(1) Require the states to reconsider the emission regulations when a candidate for conversion is ordered to develop a compliance plan, or

(2) Extend the compliance deadline beyond 1979—to a time when resources are reasonably available to attain the welfare-related ambient standard.

Such further modifications to the Clean Air Act will prove necessary we believe to provide the incentive to the mine owner and operator to invest in new coal ventures. Ten to twenty years are needed to assure an economical mine—not just a few years.

I hope these comments have been useful and I look forward to continued cooperation with your Committee.

Sincerely,

JOHN C. SAWHILL,
Administrator.

OCTOBER 12, 1973.

Subject: Proposed Use of Supplementary Control Systems and Implementation of Secondary Standards.

Mr. ROBERT NELIGAN,
Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, N.C.

DEAR MR. NELIGAN: Thank you for the opportunity to comment on the proposed changes as published in the Federal Register, Vol. 38, No. 178, Friday, September 14, 1973.

EPA's purposed limitation on the use of supplemental control strategies show careful analysis. We agree that it is essential to require the source to reimburse the control agency for the cost of added monitoring and to take responsibility for air quality violations as well as the reliability of the supplemental controls as you have proposed.

We oppose the use of supplemental control systems to achieve ambient SO_2 standards without the requirement of at least 90% sulfur removal. We believe there should be no delay beyond the date presently established by EPA in reducing the total quantity of sulfur emitted to the air. See attached staff memoranda. We also urge the immediate application of curtailment to protect public health when primary standards are exceeded.

The evidence presented in the Swedish acid rain and the CHESS studies support the need to remove at least 90% of the sulfur from the emissions. It is important to provide early relief for those individuals who live downwind of a large point source of SO_2.

If supplementary control systems should be adopted we recommend these changes:

1. Add the following under 40 CFR, Part 51:

The use of supplemental controls shall be implemented at the earliest practical date to protect public health in places where primary standards for SO_2 are exceeded.

2. Ninety percent of the sulfur shall be removed from the emissions of smelter and power plants by the earliest practical date. The use of curtailment of emissions in excess of 90% shall be required if such curtailment is necessary to avoid exceeding SO_2 standards.

3. The installation of SO_2 control equipment for large point sources located in urban areas shall be given priority.

Eliminate the following under Supplementary Control Systems of 40 CFR, Part 51, column 2, page 25699:

Constant emission limitation techniques capable of achieving this degree of emission reduction are not available for every smelter. The alternatives in most cases will be either to close these facilities (or drastically curtail production) or apply supplementary control systems. Weak gas stream scrubbing and process changes may become available for application to many nonferrous smelters in the future.

The same stack-gas technology which EPA considers "adequately demonstrated" for electric generating plants can be applied to weak gas streams (e.g. from reverb furnaces) in smelters. And the top priority for this should be those power plants and smelters located in urban areas.

Thank you for your careful review of these comments and the enclosed memo.

Sincerely yours,

A. R. DAMMKOEHLER,
Air Pollution Control Officer.

OCTOBER 12, 1973.

To Air Pollution Control Officer.

From Chief-Engineering and Air Pollution Engineer-Roberts.

Subject Use of Supplementary Control Systems and Implementation of Secondary Standards Proposed by E.P.A.

The long-term use of supplementary control systems for large point sources of SO_2 such as curtailment or increased stack height to meet ground level ambient air concentrations are undesirable unless accompanied by at least 90% sulfur removal for the following reasons:

1. Supplementary Control System by itself will not control the total emissions of sulfur oxides even though ambient concentrations are below those set by regulation. The CHESS and Swedish acid rain studies, document the need to limit the total quantity of SO_2 which is emitted to the air at an early date.

2. The experience of this Agency with curtailment of the Tacoma Smelter is not satisfactory as is impled in the Federal Register. The attached chart showing the number of violations and public complaints indicate that there has been a large drop in complaints but there is need for added relief. The real life implementation of SO_2 curtailment by the Tacoma Smelter has produced some 200 public complaints in 1973 up to August 31. Some of the limitations proposed by E.P.A. will limit the number of violations and complaints and should be added the condition of the variance granted ASARCO. The use of curtailment with the Federal standards which are less stringent than those of our Agency would result in a higher number of SO_2 insults to the public. We still receive large numbers of SO_2 complaints while ambient readings do not exceed the Federal standards.

3. ASARCO has reported that the use of curtailment by the Tacoma Smelter has caused a 30% loss in production. The early installation of effective controls would reduce the loss of power and copper that will occur if curtailment is used as the primary means of meeting SO_2 standards.

4. The technology to achieve 90% SO_2 control is available. The technology to control weak SO_2 streams coming from power plants is "adequately demonstrated" for purposes of Section III of the Clean Air Act. This safer technology can be applied to weak SO_2 streams coming from smelter roasters and reverberatory furnaces.

5. Curtailment programs are difficult to monitor and enforce.

A. ASARCO has recently successfully challenged this Agency's monitoring of * * * process. The State of Washington Pollution Control * * * recently ruled that a violation cannot be issued unless the SO_2 ruling is 10% above the value specified in the regulation. On this basis six violations in 1973 were voided.

B. It would be possible to operate a curtailment system with very few violations yet have a large number of SO_2 insults that affect public health and cause the large number of complaints that we still receive. There

is a strong tendency to reduce curtailment if the point source plume does not touch the air monitoring station. Requiring the source to pay the cost of additional monitoring is the only practical way to protect the public from SO_2 and sulfate insults.

C. It is impossible to model the SO_2 (and/or sulfate) insults that occur due to wind changes, the break-up of an inversion or the fugitive low level omissions. The only sure way to reduce these insults is to combine 90% control and curtailment.

6. Once supplementary controls are accepted as a means of meeting ambient air SO_2 standards there will be pressure to continue such controls indefinitely.

JOHN W. ROBERTS.

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C. May 6, 1974.

To Senate Subcommittee on Environmental Pollution. Attention: Mr. Karl Braithwaite.

From Maria H. Grimes, Analyst, Environmental Policy Division.

Subject Supplemental Control Strategies.

The following comments summarize information obtained on certain aspects of the proposed supplementary control strategies which you selected for further analysis during our meeting on April 18. These included: state-of-the-art and reliability of SCS methods and technology; vulnerability of the system; costs; and enforceability.

To complement the information provided by EPA in its April, 1973 briefing paper, proposed regulations regarding use of intermittent control systems of September 14, 1973, and its hearings on the adequacy of SOx control technology in October, 1973, as well as the comments submitted to EPA by Natural Resources Defense Council (attached), I contacted the following persons:

Mr. John W. Frey, Air Quality Branch, TVA, Muscle Shoals, Alabama;

Mr. Robert Foster, Div. of Air Pollution Control, State of Tennessee;

Mr. Frank Dannkoehler, Air Pollution Control Officer, Puget Sound Air Pollution Control Agency, Seattle, Washington;

Mr. Franchot Buhler, National League of Cities, Washington, D.C.

The following observations result from these interviews:

ADEQUATE AND RELIABLE SCS TECHNOLOGY AND METHODOLOGY IS AVAILABLE

There seemed to be general agreement that adequate and reliable technology is now available and components from several vendors are usually selected to make up an SCS system. TVA estimates that a system for one of their plants would require 16-18 months to become fully operational, including field studies, design state, and installation of equipment all of which can proceed simultaneously. The process requires minimal downtime and there is little malfunction.

Differences of opinion arise as to operational methods. EPA cites TVA's Paradise plant system as an example of the feasibility of the system. The discussion with Mr. Frey yielded the information, however, that the field instruments are not individually checked for calibration and performance, since the employee anticipated to this work has not yet become available. The instruments are monitored by remote control, the resulting data being processed by computer. One employee on an early day-time shift monitors the computer consoles and interprets the data for action as needed. (The need for onsite interpretation of meteorological data appears to vary with the individual location. Paradise requires only low-level interpretation, but the system installed for one section of the Widows Creek plant calls for considerable interpretive skills.)

At Paradise, no monitoring takes place by a trained meteorologist outside of his working hours which end in mid-afternoon. Yet, Mr. Dannkoehler stated that all SCS systems now available require regular servicing of all instruments (calibration, reading, evaluation) in the field, and that the system, to be reliable, must be operated on a 24-hour basis. ASARCO's system and the instruments of the Puget Sound region are operated in this manner.

In a second, unsolicited conversation, Mr. Frey modified his previous statements. He did not change his original assertion that TVA SDEL program is being executed both on the basis of previous experiences and the use of new data developed in the course of operation, and that it is still in a state of flux, is not complete, and is still experimental in some of the stages. He did state, however, that TVA's goal is to have continuous meteorological surveillance in the field to interpret and make changes to improve computer accuracy. He apparently is not content to rely solely on the currently used indirect monitoring and remote readouts. Nevertheless, he reiterated that the Paradise operation demonstrates that ambient standards can be met and maintained with SCS, and that the system can be used as an "ongoing sustaining operation with reliable capability." He emphasized that the full-scale program projected for TVA would involve a 24-hour, 3-shift, 7-day workweek operation, anticipated for June or September of this year at the Widows Creek plant. Even now, field instruments apparently are being maintained by TVA personnel not directly related to the SDEL program as part of the regular service schedule for all TVA instrumentation.

COSTS FOR RELIABLE AND ENFORCEABLE OPERATION OF AN SCS PROGRAM ARE COSIDERABLE

EPA estimates that installation costs for an SCS system will average $300,000, and operational expenses $100,000 a year. A tall stack about 1,000 ft. high, to complement the system would cost $6 million, but require almost no upkeep. TVA's figures for its SDEL technique is about $100 million for installation and some $17 million annually for operation. Mr. Foster's estimate for a large power plant needing 10-12 monitoring sites is $2 million. These costs are about 10% of expenses which would have to be incurred for sulfur oxide scrubbers.

The real costs of using SCS are much higher. According to Mr. Dannkoehler and EPA, ASARCO sustained a 35% loss of production last year as a result of necessary curtailments of operations. While industries in some areas may avail themselves of State or local weather services and meteorological findings to compute and predict adverse conditions, additional funds may be needed for weather balloons and other measuring instruments where such services are not furnished by State or local weather bureaus.

Very significant additional costs, according to the State spokesmen and Mr. Buhler will have to be assumed by the tax payers to provide the necessary instrumentation and personnel to monitor and enforce SCS systems for the States' resources are already taxed to the limit and cannot assume additional surveillance responsibilities. Tennessee is considering a request for a Federal grant of about $100,000 a year for this purpose. Mr. Foster anticipates that, by following EPA criteria of eligibility, 5 or 6 sources would be allowed to use SCS and could be monitored for this amount. Puget Sound 6 or 7 persons are now detailed to monitor one ASARCO plant, using 5 of its 10 stations. About $200,000 a year is needed for this process which includes complex verification procedures to furnish solid proof of violations. It is complicated by obsolete instrumentation. Mr. Dannkoehler's estimate for State manpower needs to monitor all anticipated sources permitted to use SCS was around $400,000 a year. In addition, his agency would require a minimum of $70-80,000 to purchase new and more reliable equipment, since no Federal grants for this purpose have been received since 1968.

ENFORCEMENT OF AMBIENT STANDARDS IS DEFICIENT AND DIFFICULT—SCS SYSTEMS ARE TOO EASILY MANIPULATED TO AVOID DETECTION OF VIOLATIONS

EPA's criteria for allowing the use of SCS systems is that they be measurable and enforceable. TVA claims that the concerned States have free access to all plants and data, and that all necessary information is made available. Tennessee reserves the option for its personnel to enter a source without prior announcement, a requirement which antedates filing of the State implementation plan. The Puget Sound agency uses its own independent instrumentation to verify data submitted by ASARCO.

Confirmation of accuracy, and thus the enforcement of ambient standards are complicated, however:

Mr. Frey said that TVA is still negotiating with the States involved since the latter have not yet decided on a course of action to supervise the system and enforce the standards. Tennessee does give prior warning of a forthcoming inspection unless there is reason to believe that a source is deliberately violating the standard. In that event, a State monitoring instrument is moved into the vicinity of the plant's instrument to verify its data. Sources are required to demonstrate that they have both the expertise and the equipment to comply with regulations; however, expertise is acknowledged to be gained largely through on-the-job training, and Mr. Foster's opinion was that violations might be permitted on a sliding scale, with the system becoming effective over a period of time. Since his agency's primary stated objective is to protect public health, it is concerned with the results, not the internal mechanisms of a system. Sources are responsible for all equipment, including the necessary weather balloons.

Mr. Dannkoehler admits to considerable difficulties in proving violations. In order to disprove ASARCO's data obtained with up-to-date equipment, it must monitor the source's operations independently and, according to State regulations, furnish proof within a plus-minus 10% margin of error. The final strip chart—the final chart of calculations which is the result of preceding measurements and computations—is the required proof.

Puget Sound personnel has become experienced and expert at providing justifiable court data, but ASARCO employees also have become expert at avoiding or bypassing State monitoring stations. ASARCO also was to comply with a State-established inspection protocol which, however, it has yet to implement.

At the start, every citation of a violation was appealed, resulting in cumbersome, time-consuming procedures. The Appeals Court has since defined certain areas of controversy such as reliability of readings, dump cycle arguments (a smelter's purging period of 5-6 minutes at a time when instruments are not read) for which precedent-making judgments have been rendered. As a result, appeals have diminished, but violations have not decreased as a result of the increased number of uncontested fines paid. (see attached documents).

In the case of multiple sources in a region, Mr. Dannkoehler felt that a separate set of instruments would have to be used for each source to prove a violation, for polluters could claim that the readings did not apply to them. Mr. Foster would use a model allocating a certain percentage of emissions to each source located in fairly close proximity to another.

SUPPLEMENTARY CONTROL STRATEGIES DO NOT ASSURE PROTECTION OF PUBLIC HEALTH

Until definitive proof is available that sulfates, acid rain and other residual pollutants resulting from tall stack emissions of SOx into the atmosphere are not harmful to public health, there appeared to be general agreement that SCS should be used solely as an interim measure in the context of the EPA proposal, i.e. for existing installations only, and as temporary, immediate relief to the public while permanent controls are perfected. (Admittedly, the interim aspect may complicate enforcement and act as a disincentive to commit capital for installation and operation of SCS.) The Puget Sound region is on record as opposing the use of SCS without the requirement of at least 90% SOx removal. Emission controls of large sources, as soon as their effectiveness has been demonstrated, are acknowledged to be the only permanent answer for the protection of public health. However, there seems to be general agreement that not only is control technology still deficient, but that delays in deliveries of equipment already contracted for due to shortages of materials and metals will make achievement of standards within the mandated time limits unfeasible.

Other issues, such as the legality of using SCS as an abatement strategy, are not covered in this memorandum. They are dealt with in the NRDC comments, a copy of which is attached.

STATE AIR POLLUTION IMPLEMENTATION PLAN PROGRESS REPORT, JUNE 30 TO DECEMBER 31, 1973

Prepared by Office of Air Quality Planning and Standards, Office of Air and Water Programs, U.S. Environmental Protection Agency, Research, Triangle Park, N.C., and Office of Enforcement and General Counsel, U.S. Environmental Protection Agency, Washington, D.C.

AIR QUALITY AND EMISSION DATA

Air Quality Overview

Suspended particulates remain a problem in spite of encouraging evidence of downward trends. One-hundred-thirty-eight AQCRs reported at least one station still above a primary standard (24-hour or annual in 1972. Thirty-four AQCRs have reported no annual 1972 particulate data. Primary 24-hour or annual sulfur dioxide standards were exceeded at one or more locations in only 19 of 162 AQCRs reporting 1972 data.

Data on oxidants and carbon monoxide are quite sparse, but if the limited results are indicative, substantial problems exist with these two pollutants. The primary oxidant standard was exceeded in 21 of 38 AQCRs reporting at least one quarter's data. The primary carbon monoxide standards were exceded in 42 of 48 AQCRs reporting in 1972.

Adequacy of Air Quality Reporting and Processing

At the conclusion of the fourth quarter of calendar year 1973, data for the second quarter of CY 1973 reaching the Storage and Retrieval of Aerometric Data (SAROAD) system represents less than 60 percent of the total stations reporting in CY 1972. Consequently, an attempt to characterize nationwide air quality status or trends using the incomplete 1973 data presently in hand would be premature and misleading. Four quarters of 1973 data are expected to be in hand for summarization in the next SIP progress report.

Adequacy of air quality monitoring networks

The number of air sampling stations by pollutant-type reporting data as required in approved SIPs varies from 60 to 200 percent of requirements. However, when the required reporting stations are related to the SIP requirement the percentage by pollutant-type varies from 39 to 84 percent.

Emission data reporting and processing

Emission data are continually changing due to additions and corrections (e.g., updated emission factors, discovery of new sources, new estimates of emissions from a source, installation of control equipment, shutdown and start up of sources). Consequently, trends due to control activities are characterized as inconclusive. However, the 1972 data based on the National Emission Data System (NEDS) show significantly higher carbon monoxide and lower particulate emission from industrial processes when compared to the 1971 data. NEDS shows more carbon monoxide for nearly every industrial category. It could be concluded either that NEDS has not adequately accounted for carbon monoxide controls or that the methodology used in 1971 overestimated the extent of control. Another possibility, of course, is that sources of carbon monoxide were inadvertently missed in earlier inventories.

Industrial process particulate emissions compare favorably from 1971 to 1972, except for the mineral products industry, which in 1972 had much lower emissions. As in the case of carbon monoxide emissions, the accountability of control measures for this category could cause this discrepancy.

PLAN REVISION MANAGEMENT SYSTEM

Overview

The Plan Revision Management System (PMRS) analysis has been expanded from the original 17 AQCRs to 67 AQCRs. In addition, the PRMS has been expanded from analysis in relationship to annual particulate matter and sulfur dioxide standards to analysis of all current national ambient air quality standards, except that for nitrogen dioxide.

The Office of Air Quality Planning and Standards provides each Regional Office with detailed copies of the individual PRMS site reviews for each monitoring site identified as having a "possible deficiency" within 60 days of the end of each semiannual reporting period. Data review actions have been initiated by the Regional Offices to determine causes of the identified deficiencies in the first 17 AQCRs within the PRMS.

Two important facts are germane in considering results of these actions. First, because the system considers the applicable State and Federal regulations, transportation control plans, and the Federal Motor Vehicle Control Program in the development of the projected air quality trend, an AQCR will not be "flagged" even though the air quality is considerably above the applicable air quality standards, so long as the observed air quality is following the downward trend predicted on the basis of enforcement of regulations and compliance schedules. Second, the PRMS analyzes only the air quality data currently contained in the SAROAD. Therefore, in a number of cases, because of the incomplete implementation of the quarterly reporting requirements for air quality data, there may be an 8- to 10-month time lag in the currentness of the data.

However, as more States begin to implement the reporting requirements, the system will be able to provide an up-to-date analysis of any specific AQCR and its progress toward attainment of the standards.

Results of analysis

The current PRMS analysis has identified approximately the same percentage of possible deficiencies (i.e., an air sampling site where trends in air quality indicate that NAAQS will not be reached as of the specified attainment date) in 10 of the original 17 AQCRs as were identified in the first analysis. Seven AQCRs did not have an increased number of monitoring sites available for review and had the same or an increased percentage of possible deficiencies.

A review of the other 50 AQCRs analyzed showed adequate progress being made toward attainment of air quality standards, with the exception of a few localized problems. The AQCRs that did not follow this general trend were principally divided into two groups: (1) those within limited data base and (2) those with increasing ambient concentrations. The AQCRs with a limited data base had fewer than the minimum number of sites required by the SIP and/or a minimal quantity of available data from each site.

For particulate matter, 8 of the 67 AQCRs had a limited data base; for sulfur dioxide, 32 of the 67 AQCRs had a limited data base. Similarly, 14 of 25 AQCRs that were required to have carbon monoxide instruments had less than the minimum number of sites required and 18 of 36 AQCRs that were required to have oxidant instruments had less than the minimum number of sites required reporting sufficient data for analysis.

Possible deficiencies associated with particulate matter were noted in 51 of the 67 AQCRs analyzed. Some of these deficiencies appear to be local in nature since the remainder of the AQCR appears to be progressing as predicted.

Possible deficiencies were associated with carbon monoxide in 13 AQCRs and with oxidant in 8. However, 29 AQCRs have values that are currently above the national standards for carbon monoxide (although only 25 of the 67 AQCRs required CO monitors, an additional 4 AQCRs had data, thus, the 29), and 19 of the 36 AQCR required to have oxidant monitors have values above the standard. Again, it should be noted that almost 50 percent of the AQCRs that were required to have carbon monoxide and oxidant monitors had less than the minimum number of sites with sufficient data for analysis. Additionally, some AQCRs have a carbon monoxide instrument where no current SIP requirement exists and have recorded values in excess of the standard.

In general, the PRMS analysis indicates that in most AQCRs adequate progress appears to be being made for most sites; however, no relaxation of any of the current ongoing programs should take place. The possible deficiencies should ge reviewed to determine their cause and possible solution for that area of the AQCR where the deficiency was noted. The status of sulfur dioxide, carbon monoxide and oxidant will require additional data to really assess the situation and determine if possible deficiencies exist.

SUPPLEMENTARY CONTROL SYSTEMS

A major issue related to implementation plans involves the question of supplementary control systems (SCS) as an acceptable control strategy. SCS involve both the temporal variation of emission rate, based on expected meteorological conditions, to avoid high ground-level concentrations during periods of poor dispersion potential, and the use of tall stacks to lower ground-level impact. Early in September 1973, EPA proposed regulations and solicited public comment on them.[1]

SCS are considered less desirable than constant emission limitations and, as proposed, will be allowed only for large, remote existing sources of sulfur dioxide and only where constant emission reduction systems are not available to the source. Generally this restricts their use to nonferrous smelters (after use of acid plant control systems) and rural coal-fired power plants that will not be able to install stack gas cleaning equipment nor find low-sulfur coal. The regulations also proposed many requirements for the design and operation of SCS.

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Fourth, it should also be noted that many AQCRs have less than the minimum num-

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[1] *Federal Register*, Volume 38, No. 178, September 30, 1973.

ber of sites required in the SIP reporting sufficient data for which any analysis can be performed. This is especially true for sulfur dioxide, carbon monoxide and oxidants. Thus, for many of the 67 AQCRs, the analysis for those pollutants may not be conclusive until at least the minimum number of required sites are reporting enough data for analysis and review. Consideration should be given to the number of sites for which the analysis was performed compared to the minimum number of sites required by the SIP before any conclusions are made concerning the progress an AQCR is making. Many AQCRs that at this time appear to be making adequate progress based on less than the minimum number of monitors required may have severe SIP deficiencies when the data from all the sites are available in sufficient quantity for review.

A comparison of the initial analysis for the 17 AQCRs to the current analysis indicates that, in general, States are submitting more aerometric data, thus providing a larger air quality data base for review.

In some cases, the increased data base allowed for the identification of some additional possible deficiencies that were not evident in the initial analysis.

The results from the current analysis of 67 AQCRs indicated four principal types of problems: (1) limited data base, (2) localized problem, (3) general problem, and (4) increasing pollutant concentrations.

The AQCRs with a limited data base resulted from having less than the minimum number of sites required by the SIP. This was not a major problem for particulate matter as only 8 of the 67 AQCRs had less than the minimum number of sites currently reporting sufficient data for analysis. However, this was not the case for sulfur dioxide; 32 of the 67 AQCRs had less than the minimum number of monitoring sites reporting sufficient data for analysis. Similarly, 14 of the 25 AQCRs that were required to have carbon monoxide instruments had less than the minimum number of sites required, and 18 of the 36 AQCRs that were required to have oxidant instruments had less than the minimum number of sites required reporting sufficient data for analysis.

Possible deficiencies associated with total suspended particulates were noted in 51 of the 67 AQCRs analyzed. Some of these deficiencies appear to be local in nature since the remainder of the AQCR appears to be progressing as predicted. In addition, 65 of the 67 AQCRs have patriculate concentrations above the national ambient air quality standard.

Only 5 of the 67 AQCRs had possible deficiencies relative to sulfur dioxide, and 9 AQCRs had values above the standards. As mentioned previously, however, almost 50 percent of the AQCRs analyzed had less than the minimum number of sites required, and any general conclusions on the status of sulfur dioxide would not be completely accurate at this time.

Possible carbon monoxide deficiencies were noted in 13 AQCRs and oxidant deficiencies in 8. However, 29 of the AQCRs have values that are currently above the national standards for carbon monoxide. Nineteen (19) of the 36 AQCRs required to have oxidant instruments were above the standard. Again, it should be noted that almost 50 percent of the AQCRs required to have carbon monoxide and oxidant monitors had less than the minimum number of sites with sufficient data for analysis. Additionally, four AQCRs that have a carbon monoxide instrument where no current SIP requirement exists have recorded values in excess of the standard.[2]

Two AQCRs have been noted as having possible deficiencies throughout the AQCR, and further study should be initiated to determine the real extent of the problem.

To date, 8 AQCRs have reported pollutant concentrations that have increased over the past years. This problem appears to be local in nature as only one or two sites in these AQCRs have shown increases. This problem relates primarily to particulate concentrations; however, in a few areas, sulfur dioxide levels have also increased slightly.

In general, the PRMS analysis indicates that in most AQCRs adequate progress appears to be being made for most sites; however, no relaxation of any of the current ongoing programs should take place. The possible deficiencies should be reviewed to determine their cause and possible solution for that area of the AQCR where the deficiency was noted. The status of sulfur dioxide, carbon monoxide, and oxidants will require additional data to really assess the situation and determine if possible deficiencies exist. However, for those areas where a deficiency was noted, some work should begin to investigate the extent of the problem.

SECTION 6—AIR QUALITY MONITORING AND DATA REPORTING

Ambient air quality

State air pollution control agencies must satisfy two basic requirements with respect to ambient air quality monitoring: (1) establish a network of measurement stations for each designated pollutant (total suspended particulates, sulfur dioxide, carbon monoxide, and oxidants) according to prescribed guidelines, adequate in number and comprehensive in distribution, to yield a representative picture of pollutant means and extremes, and (2) submit the data from these monitoring networks to EPA quarterly as evidence of meeting air quality standards or of making proper progress toward a specified compliance date.

Table 6–1 lists, by State, the level of monitoring activity for calendar year 1972 being reported to EPA's National Aerometric Data Bank (NADB) as of September 1973. Under each pollutant, the initial columns give the numbers of individual stations initially required in the August 14, 1971, *Federal Register*[1] and the numbers of stations for which data collected in 1972 have been reported.

[2] Although only 25 of the 67 AQCRs required CO monitors, an additional 4 AQCRs had data; thus, the 29.

[1] *Federal Register*, Volume 36, No. 156, August 14, 1971.

TABLE 6–1.—STATUS OF CALENDAR YEAR 1972 MONITORING ACTIVITY AS REPORTED TO NADB BY STATES, SEPTEMBER 1973

EPA Region/State	AQCR's within State	Total suspended particulates						Sulfur dioxide						Carbon monoxide						Oxidants					
		Total required			AQCR's reporting			Total required			AQCR's reporting			Total required			AQCR's reporting			Total required			AQCR's reporting		
		Minimum required	Total reporting	Required not reporting	<½ minimum required	½ to minimum required	>Minimum required	Minimum required	Total reporting	Required not reporting	<½ minimum required	½ to minimum required	>Minimum required	Minimum required	Total reporting	Required not reporting	<½ minimum required	½ to minimum required	<Minimum required	Minimum required	Total reporting	Required not reporting	>½ minimum required	½ to minimum required	<Minimum required
Region I:																									
Connecticut	4	16	25	0	0	0	4	14	4	10	2	1	1	4	0	4	2	0	2	4	0	4	2	0	2
Maine	5	13	6	7	4	1	0	13	9	7	4	0	1	0	0	0	0	0	5	0	0	0	0	0	5
Massachusetts	6	39	52	6	1	0	5	34	48	0	0	0	6	7	2	5	2	0	4	7	0	7	2	0	4
New Hampshire	3	8	25	0	0	0	3	9	4	5	2	0	1	0	0	0	0	0	3	0	0	0	0	0	3
Rhode Island	1	7	23	0	0	0	1	7	20	0	0	0	1	0	2	0	0	0	1	0	0	0	0	0	1
Vermont	2	4	2	2	1	0	1	5	0	5	2	0	0	0	0	0	0	0	2	0	0	0	0	0	2
Region II:																									
New Jersey	4	19	78	0	0	0	4	20	28	2	0	1	3	8	20	2	0	1	3	7	3	4	1	1	2
New York	8	72	228	0	0	0	8	58	49	29	3	1	4	13	10	8	1	1	6	19	7	13	4	0	4
Puerto Rico	1	3	5	2	0	0	1	4	4	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	1
Virgin Islands	1	3	4	0	0	0	1	4	2	2	0	1	0	0	0	0	0	0	1	0	0	0	0	0	1
Region III:																									
Delaware	2	3	16	0	0	0	2	3	10	0	0	0	2	1	0	1	1	0	1	1	0	1	1	0	1
District of Columbia	1	4	2	2	0	1	0	4	4	0	0	0	1	1	2	0	0	0	1	1	1	0	0	0	1
Maryland	6	31	85	0	0	0	6	29	50	0	0	0	6	6	1	5	2	0	4	6	0	6	2	0	4
Pennsylvania	6	68	105	2	0	1	5	42	14	28	4	2	0	11	1	10	2	0	4	11	1	10	2	0	4
Virginia	7	47	116	3	0	1	6	16	44	4	1	0	6	2	3	1	0	1	6	7	3	4	2	0	5
West Virginia	10	24	36	4	3	1	6	12	14	8	6	0	4	0	1	0	0	0	10	0	0	0	0	0	10
Region IV:																									
Alabama	7	34	60	1	0	1	6	15	10	8	4	1	2	3	0	1	1	0	6	4	1	3	1	0	6
Florida	6	32	39	6	2	9	4	24	36	2	2	9	4	0	3	0	0	0	6	4	2	2	1	1	4
Georgia	9	43	29	13	1	7	1	6	14	23	3	3	3	0	1	0	0	0	9	1	0	1	1	0	8
Kentucky	9	30	88	2	1	0	8	18	78	0	0	0	9	0	4	0	0	0	9	3	2	1	1	0	5
Mississippi	4	11	1	9	3	0	1	9	2	7	3	0	1	0	0	0	0	0	4	2	0	2	1	0	3
North Carolina	8	54	178	0	0	0	8	11	135		0	0	8	0	0	0	0	0	8	2	1	1	1	0	7
South Carolina	10	35	72	10	0	0	10	19	36	3	0	1	9	0	0	0	0	0	10	1	0	1	1	0	9
Tennessee	6	39	95	0	0	0	6	17	34	3	2	0	4	0	1	0	0	0	6	5	2	3	1	1	4

TABLE 6-1.—STATUS OF CALENDAR YEAR 1972 MONITORING ACTIVITY AS REPORTED TO NADB BY STATES, SEPTEMBER 1973

EPA Region/State	AQCR's within State	Total suspended particulates: Total required: Minimum required	Total suspended particulates: Total required: Total reporting	Total suspended particulates: Total required: Required not reporting	Total suspended particulates: AQCR's reporting: < ½ minimum required	Total suspended particulates: AQCR's reporting: ½ to minimum required	Total suspended particulates: AQCR's reporting: < Minimum required	Sulfur dioxide: Total required: Minimum required	Sulfur dioxide: Total required: Total reporting	Sulfur dioxide: Total required: Required not reporting	Sulfur dioxide: AQCR's reporting: < ½ minimum required	Sulfur dioxide: AQCR's reporting: ½ to minimum required	Sulfur dioxide: AQCR's reporting: < Minimum required	Carbon monoxide: Total required: Minimum required	Carbon monoxide: Total required: Total reporting	Carbon monoxide: Total required: Required not reporting	Carbon monoxide: AQCR's reporting: < ½ minimum required	Carbon monoxide: AQCR's reporting: ½ to minimum required	Carbon monoxide: AQCR's reporting: > Minimum required	Oxidants: Total required: Minimum required	Oxidants: Total required: Total reporting	Oxidants: Total required: Required not reporting	Oxidants: AQCR's reporting: < ½ minimum required	Oxidants: AQCR's reporting: ½ to minimum required	Oxidants: AQCR's reporting: > Minimum required
Region V:																										
Illinois	11	54	54	26	8	2	1	52	38	26	7	0	4	10	0	10	2	0	9	10	1	9	2	0	9
Indiana	10	42	117	1	0	2	8	37	61	17	4	0	6	4	0	4	2	0	8	4	1	3	2	0	8
Michigan	6	29	108	0	0	0	6	27	42	1	0	1	5	0	0	0	0	0	6	0	0	0	0	0	6
Minnesota	7	25	57	2	1	1	5	23	18	6	3	2	2	4	2	2	0	1	6	0	1	0	0	0	7
Ohio	14	78	123	27	9	1	4	60	72	28	8	1	5	0	4	0	0	0	14	16	7	8	3	1	10
Wisconsin	8	24	7	17	6	1	1	9	3	6	4	0	4	0	0	0	0	0	8	4	0	4	0	0	8
Region VI:																										
Arkansas	7	10	28	0	0	0	7	4	2	3	3	0	4	0	0	0	0	0	7	0	0	0	0	0	7
Louisiana	3	5	11	0	0	0	3	15	17	0	0	0	3	0	0	0	0	0	3	5	4	1	0	1	2
New Mexico	8	16	26	2	2	0	6	9	5	5	4	1	3	1	1	1	1	0	7	3	1	2	1	1	6
Oklahoma	8	24	90	0	0	0	8	6	25	0	0	0	8	0	2	0	0	0	8	4	2	2	0	2	6
Texas	12	52	160	0	0	0	12	49	13	37	9	0	3	1	0	1	1	0	11	19	0	19	7	0	5
Region VII:																										
Iowa	12	32	26	9	3	1	8	13	2	11	10	0	2	0	0	0	0	0	2	2	0	2	1	0	11
Kansas	7	35	57	2	0	1	6	6	31	0	0	0	7	1	3	0	0	0	7	3	2	1	0	1	6
Missouri	5	30	46	6	1	0	4	15	4	11	3	0	2	6	1	5	2	0	3	6	1	5	2	0	3
Nebraska	4	11	36	0	0	0	4	5	2	4	3	0	1	0	1	0	0	0	4	0	1	0	0	0	4
Region VIII:																										
Colorado	8	28	68	0	0	0	8	8	3	7	7	0	1	3	1	2	1	0	7	3	2	1	0	1	7
Montana	5	13	2	11	4	0	1	14	1	13	5	0	0	0	0	0	0	0	5	0	0	0	0	0	5
North Dakota	2	5	16	0	0	0	2	2	0	2	2	0	0	0	0	0	0	0	2	0	0	0	0	0	2
South Dakota	4	6	2	4	3	0	1	3	1	2	2	0	2	0	0	0	0	0	4	0	0	0	0	0	4
Utah	3	11	8	2	2	1	0	9	1	8	3	0	0	2	4	0	0	0	3	2	0	2	1	0	2
Wyoming	3	7	3	4	2	0	1	3	1	2	2	0	1	0	0	0	0	0	3	0	0	0	0	0	3
Region IX:																										
American Samoa	1	1	0	1	1	0	0	1	0	1	1	0	0	0	0	0	0	0	1	0	0	0	0	0	1
Arizona	4	17	32	0	0	0	4	16	15	4	0	1	3	3	1	2	1	0	3	3	2	1	0	1	3
California	11	64	18	47	10	0	1	17	15	6	6	0	5	29	42	2	1	0	10	29	60	1	1	0	10
Guam	1	1	3	0	0	0	1	4	2	2	0	1	0	0	0	0	0	0	1	0	0	0	0	0	1
Hawaii	1	3	14	0	0	0	1	1	12	0	0	0	1	0	1	0	0	0	1	0	1	0	0	0	1
Nevada	3	13	41	0	0	0	3	8	3	5	2	1	0	2	0	2	1	0	2	2	1	2	1	0	2
Region X:																										
Alaska	2	11	17	1	1	0	3	7	7	0	4	0	0	1	1	0	0	0	4	0	0	0	0	0	4
Idaho	4	15	25	2	0	1	3	7	0	7	0	4	0	0	0	0	0	0	4	0	0	0	0	0	4
Oregon	5	20	48	0	0	0	5	8	2	6	4	1	0	3	2	1	0	1	4	3	2	1	0	1	4
Washington	6	31	54	0	0	0	6	14	12	2	2	0	4	7	8	0	0	0	6	5	4	1	1	0	5
Total	----	1,377	2,667	233	69	33	220	861	1,049	363	136	33	153	133	125	69	23	5	275	208	122	128	46	12	255

The remaining columns in Table 6-1 categorize the number of Air Quality Control Regions (AQCRs) within each State that are (1) reporting less than half the required monitoring, (2) reporting from half up to the required monitoring, and (3) reporting more than the minimum required monitoring. (Requirements for interstate AQCRs are apportioned to the constituent States according to population.)

Note that some States in Table 6-1 are reporting as many stations as required, and some are reporting more; but these stations are not always distributed among the AQCRs in accord with minimum requirements for each AQCR. Consequently, even in these States, one or more AQCRs may not yet satisfy minimum monitoring requirements. Further, Table 6-1 identifies how many of the minimum required stations are actually being reported in each State. No attempt has yet been made to assess the aspect of how representative these monitoring locations are.

Tables 6-2 to 6-5 summarize the status of air quality in the nation's 247 AQCRs as portrayed by the data reported to NADB for calendar year 1972. For each pollutant, the number of AQCRs in each priority classification is shown, plus the number of AQCRs reporting (1) at least one station-quarter's data and (2) at least one valid station-year of data for particulates and sulfur dioxide, for which annual standards pertain. The final column in each of these tables reports the number of AQCRs wherein one or more reporting stations exceeded a primary standard. The results in these four tables differ from those presented in the previous SIP progress report[2] as a consequence of additional 1972 data and corrections received in the interim. The previously reported counts are shown in parentheses in the tables.

In brief, suspended particulates remain a problem in spite of encouraging evidence of downward trends. One-hundred-thirty-eight AQCRs have reported at least one station still above a primary standard (24-hour and/or annual) in 1972. Thirty-four AQCRs had reported no 1972 particulate data at that point. Primary 24-hour and/or annual sulfur dioxide standards were exceeded in only 19 of 162 AQCRs reporting in 1972.

Data for oxidants and carbon monoxide are quite sparse, but if these limited results are indicative, substantial problems exist with respect to these two pollutants. The primary oxidant standard was exceeded in 21 of 38 AQCRs reporting at least one quarter's data. The primary carbon monoxide standards were exceeded in 42 of 48 AQCRs reporting in 1972. More detailed information on AQCR status and individual station results is given in Publication No. EPA-450/1-73-004.[3]

The presence of individual values or annual means over a standard clearly identifies problem AQCRs. The absence of such values or means in the data reported from other AQCRs does not necessarily warrant the conclusion that the standards are being met in those AQCRs until their monitoring networks have been thoroughly appraised for adequacy in number and placement of monitoring sites. Many regions do not have comprehensive networks operating; others are only just beginning to report scattered results from the initial stages of network implementation. Until assessments can be made of network adequacy (not necessarily to be equated with the initially specified minimum requirements listed in Table 6-1) a technical distinction exists in describing an AQCR reporting no values above standards. For the present, it can only be stated that such an AQCR "experiences no violation." The goal based on data from an adequate network, will be to designate such an AQCR as "in compliance" with national ambient air quality standards.

[2] State Air Pollution Implementation Plan Progress Report, January 1 to June 30, 1973. U.S. Environmental Protection Agency, Research Triangle Park, N.C. EPA-450/2-73-005. September 1973.

[3] Monitoring and Air Quality Trends Report, 1972. U.S. Environmental Protection Agency, Research Triangle Park, N.C. Publication No. EPA-450/1-73-004.

TABLE 6-2.—SUSPENDED PARTICULATE MATTER, STATUS OF AIR QUALITY, 1972

[Based on data reported by States as of Oct. 6, 1973. Values reported in EPA 450/2-73-005 are given in parentheses]

Priority classification	Number of AQCR's	AQCR's reporting— At least 1 station-quarter	At least 1 station-year	AQCR's exceeding any primary standard
I or Ia	120	118 (116)	110 (106)	102 (99)
II	70	63 (61)	53 (47)	22 (26)
III	57	37 (36)	28 (26)	14 (14)
Total	247	218 (213)	191 (179)	138 (139)

TABLE 6-3.—SULFUR DIOXIDE, STATUS OF AIR QUALITY, 1972

[Based on data reported by States as of Oct. 6, 1973. Values reported in EPA 450/2-73-005 are given in parentheses]

Priority classification	Number of AQCR's	AQCR's reporting— At least 1 station-quarter	At least 1 station-year	AQCR's exceeding any primary standard
I or Ia	60	52 (51)	41 (40)	[1] 13 (17)
II	41	31 (30)	27 (25)	[1] 4 (8)
III	146	79 (73)	55 (50)	2 (2)
Total	247	162 (154)	123 (115)	19 (27)

[1] These original totals were in error

TABLE 6-4.—OXIDANTS, STATUS OF AIR QUALITY, 1972[1]

Priority classification	Number of AQCR's	AQCR's reporting at least 1 station-quarter	AQCR's exceeding primary standard
I	[2] 55 (54)	31 (25)	25 (18)
III	[2] 192 (193)	7 (3)	3 (3)
Total	247 (247)	38 (28)	28 (21)

[1] Based on data reported by States as of Oct. 6, 1973. Values reported in EPA 450/2-73-005 are given in parentheses.
[2] Providence AQCR has been reclassified priority I for oxidants.

TABLE 6-5.—CARBON MONOXIDE, STATUS OF AIR QUALITY, 1972[1]

Priority classification	Number of AQCR's	AQCR's reporting at least 1 station-quarter	AQCR's exceeding primary standard
I	30 (39)	22 (13)	21 (13)
III	217 (218)	26 (21)	21 (20)
Total	247 (247)	48 (34)	42 (33)

[1] Based on data reported by States as of Oct. 6, 1973. Values reported in EPA 450/2-73-005 are given in parentheses.

In some instances, the lack of stations in an AQCR may be only an apparent deficiency. Stations may exist for which the data are not yet being expeditiously relayed or correctly identified for acceptance in the National Aeromatric Data Bank. Table 6-6 provides clear evidence that the anticipated schedule of data submittal from local or State agencies through the EPA Regional Offices to NADB, Durham, North Carolina, has not yet been realized. According to this schedule, data should reach NADB 75 days after the close of a quarter; summaries of these data are then provided 120 days after the close of a quarter. However, at the conclusion of the fourth quarter (CY IV), data for the second quarter of CY 1973 (CY II) reaching NADB represents less than 60 percent of the total stations reporting in CY 1972. Consequently, an attempt to characterize nationwide air quality status or trends using the incomplete 1973 data presently in hand would be premature and misleading at this time. Sufficient 1973 data are expected to be in hand for summarization in the next SIP progress report.

The number of monitors reporting air quality data to NADB by type varies from 60 to 200 percent of nationwide requirements, although the percent of required stations reporting by type is considerably lower, from 39 to 68 percent (see Table 6-7).

TABLE 6-6.—NATIONAL SUMMARY OF STATE MONITORING AS REPORTED TO NADB AS OF JAN. 11, 1974

Pollutant	1971	1972	1973 1st quarter	1973 2d quarter	1974 proposed	Legal requirement
TSP	1,313	2,683	1,914	1,449	3,511	1,377
SO_2[1]	409	1,064	694	766	2,129	861
O_x	50	113	31	52	458	208
CO	58	128	42	75	457	133
Total	1,830	3,988	2,681	2,342	6,555	2,579

[1] Includes both continuous samplers and West-Gaeke bubbler.

TABLE 6-7.—AIR QUALITY MONITORING SITES, ACTUAL VERSUS REQUIRED

Pollutant	Legal requirement	Total reporting[1]	Ratio reporting/required	Required not reporting	Required reporting	Ratio required reporting/required
TSP	1,377	2,667	1.94	233	1,144	0.84
SO_2	861	1,049	1.22	363	498	.58
CO	133	125	.94	69	64	.48
O_x	208	122	.59	128	80	.39

[1] Not all of total reporting sites necessarily satisfy legal requirement.

The wide variance between the percent of total reporting stations and those stations reporting from required sites suggests a need for EPA and State effort to improve the distribution of air quality monitors as well as to increase the number of some types. It is anticipated that this will change as EPA revises guidelines for minimum monitoring networks in the future.

SOURCE EMISSIONS

The 1972 emission estimates shown in Table 6-8 are based on data from the National Emissions Data System (NEDS) data bank. Until 1972, the emission estimates were obtained by applying overall emission factors and industry average control efficiencies to nationwide production or consumption totals to calculate emissions. Emissions in NEDS are calculated for each point and area source and summed to arrive at the totals shown in Table 6-8.

TABLE 6-8.—NATIONWIDE EMISSIONS, 1972 (10^6 TONS/YR)[a]

Source	CO	TSP	SO_x	HC	NO_x
Transportation	76.4	0.8	0.6	16.0	8.6
Fuel combustion in stationary sources	1.2	7.5	24.4	.5	12.3
Industrial processes	17.6	8.6	6.6	6.5	.7
Solid waste	5.0	.9	.1	1.6	.2
Miscellaneous	.8	.2	0	1.8	
Total	101.0	18.0	31.7	26.4	21.8

[a] Based on data from the National Emissions Data Bank.

The NEDS data bank lacks adequate data for estimation of emissions from all sources. The most notable deficiencies in NEDS, with respect to Table 6-8, are that (1) all New York State point sources are missing, and (2) emission estimates are not made for forest fires, coal refuse burning, and structural fires. According to data from the New York SIP, significant additional emissions for point source fuel combustion and industrial processes could be expected. Perhaps an additional one million tons of sulfur oxides and smaller amounts of the other pollutants may be added to the fuel combustion by stationary sources totals to account for New York point sources. Industrial process emissions of particulate in New York may be 200,000 tons, but less than 100,000 tons of the other pollutants. Emissions from forest fires, coal refuse burning, and structural fires should be added to the miscellaneous category to make these totals comparable to the data for previous years. Due to lack of source data on a detailed, county basis for these types of sources NEDS does not presently account for these emissions.

The 1972 data based on NEDS show significantly higher carbon monoxide and much lower particulate emissions from industrial processes when compared to the 1971 data based on the old methodology. NEDS shows more carbon monoxide for 1972 for nearly every industrial category. It is concluded either that NEDS has not adequately accounted for carbon monoxide controls or that the old methodology overestimated the extent of control. Another possibility is that relatively large emitters were not accounted for in the old methodology. The apparent discrepancy is probably due to a combination of these factors. On the other hand, recent industrial process particulate emissions from NEDS agree quite well with old methodology estimates except for the mineral products industry and food and agricultural industry categories. Recent NEDS estimates show much lower emissions for both categories (5.2 versus 2.6 million tons for food and agricultural industries). Again, the discrepancy could be due to difficulties in correctly determining control efficiencies. A more likely explanation in this case is that NEDS does not adequately account for emissions from all sources in these categories. It is known, for example, that NEDS does not contain adequate source data to estimate emissions for all grain elevators and feed mills.

COMMENTS ON PROPOSED RULES REGARDING USE OF SUPPLEMENTARY CONTROL SYSTEMS

The proposed "supplementary control system" ("SCS") regulations, 38 Fed. Reg. 25697 (Sept. 14, 1973), should not be promulgated. In our view, they violate the Clean Air Amendments and cannot be supported on policy grounds. EPA was correct about a year ago when it stated its opposition to disperson techniques: [1] "dilution" is not, as the leaden professional jest once had it, "the solution to pollution."

At the outset, we must clarify what these regulations actually provide, for they are writen in a way that disguises their true consequences. The proposed regulations provide for indefinite use of SCS and tall stacks as a means of attaining National Air Quality Standards in the vicinity of "isolated sources" of pollution. So long as a state agency concludes that continuous emission control devices capable of meeting the emission limitations necessary to attain Standards are not "available," and the source agrees to undertake a program of research on continuous emission controls, the source may continue using SCS. They are not limited to use as "interim measures of control," within the meaning of the statute, since they are not limited to sources within areas that have received extensions of the deadline for attaining National Standards as provided in § 110(e) of the Act, and since the

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proposed regulation puts no limit on the time during which they may be used.

This point should be made clear. In our views, SCS may be a legally acceptable interim measure under § 110 (e) and (f) of the Act. But despite the rhetoric of EPA's preamble to the proposed regulations, they do not confine SCS to use as an interim measure in any ordinary sense of the word. In the statute, the word "interim" is used in connection with short periods of time, such as one or two years, with specified beginning and end. A source allowed to use an "interim" measure must be on a binding compliance schedule constructed to insure that emission limitations are met at the close of the interim period.

But EPA's proposed SCS regulations contain none of these earmarks of an interim measure. Instead of requiring a definite date in the near future for moving from SCS to continuous controls, they merely require "formal review and reexamination of the permit at intervals of 5 years or less." Proposed App. P, § 3.2(g). Rather than requiring a specific compliance schedule for moving to continuous controls, or even a binding schedule for a program of research on such a control system, they timidly require a mere "description . . . of the firm's research and demonstration programs, or its participation in such programs, which will accelerate the development of constant emission reduction technology . . . . [including a description of] schedules and resources to be committed, and an anticipated date when adequate emission reduction technology can be applied. . . ." Proposed App. P, § 3.2(b)(5). These "requirements" amount to little more than a generalized and totally unenforceable statement from the source that he intends to proceed in good faith. Since the statute requires compliance, the good faith of a source is irrelevant, though it is hard to imagine how the statutory requirements could be attained without it. On the other hand, EPA has already accumulated ample hard evidence, based on performance rather than promises, to justify a conclusion that good faith attempts to develop and install continuous control equipment cannot be anticipated from the utility industry.[2]

Second, though they are drafted to disguise the fact, the proposed regulations are actually a vehicle for legitimizing the use of tall stacks as well as SCS. In fact, they are drafted in a way which would allow a source to escape ever having to curtail production (or pollution) so long as he presented a paper program for intermittent curtailment and built a tall enough stack. Proposed 40 C.F.R. § 51.13(h) places only one limitation on the use of tall stacks to attain Air Quality Standards—that it be "accomplished as part of an approved supplementary control system." The possibility that an SCS will be merely a paper justification for building a tall stack is hardly remote. Process curtailment is expensive, and inconvenient. In the case of power plants, the need to continue operations at full capacity is likely to occur at precisely the times when curtailment would be required if SCS were relied upon without tall stacks—during periods of air stagnation during the summer when massive use of air conditioning produces peak loads on electrical systems. In other industries, it is likely that the increased production that could be provided by being able to operate at full capacity at all times would more than pay the costs of erecting a stack high enough to avoid ever having to invoke SCS process curtailment. For these reasons, the SCS proposal can in no sense be considered a proposal for "emission limitations," as required by the Act. It is, pure and simple, a proposal to supply the mantle of legitimacy to the use of dispersion as a means to attain National Air Quality Standards, and must stand or fall, legally, on the question of whether such a method is allowed by the statute.

I. DISPERSION IS PROHIBITED BY THE ACT AS A MEANS OF ATTAINING NATIONAL STANDARDS

The issue of whether dispersion techniques are allowed by the Clean Air Amendments is now in the Courts.[3] Since NRDC is one of the litigants in this case, it is unnecessary to delineate in detail the statutory basis for our belief that such methods are explicitly prohibited as control strategies by the Act. Instead, we incorporate by reference pages 23–30 in petitioners' brief, and pages 15–19 in petitioners' reply brief in that case, which are attached to these comments as Appendix A. Suffice it to say, however, that NRDC regards that case as placing in issue the principle of whether dispersion is a permissible means of control under the Act, and will regard a holding in our favor there as applying to the whole of the regulations under consideration here.

We also believe that the present SCS proposal does violence to the statutory scheme in another way. In its preamble to the proposed SCS regulations, EPA asserts that SCS is to be considered as a control technique wherever adequate continuous emission control methods are "not available" and the "alternatives . . . will be either to close these facilities (or drastically curtail production), or apply supplementary control systems." 38 Fed. Reg. at 25699. In such situations, the preamble states the Administrator's judgment that "it does not appear to be in the public interest to require shutdown or permanent curtailment of production for existing sources which could temporarily use supplementary control system. . . ." *Id.*

This statement does not provide a legally adequate basis for turning to a method of dubious efficacy and legality. The Act does not set itself against the closing of plants which endanger the public health and welfare. Indeed the drafters explicitly recognized the possibility that methods of production that were incompatible with the protection of the public must be curtailed or eliminated. "(E)existing sources of pollution either should meet the standard of the law or be closed down. . . ." Sen. Rep. No. 91–1196 (1970), at 3.

The Act also provides a means for dealing with situations when a claim is made that meeting the requirements of the law would result in shutdown, designed to maximize the incentive of the source to find ways of complying with the emission standards contained in the State Plan. First, where emission controls are not available soon enough to insure attainment of National Primary Standards within the three years outer limit required by the Act, a State may receive up to two years extension of the deadline for meeting the Standard. If an individual source finds that he is still unable to install equipment or make other changes to bring him into compliance, he may ask his State Governor to request an additional year's postponement of the application of the emission limitations to him. Such a request must be tested in a judicialized hearing, where there is opportunity of cross-examination and full testing of the source's claim. If, among other things, the Administrator finds that the continued operation of the source is "essential to the national security or to the public health or welfare," he may grant the postponement; if not, he must order shutdown. We find nohing in the statute which precludes additional postponements, so long as they are tested fully through the statutory procedure. But the benefit of this procedure is that it places a heavy burden on the source owner to justify, on a yearly basis, continued failure to meet emission limitations. EPA's proposal, which substitutes an informal administrative judgment, made long before the last deadline for meeting State emission standards and renewed only infrequently, removes this burden and maximizes the incentive to avoid discovering ways of meeting the emission limitations.[4]

Finally, the proposal violates the requirement of the Act that any State Plan, or revision, "provide (i) necessary assurances that the State will have adequate personnel [and] funding. . . ." § 110(a)(2)(F), 42 U.S.C. § 1857c–5(a)(2)(F). An SCS will impose large financial, administrative, and technical burdens on the State agencies. The Puget Sound Air Pollution Control Authority, one of the few State agencies with experience in overseeing such systems, estimates that it presently spends $160,000 to $200,000 per year to monitor the SCS now operating at ASARCO's Tacoma, Washington, smelter.[5] EPA's own estimates, completed prior to the formulation of the proposed regulations, fall in the same range.[6] Yet nothing in the proposed regulation requires a showing by a State agency inclined to allow the use of SCS on a facility of whether such funds are available over and above funds already made available for the remainder of the State program. If such additional funds are not available, they will obviously rob from the existing State program. In many State agency budgets, $200,000 represents a sizable portion of the entire air pollution control effort.[7]

To remedy this defect, EPA should require, as a prerequisite to approval of any proposed SCS, a showing that the funds necessary to hire competent personnel, place and maintain monitors, telemeter continuous emission and ambient air quality data to the State agency, and pay for enforcement are available. This funding should not be the responsibility of the State agency. The cost of administering an SCS is a cost of pollution control, just as the cost of any continuous emission control system is, whether it be flue gas desulfurization or clean fuel. Rather than merely encourage the States to require licensing fees to defray to additional costs of SCS (preamble to proposed rulemaking, 38 Fed. Reg. at 25700), the Agency should make such fees a prerequisite to approval of any such system. This was urged within the agency in earlier consideration of the SCS regulation; [8] it should be added to the proposed rule. Without requiring assurance of adequate personnel and funding, the rulemaking cannot meet the legal standard of the Act.

II. DISPERSION SHOULD BE PROHIBITED BECAUSE IT REPRESENTS BAD POLICY

A. *The Use of Dispersion Rather Than Continuous Controls Endangers the Environment Because it Fails to Curtail Atmospheric Loading With Dangerous Pollutants.* The dangers of atmospheric loading of sulfur oxides, particulate matter, nitrogen oxides, and other toxic materials are increasingly well known in the scientific community and within EPA. Evidence is accumulating rapidly that the health effects of sulfur oxides are related to sulfates, interacting with particulate matter and perhaps nitrogen oxides. Sulfates are dangerous to health at concentrations an order of magnitude smaller than the present National Primary Standard for sulfer oxides. Concentrations prevailing in the skies over much of the urbanized areas of the country are often as high as twice those found to have adverse effects on health. Unlike sulfur dioxide, sulfates are distributed in dangerous concentrates over wide areas, not just at the points where plumes from specific sources touch down.

Similarly, a growing body of evidence exists that injury to the biosphere is growing rapidly as a result of acid rains. Like sulfate concentrations, acid rains are related to the total quantity of sulfur oxides emitted into the biosphere rather than the ground level

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concentrations now regulated under EPA's National Standard for sulfur oxides. Evidence exists that in some parts of the country, the level of acid accumulated in the biosphere has reached very close to a critical point at which natural neutralizing agents can no longer prevent major damage."

As a matter of policy then, it is highly inappropriate for the Agency to be considering regulations which would allow continued atmospheric loading with sulfur oxides and other pollutants. Rather than seeking to legitimize further atmospheric loading, the Agency should be considering additional National Standards that would have the effect of reducing drastically the total quantities of these pollutants emitted into the air. The failure to do so represents a serious dereliction of statutory duty; the present proposal, given this context, may violate the statutory duty to protect public health and welfare.

B. *SCS Is Not a Reliable Method for Meeting the National Air Quality Standards.* Over a year ago, EPA declared that SCS was not acceptable because, among other things, it was not a reliable means of meeting the National Standards. 37 Fed. Reg. 15095 (July 27, 1972). In the present proposal, it has not presented sufficient basis for a different conclusion.

To begin with, EPA nowhere explicates a consistent or defensible definition of the concept of reliability. An acceptable definition must be grounded in the words of the statute itself, which states that the State Plan must contain measures that "insure attainment and maintenance" of the National Standards. § 110(a)(2)(B), 42 U.S.C. § 1857c-5(a)(2)(B). Plainly, the meaning of this phrase is that the Standards must be met at all times, not merely some percentage of the time. Measures that will accomplish full-time compliance are available, and have been adopted by most States. Low sulfur fuel, the most commonly adopted means for attaining the Standards, allows 100% compliance with emission limitations. Similarly, 100% compliance can be attained through flue gas desulfurization technology, by designing in redundant systems so that malfunctions can be compensated for by switching modules, by ceasing operations when malfunctions become sufficiently serious to prevent compliance with emission standards, and, in some cases, by retaining the capacity to switch to clean fuel during periods of equipment malfunctions.

In considering the SCS proposal, however, EPA appears to have operated under a different, and statutorily deficient, concept of reliability. An EPA briefing paper on SCS (ICS), referred to previously, adopts the position that SCS is acceptable if it attains the ability to prevent violations of National Standards 80 per cent of the time.[10] The assumption behind this conclusion, stated in the briefing paper, is that this level of reliability is all that can be attained by continuous emission control equipment, since it must be down for scheduled maintenance a certain number of days, and will be down because of malfunction an additional number of days each year.

This assumption is in error for a number of reasons. First, it assumes that the bench mark for reliability is flue gas desulfurization equipment, though using clean fuel enables 100% compliance. Second, it assumes that plants will continue to operate regardless of the fact that their pollution control equipment is not functioning—an assumption contrary to the command of the statute, as noted previously. Third, it assumes that scheduled down time will be randomly distributed, as will days of atmospheric stagnation that would asssure violation of the National Standards. In fact, air pollution agencies have the power to order scheduled maintenance of pollution control equipment to occur at times when the likelihood of stagnation is lowest. And as a matter of fact, to take one important class of sources, utilities would ordinarily schedule maintenance during the spring and fall because their system load is lowest at that time of the year; it so happens that in most areas of the country, spring and fall are also the seasons when stagnant weather is least likely to occur.

Using this false conception of the degree of reliability required by the statute, and this erroneous set of assumptions about how reliable continuous control measures actually are, the Agency was apparently willing to accept evidence from interested parties tending to show that SCS systems now in operation can achieve similar levels of reliability. In justification of its conclusion that SCS has now been shown reliable, the Agency cites three examples: two smelters operated by ASARCO in Tacoma, Washington, and El Paso, Texas; and a power plant operated by the Tennessee Valley Authority.

None of these examples constitutes adequate basis for a conclusion with respect to reliability. EPA makes no claim that any of them have shown SCS capable of preventing all violations of National and State Air Quality Standards; instead, it bases its conclusion on data allegedly showing that violations of National and State Standards at each plant have declined to some level it chooses to call tolerable. In fact, even these conclusions are extremely suspect. First, the data from the TVA plant is entirely generated by TVA, a highly interested party. EPA makes no claim that this data was ever tested independently, and it could not, as far as our investigation has been able to discover.[11] Second, the data from both ASARCO plants are flawed by a basic defect. State officials from both Texas and Washington State have indicated to NRDC that the dramatic reductions in violations shown in EPA's figures are in large measure owing to the operators' ability to program the system to avoid sensors. Mr. Kellog, meteorologist with the Puget Sound Air Pollution Control Authority, stated to us that in his judgment, curtailment of operations at the Tacoma smelter begins only when the plume moves toward sensors, rather than when conditions merit curtailment to avoid excessive concentrations at any point in the region affected by the plant.[12] Likewise, officials in the El Paso local agency reported that the violations from the ASARCO smelter there increased 100% with the addition of ten new monitors.[13]

But the crucial deficiency in the data presented by EPA is even more telling. In both cases, the smelters operate in geographical locations that allow them to operate without regard to ground level concentrations much of the time. In Tacoma, the smelter is located close to Puget Sound, where PSAPCA has no meters. And in El Paso, the smelter is able to "aim" its emissions into Mexico much of the time, where no air pollution agency maintains sensors. One State official, who requested that he not be identified, told us that "the only closed-loop system" he knew about was that "a hell of a lot of copper is smelted there when the wind blew towards Mexico."[14]

In short, what the Tacoma and El Paso examples appear to show is the weaknesses in an SCS, rather than its strengths. Both smelters appear to have used their systems merely to learn how to avoid preventing excessive concentrations where they could be detected, rather than how to assure protecting persons from harm. It seems fair to assume that similar learning will occur elsewhere if SCS is widely adopted.

These examples point up the general weakness in SCS that it is open to manipulation in so many ways that it cannot be counted on to protect the public. Clearly, the number of "violations" depends in the first instance on the number and placement of sensors, which is in turn dependent on the financial resources of the control agency. Placement will certainly be the subject of negotiation between source and agency, and this will surely produce anomalies. The number of violations also depends on the time intervals of the standards. Washington State regulations, for example, provide a standard for a 5 minute interval, but the Tacoma smelter now operates under a blanket variance from this, apparently because it would have produced too many violations. By contrast, the National Primary Standards' short test interval is one day, assuring a maximum number of violations of 365 in a year. (The National Secondary Sulfur Oxides Standard is for a three hour interval, but it is generally conceded that it is set at such a high concentration that its regulatory effect is nil.[15]).

In sum, it would appear that virtually any figures on the reliability of SCS for assuring attainment of National Standards at all points affected by a source are bound to be little more than artifacts of the Standard itself and the location and number of sensors. Even more important, it would appear that the improved compliance that allegedly comes with experience is in fact little more than increased sophistication at finding the weaknesses in the monitoring systems surrounding the plant.

C. *SCS Is Not an Enforceable Method for Meeting the National Standards.* Compliance with SCS is inherently difficult to enforce, because the degree of compliance depends on hundreds or thousands of low visibility actions each year by the plant operator, any one of which can produce a violation of National Standards. By contrast, an enforcement agency finds it relatively easy to enforce a low sulfur fuel requirement, or requirement to install flue gas cleaning equipment, both of which require essentially one or a few very visible actions on the part of the source owner. If a State agency takes seriously the enforcement of an SCS, it will assure jobs for an entire enforcement apparatus on a permanent basis. There will have to be enforcement attorneys to present each violation to a judicial-type administrative body, and such a body to hear each case. Where such bodies already exist, SCS would guarantee imposing immense new responsibilities on them, which most are not now prepared to handle. Where a decision of an administrative agency is contested, there will be appeals to State judicial systems, with attendant expense and strain on the judicial system. Though the proposed requirement that sources forego the defense that they are not responsible for violations within a given zone (proposed App. P, § 3.2(d)(1)) will help, EPA should not fool itself into believing that meter readings showing violations will not be contested vigorously. PSAPCA's experience with the Tacoma smelter proves this point forcefully.

There will also be a continual temptation on the part of the State agency to compromise the real reliability of the system in assuring compliance with National Standards rather than "waste" the agency's resources fighting "minor" infractions.

More likely, for the reasons cited above at 7, State agencies will simply not have the manpower and competence to police the sophisticated SCS. Most State agencies do not have the budgets to support the enforcement apparatus necessary to assure compliance. For example, NRDC's investigation of the Tacoma and El Paso smelters mentioned in the EPA proposal repeatedly unearthed mistakes and uncertainties as the number of violations recorded by the agency. The El Paso agency reported violations three times a week from the ASARCO plant yet the State agency could not confirm these

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figures when NRDC inquired. In November the New Mexico State agency sent NRDC computer printouts of monitor readings indicating numerous violations caused by the same plant, only to inform us this month that these figures were wholly inaccurate because the "technician had mistakenly been doubling the readings." The PSAPCA presented NRDC with three different and inconsistent inventories of violations from the Tacoma smelter for the same period, and confessed to be mystified at the basis of the figures presented by EPA in the preamble to the proposed rulemaking. Kentucky State officials told NRDC that they do not monitor the TVA Paradise plant cited in the EPA preamble at all.

The proposed regulations do not even provide an enforceable means of assuring ultimate compliance with emission limitations through continuous controls. The proposed regulations' requirement of a "formal review" at suggested intervals of 5 years (proposed App. P, § 3.2(g)), and of a "description" of the source's contemplated program of research on continuous means of control (proposed App. P, § 3.2(b)(5)) would provide no means for a State agency to force a source even to undertake a particular line of research, let alone install any specific equipment.

D. The Use of SCS Cannot be Limited to a Small Number of "Isolated Sources". In proposing to authorize the use of SCS, the Agency makes a good deal of its intent to confine the use of SCS to "a limited number of sources" "under carefully controlled conditions." Proposed App. P, Introduction. Though this intent is laudable, NRDC doubts that SCS can be so confined. Once the Agency has certified that such systems are legal, reliable, and enforceable, it has placed itself on the slippery slope, with no clear way of drawing a line between a source where SCS is acceptable and where it is not. Given the heavy financial incentive for sources to seek adoption of SCS, it can be expected that sources will seek State and Federal approval for more and more dubious applications of SCS, each relying on a previously granted SCS permit granted to a source only slightly less dubious than itself. Having abandoned the high ground of prohibiting SCS altogether, EPA will inevitably be forced through court action or the threat of it, to capitulate to such demands.

The present proposal is itself a vivid illustration of this danger. When EPA first expressed its objection of SCS on grounds of reliability and enforceability, rather than the clear principle of illegality, it virtually invited source owners to produce data designed to allay the Agency's concern. This data has not been produced, and had the predictable effect, even though, as we pointed out previously, pages 13–19, it is riddled with assumptions and defects that vitiate the conclusions drawn from it. Nonetheless, given the immense industry stake in obtaining approval for SCS, and the political divisions within EPA itself, this data has been used as an excuse for the Agency to reverse its better judgment. In the much less visible circumstances of individual applications to use SCS, it can be expected that these forces will operate with even more effect.

D. The Proposed Regulations Would Allow the Use of SCS in Heavily Populated Areas. The proposal is written to contain the use of SCS to what it calls "isolated sources" of pollution. This isolation is defined in terms of other air pollution sources, rather than people, however. Proposed App. P. § 1.0. As a result, nothing prevents the application of SCS to sources such as the Tacoma and El Paso smelters, located within plume range of highly concentrated populations. In our view it is unconscionable for the Agency to adopt a policy of continued atmospheric loading in any such area. Redefining the meaning of "isolated" to prevent this outcome, while it would not in our view make the regulation any more acceptable under the statute, would at least provide some assurance that the public would not, in large numbers, be exposed to continued high levels of sulfates and other toxic materials.

FOOTNOTES

[1] 37 Fed. Reg. 15095 (July 27, 1972).

[2] In its flue gas desulfurization hearings, the EPA hearing panel concluded that the installation of such technology had been impeded by the stubborn resistence of the utility industry, some segments of which admitted spending more money to fight the requirements for installing such technology than to make it workable and acceptable on their terms. U.S. EPA, Report of Hearing Panel, National Public Hearings on Power Plant Compliance with Sulfur Oxide Air Pollution Regulations (January, 1974), at 27–28.

[3] *NRDC, et al., v. EPA,* No. 72–2402 (5th Cir.). This case was argued before the Court of Appeals on May 8, 1973.

[4] The strong financial incentive for sources to drag their feet in discovering that continuous controls are available is apparent. For example, EPA now estimates the cost of installing flue gas desulfurization equipment at $50 to $65 per kilowatt or about $30–40 million at an average sized coal fired power plant. U.S. EPA, Report of Hearing Panel, *National Public Hearings on Power Plant Compliance With Sulfur Oxide Air Pollution Regulations* (January 1974), at 55. By contrast, SCS can be installed for about $300,000, and operated for approximately $100,000 a year. EPA briefing paper on SCS, April 1973, p. 14. A very tall smokestack, perhaps 1,000 feet high, might come to about $6 million in capital costs, with virtually no unkeep.

[5] The figure includes costs for sensors, computer time, and 6 to 8 full time employees. Telephone conversation with Frank Dannkoehler, Air Pollution Control Officer, PSAPCA, Nov. 8, 1973.

[6] Briefing paper prepared for EPA conference on SCS (ICS), April 1973, Tab. 6, at p. 3. Attached as Appendix B.

[7] See NRDC, Action for Clean Air (1971), at 47, for figures on State agency budgets at that time. It is also worth noting that in a recent case where EPA's approval of a State Plan was challenged on the grounds that it did not provide adequate assurances of personnel and funding, the Agency defended its approval in large part by reference to the State Governor's request for an additional $250,000 for the budget of the State Agency. *NRDC, et al.,* v. *EPA,* —F.2d—, 5 ERC (1st Cir., 1973), post judgment submission of EPA in response to Court order.

[8] EPA briefing paper, cited previously, at Tab 6, page 4.

[9] The conclusions stated here are widely shared in the scientific community. We have listed, as a bibliography to these comments, some of the studies in which these conclusions are stated. They are incorporated by reference, as are additional studies to the same effect not listed.

[10] EPA briefing paper, cited previously, at Tab 2, page 2.

[11] NRDC contacted six key EPA officials (in the Office of Stationary Source Enforcement, Office of Air Quality Planning and Standards, and EPA Region IV office) concerning this data to learn that the federal agency had no monitoring data, indeed no information whatsoever, on the TVA Paradise plant other than TVA's own reports.

[12] Telephone interview with Mr. Kellogg, PSAPCA, November 8, 1973.

[13] Telephone interview with Rubin Chrismeyer, El Paso City-County Health Unit, October 26, 1973.

[14] This statement is confirmed in the "Report of Investigation at American Smelting and Refining Company, El Paso, Texas," Texas APCS, Feb. 2–4, 1971, referenced in the Federal Register notice to this proposed rulemaking, 38 Fed. Reg. 25700, Sept. 14, 1973. The report states, ,p. 7) :

"There is not curtailment everyday. When the wind is from the Northeast, regardless of the weather conditions, the plant does not curtail because the plume goes into Mexico . . ."

[15] See Vaughn, Dennis J. and Edward J. Stanek II, "Sulfur Dioxide Standards: Primary More Restrictive Than Secondary?", Journal of the Air Pollution Control Association, December 1973, pp. 1039–1041; and Comments on Proposed Revision of Environmental Protection Agency Regulations on Sulfur Oxides Secondary Standards, submitted by Louis Slesin, Dept. of Urban Studies and Planning, MIT, July 11, 1973.

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U.S. Environmental Protection Agency,
May 2, 1974.

Subject: Definition of Significant Risk.
From: J. F. Finklea, M.D., Director, NERC–RTP.
To: Bernard J. Steigerwald.

Attached is a draft of the requested document defining significant risk to health. The delay in preparation of this draft was caused by our need to do additional work on the acid-sulfate aerosol problem before writing this paper.

Levels of Air Pollutants Associated With Adverse Health Effects and With Significant Risks to Health

(By J. F. Finklea, D. I. Hammer, and G. I. Love)

Estimates of pollutant levels associated with adverse health effects can provide a rational point of departure from which to assess the impact of ambient air quality deterioration. The soundest of such estimates are likely to be ascertained from the current U.S. Primary Air Quality Standards. The Clean Air Act requires that primary air quality standards be set to fully protect the public health and that these standards contain an adequate margin of safety. Thus the law assumes there exists a "no known effects" threshold for each pollutant and for every adverse health effect. Moreover, the Clean Air Act requires that the primary standards be set to fully protect both specifically susceptible subgroups and health members of the population. One can define significant risk in many ways, the most prudent definition would be any adverse health effect, in other words, the present standards without any safety margin. Another more troublesome but undeniably defensible definition would be the threshold concentration at which there is a demonstrable increase in mortality.

Adverse health effects include both the aggravation of preexisting diseases and increased frequency of health disorders. In addition, good preventive medicine would dictate that evidence for an increased risk of future disease is an adverse health effect. Discussion of what constitutes an adverse effect may become quite vigorous at times. Most reasonable men would agree that mortality (death) and morbidity (illness) constitute adverse effects. However, pollutant exposures are usually not the sole cause of death or the sole cause of any single disease or group of disorders. Furthermore, with few exceptions unique disorders do not follow exposure to the pollutants for which we have established primary ambient air quality standards. There is even more room for honest disagreement when one tries to ascertain which changes in body function indicate a risk for clinical disease and which are either simply adaptive or of uncertain significance.

Especially susceptible population segments include persons with pre-existing diseases which may be aggravated by exposure to elevated levels of pollutants in the ambient air. Some quantitative information is available on the aggravating effects of air pollutants on asthma, chronic obstructive lung disease and chronic heart disease. Asthmatics constitute two to five percent of the general population; three to five percent of the adult population report persistent chronic respiratory disease symptoms; and seven percent of the general population report heart disease severe enough to limit their activity. The distribution of these conditions by age, sex, ethnic group, social status and place of residence is better defined by other reports. One could legitimately be concerned about the aggravating effects of air pollutants on a number of other susceptible population segments; persons with hemolytic neoplasms, premature infants and patients with multiple handicaps. Little quantitative information exists about the aggravating effects of pollutants on these individuals.

In addition to the aggravation of symptoms in persons who are already ill, air pollutants may also increase the risk in the general population for the development of certain disorders. Many if not all of the general population may experience irritation symptoms involving the eyes or respiratory tract during episodic air pollution exposures. Similarly, even healthy members of the general population may experience impaired mental activity or decreased physical performance after sufficiently high pollution exposures. The general population, especially families with young children, is almost universally susceptible to common acute respiratory illnesses including colds, sore throats, bronchitis and pneumonia. Air pollutants can increase either the frequency or severity of these disorders.

Personal air pollution with cigarette smoke, occupational exposures to irritating dusts and fumes and possibly familial factors increase the risk of developing chronic obstructive lung disease and respiratory cancers in large segments of our population. Ambient air pollutants also can contribute to the development of these disorders. A few animal studies indicate that air pollutants may also accelerate atherosclerosis and coronary artery disease. These conditions affect most of our adult population even though they may be clinically silent. There is legitimate concern but few reliable studies to indicate that air pollutants may cause embryotoxicity, fetotoxicity, teratogenesis and mutagenesis. It is difficult to define which segment of the unborn population might be most at risk. In fact these events are poorly recorded and the relevant existing data are not readily accessible.

Safety margins contained in the present primary air quality standards may be estimated by comparing the present standards to the best judgement estimate of the effects threshhold for each pollutant. As previously mentioned, one method of defining significant risk is to accept the best judgement estimates for adverse health effects and sacrifice the safety margins summarized by pollutant in Table 1.

Sulfur dioxide, acid sulfate aerosols and total suspended particulates are considered together because the assessment of their effects is based largely upon community studies in which it is difficult if not impossible to disentangle the effects attributable to one pollutant from those attributable to another pollutant or to a mixture of the pollutants. Studies which were initially thought to have considered isolated exposures to ur-

ban particulates really involved exposures containing substantial amounts of acid aerosols or particulate sulfates. With regard to the short-term standards, aggravation of preexisting cardiorespiratory symptoms in the elderly, aggravation of asthma and irritation of the respiratory tract seem to occur a level lower than those permitted by the relevant primary ambient air quality standards.

The effects noted at sulfur dioxide and suspended particulate levels lower than the standard are in our opinion most likely due to elevated levels of finely divided suspended particulate acid sulfate aerosols which arise from reactions involving sulfur dioxide, particulates and other pollutants in the atmosphere. Our best judgement estimates for threshhold levels of suspended sulfates in ambient air are further detailed in Table 2 along with illustrative health risks that might accompany exposures substantially above each threshhold. Suspended sulfates are the best available though far from perfect proxy for acid sulfate aerosol exposures.

Three points are worth emphasizing: first, the estimates for sulfur oxides and particulates are based on community studies; second, the estimated effects thresholds for particulate sulfates are an order or magnitude lower than those for sulfur dioxide or total suspended particulates; and third, the safety margins present in the ambient air quality standards for sulfur oxides and particulates are quite modest being in all cases less than the standard itself. For the long-term standards, one must realize that average estimates do not always adequately consider the effects of annual repeated short-term peak exposures. For example the lowest best judgment estimate for an effects threshold for increased prevalence of chronic respiratory disease symptoms is based upon annual average estimates in a smelter community where repeated short-term peak exposures occurred. The lowest annual average exposures involving less marked fluctuations in short-term levels were considerably higher. The safety margins contained in the annual average standards seem only slightly more adequate than was the case with the short-term standards.

Nitrogen oxide exposures are now controlled on the basis of an ambient air quality standard for nitrogen dioxide. Investigators have expressed concern that exposures to organic nitrates, nitrous acid, nitric acid and suspended particulate nitrates have not been adequately considered. In fact, preliminary epidemiologic data have associated the aggravation of asthma with suspended nitrate levels of about 4–6 ug/m³ per 24 hours. There is no short term Federal standard for nitrogen dioxide. The existing long-term standard, seems adequate with a margin of safety somewhat greater than those for sulfur oxides and suspended particulates.

Adverse health effects attributable to *carbon monoxide* differ markedly from those associated with the other ambient air quality pollutants. Decreased oxygen transport and interferences with tissue respiratory mechanisms result in a different array of worrisome effects. Clinical studies of carbon monoxide effects predominate. A limited number of experimental animal studies and population studies involving certain of the adverse effects associated with cigarette smoking may also be relevant. The existing 8 hour and 1 hour standards permit a 130% and 82% margin of safety, respectively at sea level. At higher altitudes (≥1500 meters). These safety margins would both be less than 100%.

Adverse health effects associated with *photochemical oxidant exposures* involve a different set of considerations. Photochemical oxidants include compounds other than ozone which are quite irritating to the eyes. Ozone itself is thought to be radiomimetic thus focusing concern on accelerating aging, increased risk for malignancies, mutagenesis, embrytoxicity and teratogenesis. Information on susceptibility to acute respiratory disease, risk for mutations and impaired fetal survival is limited to animal studies. Photochemical oxidants are of interest for another reason, many of the studies were conducted some years ago before research methodologies were refined. These pioneer studies may not have adequately addressed the problem. In estimating effects thresholds, there is little uncertainty regarding irritation phenomenon and a great deal of uncertainty when considering other adverse effects. No estimates are possible for two of the more severe health effects—accelerated aging and malignancies. It is also worth emphasizing that assessment of potentially grave health effects depends on a small number of largely unconfirmed studies.

Several factors must be kept in mind when considering the calculation of safety margins presented in Table 1. First, safety margins are not as precise as the percentage estimates would at first seem to indicate because of the underlying uncertainties in measurment methods and in estimates of effects threshholds. Second, consistency in safety margins was not a major consideration in setting primary ambient air quality standards. Third, the apparent margins of safety have decreased as more complete health studies on susceptible populations have become available. Fourth, the safety margins contained in the primary ambient air quality standards are much smaller than those maintained for the control of ionizing radiation and most environmental chemicals. In no case does the safety margin for a pollutant clearly exceed the standards for that pollutant. Even the most extreme best judgment safety margin is less than ten times the relevant standard. Finally, there is little or no safety margin associated with the sulfur dioxide-suspended particulate-fine particulate sulfate combination. In general, therefore, little or no deterioration of air quality can occur without a subsequent increase in adverse health effects.

Another definition of significant risk might be the earliest level at which increases in daily mortality are observed. This definition can be reasonably applied only to sulfur dioxide, acid sulfate aerosols measured as suspended sulfate and total suspended particulate. Such values are summarized in Table 3. It is our best judgement that there is a significant risk for increased mortality over an urban region for 24 hours if sulfur dioxide levels exceed 400 ug/m³, if suspended sulfates exceed 25 ug/m³ or if total suspended particulates exceed 300 ug/m³. Exposures of this magnitude or larger to small areas where people do not spend an entire day or where susceptible infirmed or apparently healthy elderly persons do not reside might still be deemed permissable. For example, acceptable occupational exposures involving limited numbers of health prescreened adults exposed for 40 hours or less each week might be allowed to exceed significant risk levels for the general population.

Another approach to the significant risk problem would be to recognize the lowest achievable ambient pollution levels consistent with competing broad national goals, calculate the probable resulting unavoidable health damages and endeavor to reduce these health damages as soon as possible. Finally, one could attempt a formal cost-benefit analysis but it is likely that this approach would be most controversial at the present time because health damage functions are not yet precisely defined.

TABLE 1.—EFFECTS THRESHOLD, BEST CHOICE SIGNIFICANT RISK LEVELS AND SAFETY MARGINS CONTAINED IN PRIMARY AMBIENT AIR QUALITY STANDARDS

Pollutant	Lowest best judgment estimate for effects threshold and best choice for significant risk levels		Adverse health effect	U.S. primary air quality standard	Margin of safety* (percent)
	Concentration	Averaging time			
Sulfur dioxide	300 to 400 ug/m³	24 hour	Mortality increase	365ug/m³	None
	91 ug/m³	Annual	Increased frequency of acute respiratory disease	80ug/m³	14
Total suspended particulates	250 to 300 ug/m³	24 hour	Mortality increase	260 ug/m³	None
	70 to 250 ug/m³	do	Aggravation of respiratory disease	260 ug/m³	None
	100 ug/m³	Annual	Increased frequency of chronic bronchitis	75 ug/m³	33
Suspended sulfates	10 ug/m³	24 hour	Increased infections in asthmatics	None	None
	15 ug/m³	Annual	Increased lower respiratory infections in children	None	None
Nitrogen dioxide	140 ug/m³	do	Increased severity of acute respiratory illness in children	100 ug/m³	40
Carbon monoxide	23 ug/m³	8 hour	Diminished exercise tolerance in heart patients	10 ug/m³	**130
	73 ug/m³	1 hour	Diminished exercise tolerance in heart patients	40 ug/m³	**82
Photochemical oxidants	200 ug/m³	do	Increased susceptibility to infection	160 ug/m³	25

*Safety margin equals effects threshold minus standard divided by standard X 100.
**Safety margins based upon carboxyhemoglobin levels would be 100 percent for the 8 hour standard and 67 percent for the 1 hour standard.

TABLE 2.—THRESHOLD AND ILLUSTRATIVE HEALTH RISKS FOR SELECTED AMBIENT LEVELS OF SUSPENDED SULFATES

Adverse health effect	Threshold concentration and exposure duration	Illustrative health risk		
		Definition	Level	Sulfur dioxide equivalent
Increase in daily mortality	25 ug/m³ for 24 hr or longer	2½ percent increase in daily mortality	38 ug/m³ for 24 hr	600 ug/m³ for 24 hr.
Aggravation of heart and lung disease in the elderly.	9 ug/m³ for 24 hr or longer	50 percent increase in symptom aggravation.	48 ug/m³ for 24 hr	750 ug/m³ for 24 hr.
Aggravation of asthma	6 to 10 ug/m³ for 24 hr	75 percent increase in frequency of asthma attacks.	30 ug/m³ for 24 hr	450 ug/m³ for 24 hr.
Excess acute lower respiratory disease in children.	13 ug/m³ for several yr	50 percent increase in frequency	20 ug/m³ annual average	100 to 250 ug/m³ annual average.
Excess risk for chronic bronchitis	10 to 15 ug/m³ for up to 10 yr	50 percent increase in risk	15 to 20 ug/m³ annual average	100 to 250 ug/m³ annual average.

TABLE 3.—BEST JUDGMENT ESTIMATES FOR "SIGNIFICANT RISK" LEVELS FOR EXPOSURES TO SULFUR OXIDES AND SUSPENDED PARTICULATES USING THE MORTALITY CRITERIA

Adverse effect	24-hour exposure level (ug/m³)		
	Sulfur dioxide	Suspended sulfate	Total suspended particulates
Mortality threshold	400	25	300

ENERGY REQUIREMENTS ARE BALANCED WITH ENVIRONMENTAL CONSIDERATIONS—COAL PROVIDED WITH PLAN TO AID FUEL NEEDS

Mr. RANDOLPH. Mr. President, the conference report on the Energy Supply and Environmental Coordination Act of 1974 is the end product of more than 6 months' work in the Senate. This legislation is concerned with matters that were earlier addressed in the Emergency Energy Act, S. 2589, which was unwisely vetoed by the President. It contains provisions to alleviate conditions like those imposed on this country by the severe energy shortage which struck last winter and which could affect us again.

The conference report before the Senate is not a hastily conceived measure. Nor is it one written in a panic induced by sharply reduced foreign petroleum supplies. The energy crisis, I must emphasize, is not a situation that developed suddenly last autumn. It had been developing for many years as our appetite for oil grew faster than domestic production. The Arab oil embargo merely precipitated a serious shortage earlier than expected.

The Energy Supply and Environmental Coordination Act is our response to a new set of energy and environment realities with which we must live in the years ahead. The production of energy in amounts adequate for our national needs is an attainable goal compatible with our commitment to environmental protection. The writing of this legislation took place with that conviction in mind.

The provsions of this measure were determined following a series of productive conferences with conferees from the House of Representatives. I am particularly appreciative of the contributions of my able colleague from West Virginia, Representative HARLEY O. STAGGERS, the distinguished chairman of the House Commerce Committee. His awareness of the issues and his deep concern for the problems we faced were evident in his approach to the task of the conference. He exhibited leadership that enabled us to bring our deliberations to a successful conclusion with realistic and workable legislation.

Major contributions to our efforts were made by Senator EDMUND S. MUSKIE, the knowledgeable chairman of our Subcommittee on Environmental Pollution, and by the diligent Senator from Tennessee (Mr. BAKER), the ranking minority member of the committee. I am likewise indebted, for their helpful participation and contributions, to Senator MONTOYA and Senator STAFFORD, the other conferees from the Public Works Committee.

The Senate was also represented in the conference by members of the Committee on Interior and Insular Affairs, including the distinguished chairman of that committee, Senator JACKSON, and Senators BIBLE and FANNIN.

Mr. President, a major feature of this legislation are provisions facilitating many electric powerplants to switch to coal from other fuels. Coal is our most abundant domestic energy resource, one for which we need not rely on foreign countries. If this Nation is to be successful in approaching energy self-sufficient in the years ahead, we must increase our utilization of America's most abundant energy resource—coal.

This legislation serves as a clear signal that a national commitment to a greater use of coal is an essential part of our natural energy production system. Furthermore, it reflects congressional belief that the use of coal is not incompatible with environmental quality enhancement. Under the provisions of this measure, according to the EPA, some 23 electric generating plants now fueled with oil or natural gas should be able to convert to coal. These plants involve approximately 40 generating units and produce a substantial amount of power.

It is important to stress that conversion to coal is not permitted in any area where such conversion would endanger public health or violate primary air quality standards. Nevertheless, according to preliminary data furnished by the EPA, units should be able to immediately convert to coal consistent with the requirements set forth in this conference agreement. An additional 5 powerplants, involving 9 units, before conversion will require additional particulate controls and some 7 more powerplants, or 11 units, will require either low sulfur coal or stack gas scrubbers.

In recognition of the present public debate on the availability of sulfur oxide control, encouragement is provided under the conference agreement to the preferential use of low sulfur coal, at this time, rather than stack gas scrubbers.

The conversion of these 23 powerplants would require approximately 23 million tons of coal per year, or a 4-percent increase in our national demand for coal.

The authority granted by this legislation for powerplants to convert to coal carries with it a challenge. The coal industry, the utility industry and the suppliers of pollution control equipment all must work together so that coal can achieve its potential in meeting the energy needs of our country and the American people. The passage of this legislation also will be a signal of our confidence in coal as a reliable source of energy in the future and our commitment to energy self-sufficiency. Such a signal should encourage the flow of capital resources to the mining industry and thus enable it to make the substantial investments necessary for assured, long-termed coal supplies.

Mr. President, adoption of this conference report by the Senate and its signing by the President will not relieve us, however, of our responsibilities in the energy field. Despite some relief since the lifting of the Arab oil embargo, the energy crisis is far from being resolved. Government must return without delay to the formulation and implementation of a national fuels and energy policy aimed at freeing this Nation from excessive reliance on foreign energy supplies. It has often been pointed out that our country, with 7 percent of the world's population, consumes more than one-third of the world's energy. This fact makes it essential that energy occupy a continuing and prominent position in our planning for the future.

Other energy legislation will be brought to the Senate. Today we have an opportunity to take an important step forward in meeting immediately our country's energy requirements in a realistic manner, and I urge the Senate to take that step by approving this conference report.

Mr. BAKER. Mr. President, I join my colleagues, the able chairmen of the Subcommittee on Environmental Pollution, the Senator from Maine (Mr. MUSKIE), and of the full committee, the Senator from West Virginia (Mr. RANDOLPH), in congratulating the conferees on completing action on this valuable and necessary legislation.

The Senate version of H.R. 14368 made a number of improvements over the House version of the bill, and I referred to those when the bill was considered on the floor of the Senate. I am pleased to report that the conference version before us is still better in a number of respects.

I believe that the procedures and criteria have been much improved with regard to authority that the Federal Energy Administrator will be given to order powerplants and other major fuel burning sources to convert to coal.

The Federal Energy Administrator will make a number of determinations regarding the practicability of conversions and with regard to whether those plants have the capability and necessary plant equipment to convert. The Environmental Protection Agency, however, will make the vital determinations as to when and under what conditions such conversions can take place compatibly with Clean Air Act requirements. This division of responsibility, which was a feature of the Senate version of the bill, has been improved by dovetailing the administrative actions required of both agencies. For example, when an FEA order to convert to coal is proposed, EPA must indicate how soon and under what conditions the Clean Air Act requirements can be met. Only after such EPA notification can the coal conversion order take effect. This assures that we can have the maximum practicable conversion to coal over the years ahead while assuring that requirements for clean and healthful air are achieved.

I have faith that the momentum toward cleaner air which was begun with the 1970 amendments to the act will continue unabated. A principal reason for this faith is that—as the conference report clearly provides—before a long-term order by FEA to convert to coal takes effect and before the corresponding long term compliance date extension is granted by EPA—that is, one which extends beyond June 30, 1975, and which permits a utility to burn coal until

1979—EPA must approve a compliance plan, which includes the means for and schedule of compliance, that assures both that interim requirements can be met and that full compliance with more stringent requirements will be attained by 1979.

This means that, for a compliance date extension beyond June 30, 1975, a stationary source which converts to coal must comply with primary standard conditions—low sulfur fuel, intermittent controls, continuous emission control devices, or a combination of these—and regional limitations, and, as soon as practicable but not later than 1979, must, pursuant to the plan it submits and has approved before the extension is granted, obtain either a long-term supply of complying coal or, if such coal is not available, another source of coal and a contract or other enforceable obligation for a continuous emission control device. In either event, the source must meet, by the end of its compliance date extension, the most stringent degree of emission control that it would have had to meet by 1975 or 1977 under the State implementation plan.

These requirements should not delay coal conversions since EPA is required to develop the regulations governing plans for means for and schedules of compliance within 90 days after enactment and must make the requisite findings precedent to granting a compliance date extension within 60 days after it is proposed.

The requirement in the conference report and in the statement of managers for a long-term supply of low-sulfur coal as the preferred method of compliance with the Clean Air Act requirements is one which I sponsored and which I support fully. This does not mean that the conferees intend to push utilities toward the use of low sulfur western coal. On the contrary, the long-term contracts are intended to provide a period in which high Btu, low sulfur eastern coal can be developed by the opening of new deep mines.

I am concerned about the conference report provision that powerplants unable to obtain sufficient low sulfur coal or coal alternatives to meet emission limitations applicable under the law must undertake to obtain continuous emission reduction systems which are capable of meeting these limitations by 1979 while burning high sulfur coal. Although the term "continuous emission reduction system" is broad enough to encompass a broad range of technology, I foresee the possibility that certain specific solutions to the problem of sulfur oxide emissions might receive undue emphasis. For this reason, I want to emphasize that the term is meant to indicate any technology involving advanced techniques of combustion of coal—such as the fluidized-bed process—or after-treatment of combustion gases—for example flue gas desulfurization, better known as scrubber technology.

In my estimation, processes which attempt to after-treat combustion gases will not provide the ultimate solution to the sulfur problem. Such processes are of necessity ancillary to the power generation function and must therefore result in compounding power generation problems.

The limestone scrubbing technology, for instance, requires the reheating of cooled stack gases. This and other aspects of the technology entail a considerable cost in energy. Most current scrubbers experience problems with clogging and scaling, and compound environmental problems because they require large amounts of surfaced-mined materials and because they generate large quantities of limestone slurry which must be recovered, stored by ponding or otherwise disposed of. Eventually these problems with scrubbers may be resolved through technological advances. I recognize that only with a sufficient number of demonstrations by industry can this or any other technology be developed. We will make a serious mistake, however, if we dedicate technical research capacities only to the resolution of these problems to the exclusion of other technologies which involve fewer secondary environmental and energy problems than scrubbers. I believe that, in time, liquid or gaseous fuels derived from coal, solvent-refined coal, and fluidized bed combustion will prove to be better alternatives if the coal and utility industries make large scale efforts to bring these technologies to fruition. Meanwhile, I trust that the Administrator of EPA will not proceed to order all powerplants converted to scrubbers before they are proved reliable, efficient, and cost effective.

Mr. President, the provisions of the conference report with respect to coal conversion and clean air requirements for stationary sources represent a remarkable conciliation of what have appeared to be incompatible goals, that is, further use of our plentiful domestic fuel reserves and continued progress toward clean air. In these objectives and in its specific provisions, I believe that the bill may well serve as a model for other changes in the Clean Air Act that will be required in the months ahead.

I am reassured by the fact that we are at last dealing in this conference report with the critical need of the automobile industry for some temporary extensions in the very stringent requirements which were laid down in the 1970 amendments. This will permit the auto makers to achieve maximum fuel economy, to explore alternative types of engines, and to make reliable progress toward taking the automobile out of the air pollution problem.

I support fully the action the committee has taken today to reaffirm the intention of the National Environmental Policy Act that such environmental regulatory actions as those under the Clean Air Act are not among those for which environmental impact statements are needed. NEPA was intended to inject environmental consciousness into agencies with construction, development and other such responsibilities. It would be redundant and in many cases counterproductive if applied to EPA's environmental regulatory activities.

The extension of the authorizations for appropriations for the Clean Air Act contained in this legislation means that we will be able to consider other changes in the act that may be required without the pressing deadlines of funding expiration facing us.

In conclusion, Mr. President, I wish to congratulate my colleagues, the distinguished chairman of the Public Works Committee (Mr. RANDOLPH), the most able and dedicated subcommittee chairman (Mr. MUSKIE), the knowledgeable ranking minority member of the subcommittee (Mr. BUCKLEY), and my able minority colleague on the conference committee (Mr. STAFFORD). All of these gentlemen have contributed immeasurably to developing legislation which is much improved over the previous versions which were considered earlier in this session. I urge prompt and unanimous support of this legislation by my Senate colleagues and prompt signature of the bill by the President.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

SPECIAL ENERGY RESEARCH AND DEVELOPMENT APPROPRIATION ACT, 1975

The Senate continued with the consideration of the bill (H.R. 14434) making appropriations for energy research and development activities of certain departments, independent executive agencies, bureau offices, and commissions for the fiscal year ending June 30, 1975, and for other purposes.

Mr. BIBLE. Mr. President, I yield back the remainder of my time.

Mr. HASKELL. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

The question is on agreeing to the amendment of the Senator from Colorado. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Louisiana (Mr. LONG), are necessarily absent.

I further announce that the Senator from Montana (Mr. METCALF) and the Senator from Missouri (Mr. SYMINGTON), are absent because of illness.

I also announce that the Senator from Iowa (Mr. CLARK) is absent because of illness in the family.

I also announce that the Senator from

Wyoming (Mr. McGEE) is absent on official business.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

The result was announced—yeas 22, nays 67, as follows:

[No. 252 Leg.]

YEAS—22

Abourezk	Hathaway	Mondale
Biden	Huddleston	Muskie
Chiles	Hughes	Nelson
Church	Johnston	Proxmire
Gravel	Kennedy	Ribicoff
Hart	McIntyre	Schweiker
Hartke	Metzenbaum	Stevenson
Haskell		

NAYS—67

Aiken	Domenici	Moss
Allen	Dominick	Nunn
Baker	Eagleton	Packwood
Bartlett	Eastland	Pastore
Beall	Ervin	Pearson
Bellmon	Fannin	Pell
Bennett	Fong	Randolph
Bentsen	Goldwater	Roth
Bible	Griffin	Scott, Hugh
Brock	Gurney	Scott, William L.
Brooke	Hansen	Sparkman
Buckley	Helms	Stafford
Burdick	Hollings	Stennis
Byrd, Harry F., Jr.	Hruska	Stevens
Byrd, Robert C.	Humphrey	Taft
Cannon	Inouye	Talmadge
Case	Jackson	Thurmond
Cook	Magnuson	Tower
Cotton	Mansfield	Tunney
Cranston	McClellan	Weicker
Curtis	McClure	Williams
Dole	McGovern	Young
	Montoya	

NOT VOTING—11

Bayh	Javits	Metcalf
Clark	Long	Percy
Fulbright	Mathias	Symington
Hatfield	McGee	

So Mr. HASKELL's amendment was rejected.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BIBLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BAKER. I send to the desk an unprinted amendment and ask the clerk that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 8, line 1, delete "$1,023,690,000" and insert in lieu thereof "$1,032,690,000".

Mr. BAKER. Mr. President, I will not take very long. I am very hopeful that the manager of the bill will see fit to accept this amendment.

This deals with an additional $9 million of funding for the Atomic Energy Commission to expand and extend our research on controlled thermonuclear research. All of us believe, I think, that the ultimate clean fuel in abundant quantity may well result from our research in this area.

This is a relatively modest amendment, Mr. President. It represents what we believe we can efficiently spend; and I would hope the managers of the bill might see fit to accept this modest amendment.

Mr. PASTORE. Will the Senator yield?

Mr. BAKER. Yes, I yield to the Senator.

Mr. PASTORE. I understand this amendment was allowed by the House and cut by the Senate committee; is that correct?

Mr. BAKER. That is my understanding.

Mr. STENNIS. Mr. President, concerning the amendment that the Senator offers, the Subcommittee on Appropriations, and the Appropriations Committee, too, did not decrease this item from what the budget had allowed. Instead we approved the full budget, which was an increase of $29 million over fiscal 1974.

We did strike out the $9 million, as the Senator from Tennessee says, that had been added by the House.

The Senator from Tennessee has several amendments here, six in all, I believe.

Mr. BAKER. Five.

Mr. STENNIS. Five in all. We have discussed these amendments, their pros and cons, back and forth. This first one that he calls up here is one as to which I have decided, everything considered, that the $9 million increase could well apply, along with the other increases. It does not have to be spent. I was not opposed—we were not opposed—to the program at all. It is just a matter of trying to stay within the budgeted amount and save some money or to stop the spending of money unnecessarily for any purpose.

So under the reconsideration of this matter, Mr. President, and making adjustments here as to this amendment as well as the other amendments, the Senator from Tennessee has in mind, and if it is agreeable to the Senate, the committee will recede from its position and accept the amendment.

Mr. PASTORE. Will the Senator yield?

Mr. BAKER. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. I will not prolong this discussion in view of the fact that the Senator from Mississippi has accepted the amendment.

But to correct the record, it is true that this amount is slightly higher than the budget estimate. But it is an amount that was authorized by the Joint Committee on Atomic Energy.

Why did we authorize a larger amount? The mere fact is that in recent years we have been having difficulty in establishing nuclear plants throughout the country, and the objection has come from the public merely on the grounds of safety and contamination and environmental considerations.

I have no fear about the safety of a nuclear plant. But the argument has been made time and time again that we ought to get in thermonuclear power, which is clean power, and that is what we are talking about. In this time of an energy crunch, the best place to put our money in research is in trying to develop a nuclear power that is absolutely clean and uncontaminated. That is what this money is all about. This is the amount that was studied by the Joint Committee on Atomic Energy, and while it was not requested by the administration it was authorized by Congress.

Mr. BAKER. Mr. President, I thank the Senator from Rhode Island.

I am most pleased that the distinguished Senator from Mississippi has agreed to accept the amendment.

Mr. President, the amendment would increase the total figure for Atomic Energy Commission operating expenses by $9 million. One of the most hopeful programs of the energy research and development effort is the controlled thermonuclear research program of the AEC. Its primary goal is the development of a major new prime source of energy which could be essentially inexhaustible. The system also has the potential of utilizing an inexpensive fuel supply, and of having inherent safety and minimum environmental impact. The most significant long-term impact of the introduction of fusion power will be the utilization of an entirely new fuel for which there are no competing needs. This could result first in an independence of foreign sources of fossil fuels and, thereafter, the release of U.S fossil fuels for other more vital applications.

The AEC's objective for the controlled fusion power program is to have in operation a demonstration electrical power reactor by the mid-to-late 1990's. The AEC is concentrating on magnetic confinement techniques based upon plasma physics.

They have reported that during the past year there has been progress in solving some of the more fundamental problems of plasma physics. This lends encouragement that the objectives will be met. The AEC has also reported that the outlook for further significant gains over the next few years now appears excellent.

The Joint Committee on Atomic Energy and the House Appropriations Committee recommended an additional $9 million be added to the AEC request for $82 million in operating expenses to insure that promising work will continue in materials research, exploratory concepts, and technique improvements to speed up the possible achievement of the various milestones required to operate a demonstration plant. The Senate Appropriations Committee, however, did not concur in this $9 million add-on. Although the committee report strongly supports CTR, it argues that the sharp increase in funding of this project in the last 2 years militates against funding it at a level in excess of what OMB requested.

What is overlooked, however, is the fact that the funding increases are in direct proportion to the phenomenal increases in CTR technology; and in the wake of such promising breakthroughs, it behooves us to fund this program at

the higher level. In this way, we might precipitate additional breakthroughs resulting in the actual operation of a CTR demonstration plant before the mid-to-late 1990's.

For this reason, I urge adoption of this amendment.

I am prepared to proceed to a vote on the amendment.

The PRESIDING OFFICER. Does the Senator yield back the time?

Mr. BAKER. I am happy to yield back the time.

Mr. STENNIS. I yield back the time.

Mr. McCLELLAN. Mr. President, I ask for the yeas and nays on final passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I call up an unprinted amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 8, line 23, delete "$432,470,000" and insert in lieu thereof "$433,970,000".

Mr. BAKER. Mr. President, this amendment deals with an increase of $1,500,000 for the initiation of planning and developmental work on a molten salt breeder reactor demonstration plant. It is, once again, a modest sum but, in my view, it is absolutely essential for the future of our energy program that we continue with our development of this promising technology.

I have discussed this with the Senator from Mississippi. The Senator from Rhode Island and I have agreed that this is a highly desirable amendment. It will be my hope that it might be accepted by the manager of the bill.

Mr. President, this amendment would increase by $1.5 million the total figure in the bill for Atomic Energy Commission plant and capital equipment expenditures. In Public Law 93-276, the Congress authorized project 75-5-g, the molten salt breeder reactor demonstration plant. All that was envisioned here was the initiation of the preliminary planning in preparation to the possible construction of a demonstration plant. As most already know, such construction normally takes between 7 and 9 years. The $1.5 million authorized was supposed to fund an investigation of the feasibility of forming an industrial-governmental cooperative effort necessary for this sort of undertaking.

There is no question in my mind that molten salt holds a great deal of promise as a supplement to the liquid metal fast breeder reactor and the Joint Committee's approval of these funds would seem to confirm that fact. Moreover, the Atomic Energy Commission, in testimony before the Joint Committee, spoke of the enormous potential of the molten salt concept. And yet, the Senate Appropriations Committee eliminated the funds for the molten salt demonstration plant on the basis that it was premature, "primarily because of the lack of sufficient base technology to proceed with such planning at this time."

Although I will not question the fact that there are specific technological questions in the surface cracking which was experienced in the past, I am told by the Oak Ridge National Laboratory that these problems have largely been resolved and all that remains is the need to test the new surface over a period of 2 or 3 years. However, this can be done while preliminary planning for the demonstration plant begins. Indeed, if we were to wait the full 3 years before any work was begun on integrating industrial and governmental efforts, then a molten salt demonstration plant would not be possible until the late 1980's with a commercial plant out of the question until the mid-1990's.

While that may seem to be a reasonable target date for some of the less developed technologies, it is a serious setback to a technology as developed and as promising as molten salt. This is why I urge the restoration of the $1.5 million so that the necessary preliminary work can go forward and we might realize the true commercial benefits of this concept before the turn of the century.

Mr. STENNIS. Mr. President, I appreciate the remarks of the Senator from Tennessee. After consideration of this amendment, along with others to which we have already made reference, I am glad to recommend to the Senate that we restore this amount of $1.5 million for the preliminary planning covered by this amendment.

Mr. BAKER. Mr. President, I thank the Senator from Mississippi, and I yield back the remainder of my time.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. STENNIS. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Tennessee (Mr. BAKER).

The amendment was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLELLAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 8, line 1, delete "$1,023,690,000" and insert in lieu thereof "$1,027,690,000".

Mr. BAKER. Mr. President, I intend to withdraw this amendment. I have two others in a similar category on which I shall not insist on a vote. I would like to offer them, and would like my statements in reference thereto to be included in the RECORD, but, on the basis of conversations that we have had with the distinguished manager of the bill and the distinguished Senator from Rhode Island, I will withdraw the amendments.

Mr. President, this amendment would increase the total figure in the bill for Atomic Energy Commission operating expenses by $4 million. This money was authorized by the joint committee and approved by the House for research and development of a catalytic process for coal liquefaction. As everyone knows, coal is America's most abundant natural resource. Coal liquefaction envisions the conversion of coal into synthetic liquid fuels. The benefits of an effective and relatively low-cost conversion method should be obvious.

They were obvious to the Senate Appropriations Committee who included funds for this matter under Department of the Interior programs. However, by eliminating the $4 million authorized for the Atomic Energy Commission's work in this area, they have missed a unique opportunity to take advantage of a team of 30 highly qualified scientists and engineers at Oak Ridge National Laboratory. This team has special expertise in the chemistry and chemical engineering process necessary for the development of an effective conversion process. Moreover, Oak Ridge has been studying coal conversion for over a year and has, in fact, coordinated its efforts with the Interior Department who has transferred moneys to the AEC for that purpose.

In proposing the restoration of these funds, I am not attempting to undermine the Interior Department's efforts in this regard, but rather attempting to complement them and enlist the incomparable resources of the Oak Ridge National Laboratory in this important energy project.

Mr. President, before withdrawing the amendment, I yield to the Senator from Alabama on another matter.

Mr. ALLEN. Mr. President, as I understand, this time is being yielded by the Senator from Tennessee on his time.

Mr. BAKER. Mr. President, I do not wish to delay the consideration of the pending bill, but the Senator from Alabama asked me to yield so he could speak on a matter which I believe is of significance to the Senate, which is not directly involved, but which I believe to be important.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Tennessee, also the distinguished Senator from Arkansas, and the distinguished Senator from Mississippi.

SENATE RESOLUTION 339—SUBMISSION OF A RESOLUTION COMMENDING SECRETARY OF STATE HENRY KISSINGER

Mr. ALLEN. Mr. President, I wish to offer at this time a Senate resolution. I do not ask for the immediate consideration of the resolution, because there may be some Senators who would not agree, and I certainly would not wish to take undue advantage of them.

I ask unanimous consent, however, that the resolution that I propose to

offer be allowed to remain at the desk for the signatures of other cosponsors, such cosponsors to be considered as having been cosponsors at the time the resolution is introduced.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, the distinguished Senator knows that I personally have no objection, but for several years there have been some objections to this type of request. There were some by the late Senator Dirksen, at the time he was a Member of the Senate, and subsequent thereto. I am sure if the Senator would limit the time to today I would have no objection.

Mr. ALLEN. That is what the Senator from Alabama was requesting.

Mr. ROBERT C. BYRD. I am sorry; I misunderstood.

Mr. ALLEN. That at the end of the day, the consideration of the resolution be deferred in accordance with the Senate rules, but that it lie at the desk until the close of business today.

Mr. ROBERT C. BYRD. I have no objection.

The PRESIDING OFFICER. Is there objection? Without objection, the resolution will be received and appropriately referred.

Mr. ALLEN. Mr. President, this is a resolution offered in support of Dr. Henry Kissinger and his efforts as Secretary of State to bring lasting peace to troubled areas throughout the world, and to express our confidence in Dr. Kissinger and in his integrity, his ability, and his veracity.

The resolution reads as follows:

Whereas, Secretary of State Henry Kissinger has done a masterful job in the cause of peace throughout the world—in the Mid-East, with Russia, and China, and elsewhere in the world; and

Whereas, a principal factor in the success he has achieved has been the confidence that the opposing sides in the various areas of negotiation have had in Dr. Kissinger's integrity, sincerity, and veracity; and

Whereas, the entire world is indebted to Dr. Kissinger for his efforts in the cause of world peace; and

Whereas, the people of the United States are grateful to Dr. Kissinger for his brilliant work, Now Therefore Be it Resolved by the United States Senate that:

1. Dr. Kissinger be commended on his outstanding contributions to the cause of world peace.

2. Deep gratitude to Dr. Kissinger for his services is hereby expressed by the Senate.

3. That the United States Senate holds in high regard Dr. Kissinger, and regards him as an outstanding member of this Administration, as a patriotic American in whom it has complete confidence, and whose integrity, and veracity are above reproach.

4. That the U.S. Senate wishes for him success in his continuing efforts to achieve a permanent peace in the world.

Mr. President, the sponsors of this resolution—and I feel confident that had we had a little more time we could have obtained the sponsorship of very nearly every Member of the Senate—are, in addition to myself, my distinguished senior colleague from Alabama (Mr. SPARKMAN), the distinguished Senator from South Carolina (Mr. THURMOND), the distinguished Senator from Nebraska (Mr. CURTIS), the distinguished Senator from Tennessee (Mr. BAKER), who was kind enough to yield to me at this time, the distinguished Senator from Wyoming (Mr. HANSEN), the distinguished Senator from Washington (Mr. JACKSON), the distinguished Senator from Georgia (Mr. NUNN), the distinguished Senator from Florida (Mr. CHILES), the distinguished Senator from Kentucky (Mr. HUDDLESTON), the distinguished Senator from Nevada (Mr. BIBLE), the distinguished Senator from Arkansas (Mr. MCCLELLAN), the distinguished Senator from New Hampshire (Mr. COTTON), and the distinguished Senator from Michigan (Mr. GRIFFIN).

Mr. President, I feel that at this critical time in international affairs, there would be a vacuum in the Senate unless the Senate expresses its confidence in Dr. Kissinger and in his ability, his integrity, and his veracity. I feel that he has done an outstanding job in the cause of world peace, and at this time, while he is in the Mideast with the President, certainly the U.S. Senate very properly should go on record as expressing its confidence in Dr. Kissinger, and to thank him. I think that failure to do this heretofore has been a notable omission, to thank him for his efforts, the superhuman efforts that he has exerted in an effort to bring peace to the Mideast.

Mr. President, I submit the resolution under the request that was acceded to by the Senate.

Mr. STENNIS. Mr. President, will the Senator yield to me quite briefly?

Mr. ALLEN. I yield.

Mr. STENNIS. I am very much interested in the subject matter of the Senator's resolution. I have been tied up here, as the Senator knows, on appropriation matters, and have not had a chance to look it over thoroughly, but I certainly expect to do so, and there will be opportunity, now, for joining the Senator as cosponsors for the remainder of today.

Mr. ALLEN. That is correct, yes.

Mr. STENNIS. I will certainly look it over with that in view.

I commend the Senator for his effort.

Mr. ALLEN. I thank the Senator.

Mr. BAKER. Mr. President, I commend the distinguished junior Senator from Alabama for his initiative in this respect, and I express my gratitude to him for including me as a cosponsor of his resolution.

Mr. THURMOND. Mr. President, it is outrageous that Secretary of State Henry Kissinger who has achieved such diplomatic successes under very difficult circumstances must now carry the extra burden of serious and misleading innuendo being leveled against him. The unattributed leaks of information about him are scurrilous, dangerous and damaging to our foreign policy.

Secretary Kissinger has just completed several weeks of the most sensitive diplomatic negotiations which resulted in a cease fire in the Middle East. Such an accomplishment was possible only because of his dedication, skill, and integrity.

These leaks circulating about the role Secretary Kissinger played in national security wiretaps are contemptible. He says he did not initiate any wiretaps. The whole question raised by these reports revolves around a matter of semantics and is not worthy of such national debate. There is a clear difference between such words as "initiate," "authorize," "recommend," or "request" and I suggest reference to a common dictionary for explanations of such distinctions. Secretary Kissinger is a man of truth whose standing both at home and abroad needs no defense.

Mr. President, the question of wiretaps is a matter which comes under the purview of the Director of the Federal Bureau of Investigation, the Attorney General, and the President, and such official eavesdropping is certainly not unprecedented in previous national administrations. When approved procedures are followed, it is not illegal, nor is it immoral. If wiretapping was authorized by the President in keeping with national security policy and laws, then this whole matter is nothing more than verbiage calculated to embarrass and damage Secretary Kissinger.

The circulation of anonymous reports challenging his truthfulness about these wiretaps is typical of so many derogatory insinuations which get general distribution in our national life today It is unfortunate, to say the least, that "leaks" of misleading information can exist in our Government and gain not only national but international circulation.

The resignation of Secretary Kissinger would be most damaging to our Nation and its international relations. These whispered assaults on his honor which gain gross amplification in the echo must be stopped.

Mr. President, I am pleased to join the distinguished Senator from Alabama (Mr. ALLEN) and other Senators in authoring the resolution expressing full confidence in Secretary Kissinger.

SPECIAL ENERGY RESEARCH AND DEVELOPMENT APPROPRIATION ACT, 1975

The Senate continued with the consideration of the bill (H.R. 14434) making appropriations for energy research and development activities of certain departments, independent executive agencies, bureau offices, and commissions for the fiscal year ending June 30, 1975, and for other purposes.

Mr. BAKER. Mr. President, I am now prepared to withdraw my amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. BAKER. I shall not call up my other two amendments at the desk, dealing further with the matter discussed with the distinguished Senator from Mississippi. I ask unanimous consent, however, that my remarks in conjunction with the other amendments may appear in the RECORD.

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

On page 8, line 23, delete "$432,470,000" and insert in lieu thereof "$462,470,000".

Mr. BAKER. Mr. President, this amendment would increase the total figure in the bill for

Atomic Energy Commission Plant and Capital Equipment Expenditures by $30 million. Of that amount, $20 million would go to the Cascade Improvement Program (CIP) while the remaining $10 million would go to the Cascade Uprating Program. Although these programs were funded at a higher level by the Joint Committee and the House Appropriations Committee, the Appropriations Committee in the Senate reduced funding for the Cascade Improvement and Uprating Programs by $30 million. My amendment would attempt to restore that cut.

There are a number of reasons why, in my judgment, the additional $30 million is necessary, but first I should explain what these two programs entail.

The Cascade Improvement Program is designed to increase the capacity of the AEC's three gaseous diffusion plants located at Oak Ridge, Tennessee, Paducah, Kentucky, and Portsmouth, Ohio. The CIP would incorporate the most advanced gaseous diffusion technology into the existing plants in an effort to increase the uranium enrichment productive capacity of the plants by one-third. At present, the maximum capacity of the unimproved diffusion plants is about 17 million separative work units per year. The Cascade Improvement Program will add 5.6 million units while the Cascade Uprating Program will add an additional 4.7 million units.

Whereas the Cascade Improvement Program would increase the actual productive capacity in these plants of enriched uranium, the Cascade Uprating Program would, simply stated, uprate the three plants to operate at a substantially higher power level of about 7,400 megawatts. This, in turn, has a direct impact on the number of separative work units produced annually.

The Appropriations Committee's report states that these funding levels will provide for the orderly and planned pace of these two programs which are proceeding essentially on schedule. The report, however, does not discuss the effect of not providing the additional $30 million included in the House-passed version of the bill. The effect of such a reduction would be to defer modification of 114 stages from 1976 until the end of the program. This would result in the loss of approximately 1.1 million separative work units. In addition, some existing procurement contracts would have to be renegotiated. These contracts were negotiated in prior years and contain some favorable terms. Renegotiation of these contracts would adversely affect delivery schedules as well as costs. Approximately 17 million dollars is needed to avoid renegotiating existing contracts. And finally, there would be added costs due to renegotiating existing contracts, additional engineering costs associated with rescheduling the program, etc. It is estimated that program costs would increase by some $10 million due to inflation, assuming a conservative rate of 6.5 percent.

If, however, the $30 million is restored, the productive capacity would be increased, revenues to the Government for the additional enriched uranium would increase, and substantial long-term savings would be realized. For these reasons, I urge adoption of this amendment.

On page 8, line 1, delete "$1,023,690,000" and insert in lieu thereof "$1,025,690,000".

Mr. BAKER. Mr. President, this amendment would increase by $2 million the total figure in the bill for Atomic Energy Commission Operating Expenses. In its report on this bill, the Appropriations Committee has recommended that the $2 million for preliminary planning for a second LMFBR demonstration plant be deleted. This is a reversal of form since last year the Committee recommended and the Senate approved $2 million for the exact same purpose, although the Appropriations Act as signed into law did not contain specific funds for this purpose. The Committee this year states that planning for a second LMFBR demonstration plant should be deferred at this time and should await further progress and work in the LMFBR base technology program and on the first demonstration plant. Such a deferral would cause a serious hiatus in the nation's highest priority nuclear power effort. This effort, the Liquid Metal Fast Breeder Reactor program, was very carefully laid out to assure that we attained our objectives in a timely manner. An important factor included in this program was the development of an industrial base to supply such energy generating systems. To accomplish this, the program plan provided for at least two cooperative government-industry demonstration plants. The first of these demonstration plants has been organized and is proceeding. It is now very important to commence the organization of the participants for the second plant. Only in this way will we develop the industrial base we must have to bring this essentially limitless source of energy into existence. Only by proceeding with parallel efforts will we be able to attain our goals in time to meet our needs.

I, therefore, urge my colleagues to support this amendment which provides $2 million for this worthwhile effort.

Mr. STENNIS. As I understand, the Senator has withdrawn the amendment that he formerly offered. Would the Senator identify the other amendments to which he referred so that we will have it in the RECORD here?

Mr. BAKER. There are three amendments which I introduced and withdrew, having to do with coal liquefaction, cascade improvement, and the second liquid metal fast breeder demonstration plant.

The references are on page 26 of the report. Subparagraph 2 is $20 million for CIP, which I withdrew; $10 million for CUP, which I withdrew; and on page 24, No. 2, $4 million for synthetic fuels. Those are the three amendments which I sent to the desk and have either withdrawn or did not call up.

Mr. STENNIS. I thank the Senator from Tennessee very much. Turning to page 23 of the report at the bottom of the page, item No. 1——

Mr. BAKER. That is right—I am sorry—one of the amendments dealt with that item for a second Liquid Metal Fast Breeder demonstration plant. I sent that to the desk and withdrew it.

Mr. STENNIS. That was withdrawn, too?

Mr. BAKER. Yes.

Mr. STENNIS. I thank the Senator very much. That makes the record complete. I appreciate his presentation.

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

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time. If there are no other amendments, I ask for third reading.

The PRESIDING OFFICER. If there is no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. MANSFIELD. Mr. President, I ask unanimous consent for 2 minutes, and further ask unanimous consent that the vote occur at the end of my dialog.

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

UNANIMOUS-CONSENT AGREEMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as H.R. 11221, an act to provide full deposit insurance, is called up and made the pending question before the Senate, there be a limitation of 1 hour on the bill, to be equally divided between the Senator from New Hampshire (Mr. McINTYRE) and the Senator from Texas (Mr. TOWER); that there be a limitation of 30 minutes on any amendments; that there be a limitation of 1 hour on an amendment by the Senator from Wisconsin (Mr. PROXMIRE); that there be a time limitation of 10 minutes on any amendment to an amendment, debatable motion, or appeal; and that the agreement be in the usual form.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 585, a bill to amend section 303 of the Communications Act of 1934, is called up and made the pending question before the Senate, there be a limitation of 1 hour thereon, to be equally divided between the Senator from Rhode Island (Mr. PASTORE) and the Senator from New Hampshire (Mr. COTTON); that there be a limitation of one-half hour on any amendments thereto; that there be a limitation of 20 minutes on any debatable motion or appeal; and that the agreement be in the usual form.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 2784, a bill to amend title 38 of the United States Code, is called up and made the pending question before the Senate, there be a limitation of 1 hour, to be equally divided between the Senator from Indiana (Mr. HARTKE) and the Senator from South Carolina (Mr. THURMOND); that there be a limitation of 30 minutes on any amendment thereto; that there be a limitation of 20 minutes on any debatable motion or appeal; with the agreement to be in the usual form.

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

Mr. ROBERT C. BYRD. Mr. President, did the Chair propound the last request?

The PRESIDING OFFICER. The Chair has ruled, and there was no objection.

Mr. ROBERT C. BYRD. For the record, am I not correct in that I asked, as to each of the three agreements, that they be in the usual form?

The PRESIDING OFFICER. That is correct. They are a part of the 3 unanimous-consent request agreements.

SPECIAL ENERGY RESEARCH AND DEVELOPMENT APPROPRIATION ACT, 1975

The Senate continued with the consideration of the bill (H.R. 14434) mak-

ing appropriations for energy research and development activities of certain departments, independent executive agencies, bureau offices, and commissions for the fiscal year ending June 30, 1975, and for other purposes.

Mr. MANSFIELD. Mr. President, if I may have the attention of the distinguished chairman of the committee and other members of the Appropriations Committee, on page 18 of the report there is the following statement:

The additional $5,000,000 recommended by the Committee will initiate work on an MHD engineering test facility and provide additional research on MHD techniques and applications at the Montana College of Mineral Science and Technology and other units of the Montana University System.

It is my understanding that it was the intention of the committee that this increase in funds of $5 million for magnetohydrodynamics (MHD) is intended to initiate work on an MHD engineering test facility at an early date and to provide additional research on MHD techniques and application at the Montana College of Mineral Science and Technology, formerly called the Montana School of Mines. This is one of the great mining schools not only in this country but in the world. Along with Montana Tech, the Montana State University at Bozeman and AVCO Everett Research Laboratory will enter into a cooperative effort to conduct this research. AVCO Corp. is one of the leading industrial MHD research concerns in the country. Is it correct that this is how this money is intended by the Appropriations Committee to be spent?

Mr. McCLELLAN. My recollection is that this was discussed in committee and that was the purpose of the inclusion of the additional $5 million. The other was already substantially committed.

Mr. MANSFIELD. That is the answer I wanted to the question I raised. I thank the distinguished chairman of the committee for reconfirming my understanding of the intent of the Appropriations Committee in proposing this appropriation.

I note the distinguished Senator from Nevada (Mr. BIBLE), the subcommittee chairman who handled this important measure, is in the Chamber, and I would like to ask him a question. Is it his understanding that this additional $5 million for MHD research is intended specifically for research at Montana College of Mineral Science and Technology, Montana State University at Bozeman, in cooperation with the AVCO Everett Research Laboratory, as well as to begin work on development of an MHD engineering test facility?

Mr. BIBLE. This matter was discussed thoroughly by the committee members, and it was agreed that MHD research should be conducted in Montana since the coalfields are there, as well as expertise in mining techniques developed by the Montana College of Mineral Science and Technology. In addition, as the distinguished majority leader has pointed out, Montana State University has been working with the AVCO Everett Research Laboratory since 1972 with considerable success in the MHD field.

This type of research and development program should be accelerated and directed toward the commercial availability of this technology by the mid-1980's. The next step in this important program is the design and construction of an experimental test facility of an appropriate size. The $7.5 million requested by the Office of Coal Research for fiscal year 1975, together with the additional $5 million which has been provided by this committee, will allow this research to be expanded in Montana and will also permit the initiation of design and planning for an experimental test facility.

Mr. MANSFIELD. Does the distinguished Senator from Nevada agree with me that when these funds are appropriated they should be allocated with a minimum of delay by the Office of Coal Research to these participating universities and research facilities?

Mr. BIBLE. By all means. Too much time has already been lost in conducting MHD research. I would expect that the Director of the Office of Coal Research would give immediate attention to this problem. I trust he will work closely with the Montana College of Mineral Science and Technology and other units of the Montana University system in accelerating and expanding MHD research there and that he will also get on with the task of developing an MHD engineering test facility. Those are clearly the goals of this additional appropriation.

Mr. MANSFIELD. I would hope that Dr. William Gouse, Acting Director of the Office of Coal Research, would read these remarks and learn the intent of the Senate Appropriations Committee and the Senate in making this appropriation.

Mr. HANSEN. Mr. President, actually the Energy Information Act was the subject of hearings by the Interior Committee and had been through several markup sessions but was still pending in the committee for final approval and reporting.

As it is now, the Energy Information Act has been broadened into a national resources and materials information system, a vastly more encompassing and complex bill than its predecessor on which it was based.

And even its predecessor was so complex that few of us on the committee fully understood its implications. Now even before the committee has completed its deliberations on the Energy Information Act or an explanatory report has been filed, we have a bill reported by its authors, two Senators who are here to explain its implications on the Senate floor. But none of us will have the opportunity to study a committee report of the history and background of the proposed amendment nor will we know who might have filed separate or minority views in a committee report so those of us who might have filed these separate views must now do so on the Senate floor under the bypass procedure its authors have taken in bringing the completely revised bill up as a floor amendment.

So I would like to refer to what the Director of the Office of Management and Budget and the Administrator of the Federal Energy Administration said about the bill in its original version in letters to Senator JACKSON.

I ask unanimous consent that the letters be printed in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., May 28, 1974.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We understand that your Committee is redrafting S. 2782, a bill to establish a National Energy Information System. We would like to take this opportunity to make known to you our position on this bill.

The matter of energy information has been considered especially important by the Administration for some time. For example, in his April 18, 1973 energy message, the President directed the Department of the Interior to establish an Office of Energy Data and Analysis. Last December the President asked for legislation creating the Federal Energy Administration, with responsibilities for energy information. In the absence of final action on the FEA, in January of this year the President called for the enactment of legislation to provide broad authorities to collect and disseminate energy information. The Energy Information Disclosure Act (S. 3151), which was introduced on March 11, 1974, contained the Administration's proposal.

Since that time, the FEA Act, P.L. 93-275, was enacted which provides the Administrator broad authorities to gather energy information. These authorities include the authority to collect information by special or general order, issue subpoenas for records, and conduct on-site inspections of energy facilities. The Act also requires broad disclosure of energy information to both the public and the Congress.

In addition, the Federal Energy Office has a fully operating organization with a staff of professionals in both the field and headquarters to carry out the responsibilities of the Administrator under the FEA Act. For the past five months, the FEO has been collecting, analyzing, and disseminating an enormous amount of energy information in a timely fashion. These activities are being expanded. The FY 1975 budget more than triples the substantial efforts begun in 1974.

While FEA's authorities extend for only two years, this is not a good reason for assuming that it cannot undertake the longer term energy information programs that are needed. In fact, the FEA Act provides that its functions will either pass to a successor energy agency or revert to the Department of the Interior. In summary, the FEA has ample authorities to gather, evaluate, and disseminate energy information, and in cooperation with other agencies that now and in the future will be collecting energy information, will fulfill all of the objectives called for in the proposed national energy information system.

Because of this Act (P.L. 93-275), the FEA Administrator has all of the necessary authorities, and S. 3151 is no longer required at this time.

In light of the above, it is the Administration's position that S. 2782 is not necessary to achieve a viable, creditable national energy information system. Congress has already given that mission and the necessary resources and authorities to the Federal Energy Administration.

We particularly question the provision in S. 2782 to create an independent National Energy Information Administration. This proposal would result in separating energy data collection and analysis from policy and program formulation and implementation. The Congress has recognized the importance of keeping these activities closely tied together in the FEA Act. We strongly agree and,

therefore, we believe it desirable and advisable to work within the present FEA authorities and its organization.

With warm personal regards,

Sincerely,

ROY L. ASH,
Director.

FEDERAL ENERGY OFFICE,
Washington, D.C., May 28, 1974.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: For several months now, we have been working closely with your staff on the development of an "Energy Information" Bill, after having submitted in March a proposal designed to meet our data-related requirements. As you recall, I testified extensively in committee hearings about the need for such legislation. It appears that while staff discussions have cleared up some technical differences between the Administration proposal (S. 3151) and the Energy Information Act (S. 2782), our basic objections have not changed.

We strongly believe that the basic assumption underlying creation of an independent information agency in S. 2782 is an unnecessary duplication of FEA functions and responsibilities and not responsive to our primary needs for coordination of energy information. Energy data collection and analysis cannot be conducted separately from policy and program formulation and implementation, if we expect to have an effective national energy policy.

The establishment of a separate agency at this time would also be duplicative of our efforts to date and would provide little additional information to the public. The Federal Energy Office has already established and staffed a National Energy Information Center. With a staff of 100 and directed by a former Deputy Commissioner of the Bureau of Labor Statistics, Dr. Daniel Rathbun, it has already implemented a wide range mandatory data system and public information dissemination. A mandatory weekly reporting system for all refineries, bulk terminal operators, pipeline companies, and importers is already operational and provides accurate and timely data on domestic petroleum operations. A separate import system, relying directly on 7000 Customs Bureau inspectors, is also operational. It is providing independent weekly information on quantities of petroleum imports and country of origin.

Finally, the Center's "Monthly Energy Indicators" is providing comprehensive summary information on quantity and prices in most energy sectors. For your information, I have appended copies of the publications. In the coming months significantly more data and information will be developed and provided to the Executive, Congress, and the public.

In addition to unwarranted duplication of functions, enactment of S. 782 seems unnecessary given our current statutory authorities. Federal Energy Administration Act of 1974 provides broad, mandatory reporting authorities which should be adequate for the energy information purposes that we foresee at the time. We feel it would be wise to gain experience with our current authorities, develop a more comprehensive understanding of our specific data needs, and pinpoint gaps in existing authorities as we implement new programs before developing further energy reporting legislation.

I appreciate your help in this very important matter and hope my comments have been useful.

Sincerely,

JOHN C. SAWHILL,
Administrator.

Mr. HANSEN. Mr. President, those are just a few of the reasons why this legislation is neither wanted or needed by the administration and I can see no reason for imposing another needless and unnecessary reporting requirement on business and industry.

Mr. President, inasmuch as we are actually writing this legislation on the Senate floor, I would like to quote from some of the testimony before the committee for the enlightenment of Senators who are seeing this hastily rewritten bill for the first time, and I am one of them. I ask unanimous consent to have printed in the RECORD a letter from the President of Exxon Co., U.S.A. to my good friend and colleague, the junior Senator from Louisiana (Mr. JOHNSTON).

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

EXXON CO., U.S.A.,
Houston, Tex., March 20, 1974.

Hon. J. BENNETT JOHNSON,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR JOHNSTON: During my appearance at the hearings of Senator Haskell's Special Subcommittee on Integrated Oil Operations on December 6, 1973, you asked for suggestions on how the Government could require information from oil companies that would meet its needs for adequate and creditable energy data. The transcript of the hearings indicates that this question would be included in the questionnaire that the Committee plans to distribute. However, we have been giving extensive thought to this matter over the past several weeks, and would like to comment on this question at this time. Much of this effort is reflected in our testimony on January 16 before Representative John Dingell's Subcommittee on Activities of Regulatory Agencies Relating to Small Business. I am attaching a copy of our statement in case you have not had an opportunity to read it.

Our position as expressed in this testimony might be summarized as follows:

(1) We recognize the Government's need for timely and sufficiently accurate statistics on the petroleum and other energy industries to serve as a basis for sound energy policy. This type of data is needed also by the petroleum industry to plan and conduct its own operations.

(2) A large body of information is available currently in the form of government reports and industry trade group compilations. To a certain extent, these data lack timeliness and completeness. Of greater apparent concern in the minds of some, however, is the lack of credibility of the data which originate within the industry.

(3) Exxon U.S.A. stands ready to participate in efforts to devise a system that will provide adequate, timely, and more creditable data on the energy industry, while maintaining protection of that proprietary information whose public disclosure could lessen competition and compromise antitrust statutes.

In this letter, I would like to offer some further thoughts on the degree to which the government should enlarge the existing information system, on the data that are most critical in developing short and long range projections, and on possible means of data verification that would minimize extensive manpower requirements and cost while providing necessary credibility. It is imperative that the government have firm objectives in mind before trying to spell out the type and volume of information it desires, and before designing a system to obtain it. In addition, a clear differentiation needs to be made between statistics that can be measured and certified and those that are based on assumptions and projections. While the government can require certification of the past and the present, it cannot expect companies to certify forecasts of the future. The government may wish to solicit these forecasts from industry, but only through the government's own analysis of available data can it reach a judgment on the quality of the forecasts.

HISTORICAL AND CURRENT OPERATING DATA

It would be most efficient if one governmental agency were responsible for receiving and cataloging current data on the energy industry, using electronic data processing techniques and adequate analytical manpower to minimize time lags. When aggregated, these data would then serve as a historical file which could be used by both government and industry for projections into the future. The data included would be the type of volumetric supply, production, demand and inventory information now reported to Bureau of Mines, Department of Commerce, State regulatory bodies, and the API, AGA, etc. If aggregated on an appropriate basis for release to the public, there should be no problem in protecting individual company confidentiality, even in times of normal supply. Reporting intervals might be for the prior week and the prior month. Crude and product production data should be averaged to smooth out short term fluctuations. Inventory data should be measured at a defined point in time, and should include volumes in transit. Weekly inventories might include only the large major terminals to reduce the amount of data processed and where trends relative to the prior week may be of primary interest. Monthly inventories could be more detailed and include secondary terminals to provide a more precise bench mark of absolute supplies. The relative importance of inventory data versus production data needs to be weighed when allocating the manpower required to provide and analyze this information. For instance, during a typical winter season, only around 15 percent of the industry's distillate supply comes from inventory, and the remaining 85 percent from current refinery production or direct product imports.

Industry data could be certified by the managements of each of the individual companies reporting. Verification could be provided through spot audits by appropriate government agencies.

CURRENT PRICE, COST AND PROFIT DATA

Several of the pending proposals for energy information legislation include sections on detailed price, cost, and profit data. In many instances, the objectives for these data are not made clear. The following paragraphs attempt to illustrate the many pitfalls we feel are inherent in the development and use of these types of statistics.

During the current supply crisis, the spot price data reported in trade journals for those limited volumes sold in the wholesale market do not give a true indication of the price being paid by a majority of petroleum customers. It would be feasible for companies to report average sale prices for major products produced at their refineries or imported from overseas, and average purchase prices for crude and other raw material if this information is of use to the government. It could be handled on a monthly basis as have recent data submitted to the Federal Energy Office. This type of data is already verified yearly through normal auditing and IRS procedures, as are total operating cost and profit data. However, breaking down yearly operating cost and profit data into weekly or monthly segments, or by product line or functional profit centers could create more problems through misunderstanding and misuse to both industry and government than whatever questionable benefits the government might gain. These problems are highlighted below.

Operating cost estimates by individual functional profit centers may be of some value to an individual company for the purpose of spotting changes or measuring efficiency versus a standard for that particular operation. Even for this limited use, however, comparisons must take into account externally created changes in through-put, raw material types, product mix, product quality, equipment outages, etc. In some cases actual costs may not be known for 30 to 60 days, thereby making even a monthly reporting cycle subject to certain aberrations in input data. In evaluating our own operations, we are careful to fully assess the variability of available cost data before drawing concrete conclusions about an individual profit center, even after six months of operating data have been compiled.

Profit data by function or product line are necessarily based on reasonable but arbitrary allocations of known total costs and investments. These allocations must include decisions on the appropriate value for raw materials of varying qualities, on the costs to be shared between products manufactured and handled in common facilities, and on the appropriate values to use in transferring products between functions. Only after such allocations are made can profits by function or product line be calculated, and these are generally useful only within an individual company to compare trends after a base case has been established. It is very likely that each company allocates its total costs in a different manner. In addition, no two companies are alike in the raw materials they employ, the facilities they operate, nor the products they manufacture. These considerations argue strongly against the use of functional or product line profit data to make comparisons among companies.

In summary, we believe that existing quarterly and annual reports by petroleum companies on their overall cost and profit data is sufficient for government monitoring purposes. In addition, Federal procedures already exist for verification of these data. It is questionable whether the benefit to the government for additional cost and profit data can justify the cost to both the government and industry.

OIL AND GAS RESERVE DATA

Petroleum company reporting of oil and gas reserves has received considerable attention in Congress and the news media. Summarized below are definitions of reserves that are accepted generally within the industry:

Proven reserves are current estimates of producible hydrocarbon accumulations in underground porous rocks that are determined by analysis of data from producing wells. The greater the number of wells drilled in a reservoir, and the longer they have been producing, the better the estimate of the potential recovery from a field. For new fields, many assumptions must be made in calculating and estimating the reserves.

Potential reserves are inferred from geological information in areas that have not been drilled. Obviously, these reserves are not proven until wells are drilled, and their size indicates them to be commercially attractive. Their potential output is not available until production and transportation facilities are installed and linked to existing systems.

In using proven reserve estimates, one needs to remember that the most important statistic for short range forecasts is the daily production the field has shown that it can sustain economically. After these fields reach full development, as have the majority of those in the continental U.S., their production rate plateaus and begins to decline. In many cases, increasing the percentage of recoverable oil through advanced techniques tends to extend the producing life of the field rather than increase its daily production rate.

As a company, we list our proven reserves in a supplement to our annual shareholders report. We would take no exception to providing the same information to the federal government, in whatever detail deemed necessary, provided safeguards are used to protect confidentiality. We do object to publication of estimates on any basis which would make it possible for our competition to identify the data with specific properties, or in ways which would jeopardize the value of our investment in developing that information. We are especially sensitive about releasing outside the company any detailed data on reserves that are adjacent to tracts that have not been leased, or detailed information about producing structures that could be extended to other unleased areas.

Certification or verification of proven reserve data is more difficult than the substantiation of any other petroleum industry information because of the many assumptions and estimates used in deriving the figures. We certainly would be glad to certify our reserve data as representing our best efforts, and technically competent independent private auditors or an appropriate federal agency could verify our calculations. It should be recognized that producing state agencies already have available the raw data necessary for analyzing or verifying reserve estimates and maximum efficient production rates. However, we would be glad to cooperate with a survey by the government on oil reserves similar to the one made recently on natural gas supplies. The procedures used in the Natural Gas Survey and the strong involvement by the FPC and other governmental agencies are described in the attached statement to Congressman Dingell's Subcommittee, beginning on page 10.

Obviously, no one can "certify" or "verify" potential reserves. No one company can foretell how successful its exploration efforts will be. However, these estimates, as developed by individual companies, universities, and other groups or individuals on an industry-wide basis, can be used to scope potential levels of hydrocarbon availability in the future. This then can serve as a basis for quantifying the needs for other forms of energy. The bases for these estimates could be provided to the government by the oil companies, and others, and the government could then use these data in making its own assessment of the future.

FORECASTS

We find it necessary to make forecasts of both our own operations and the overall business environment in order to make operational and investment decisions. Forecasts of our operations are based on Exxon proprietary data on facilities capability and expansion plans, our anticipated raw material availability, profitability expectations for the last incremental volumes of our various product lines, and, of course, the projected business environment. Our forecasts of the business environment are based on published data that are available from the government and various trade associations. These data are used to estimate total energy demand, total energy supplies, and the portion of supply that might be served economically by petroleum products. There are many critical assumptions involved that could alter the future relative to past trends. These might include, for example:

Political, economic, or technological effects on total demand;

Economic and technological effects on the discovery and recovery of new oil and gas reserves;

Economic, environmental, or technological effects on the use of oil, gas, coal, nuclear, or other forms of energy, etc.

Thus, the intelligent use and critique of these forecasts requires a basic understanding of the underlying assumptions. Exxon has made and will continue to make the results of these environmental forecasts available to government. Since they are projections, they obviously cannot be certified. If an extensive energy information system is developed, the government could be in as good a position to make these projections as is industry. This assumes, of course, that government is willing to maintain the manpower and incur the costs required to analyze the data and forecast future trends.

We hope that this letter provides the information you were seeking, and we would be happy to discuss it further at your convenience.

Sincerely,

RANDALL MEYER.

Mr. HANSEN. Also, Mr. President, I have the statement of my good friend, Dave True, of Casper, Wyo., who also testified to the reasons why the proposed legislation is redundant and unnecessary. Dave True is an independent oil operator, one of the thousands who are not affiliated with any major oil company but who do more than two-thirds of the exploratory exploration and drilling in the United States. These independents, Mr. President, do not have elaborate office setups, computer systems, or a battery of CPA's and lawyers to compile the mass of information and prepare and file the voluminous reports that would be required by this legislation.

The Federal Government is making life more and more difficult and expensive for small business and independent oil operators and rather than require all of the additional data, and I might say useless data because most of it would probably never be used, the Federal Government should be centralizing and utilizing all of the reports that it now requires rather than stockpiling more to take up storage space.

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

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

TESTIMONY OF H. A. TRUE, JR., CHAIRMAN, NATIONAL PETROLEUM COUNCIL, BEFORE THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS OF THE U.S. SENATE, FEBRUARY 6, 1974

Mr. Chairman and distinguished Members of the Senate Committee on Interior and Insular Affairs: I am H. A. True, Jr., an independent oil and gas producer from Casper, Wyoming. I appear before you today in my capacity as Chairman of the National Petroleum Council in response to your invitation to testify on The Energy Information Act (S. 2782). I am accompanied by Vincent M. Brown, Executive Director of the National Petroleum Council.

Cooperation between the petroleum industry and the Federal Government has existed in fact since the commencement of World War II—during the war years through the Petroleum Industry War Council, and since 1946 through the National Petroleum Council. The Council is an industry advisory committee to the Secretary of the Interior, created by direction of the President of the United States. Its sole function is to advise, inform, and make recommendations to the Secretary of the Interior, or the Director of the U.S. Office of Oil and Gas on any matters pertaining to oil and gas about which the Secretary or Director requests information.

In the almost 28 years of its existence the National Petroleum Council has issued some 205 reports requested by the Government on virtually every facet of the oil and gas industries' operations. In my opinion we have

operated in a "gold fish bowl" at all times. There are always government representatives present at our meetings, and all progress, interim, and final reports, in addition to transcripts or summary minutes of meetings are filed with the government and made available to the public.

My testimony today will focus upon the most recent report of the Council and its data relating to the immediate energy crisis. Vincent Brown will then discuss the role of the NPC in the collection of industry data for the Government.

With respect to The Energy Information Act, I endorse the general concept of a centralized method for retaining information and data on the most complex industries in the United States—the energy industries. Whether the mechanism for this should be a Federal agency or an academically oriented institution sponsored by the Government, I am not qualified to recommend. In any event I do know that data is only as good as its source, and once good data is obtained, its proper analysis is the essence of its usefulness. Data collecting just for the purpose of having data is meaningless—there must be a stated need for it, and once provided, it should be utilized and made available to all. The use of data to the detriment of true competition within the energy industries should be avoided.

I know the government already has at least one organization that has developed over the years a vast amount of detail and analysis on the U.S. energy resource base, and on the facilities and operations of the energy industries—that is, the National Petroleum Council.

Now I would like to say a few words about recent data and projections made by the National Petroleum Council relating to the current energy situation as aggravated by the Arab oil embargo. This is timely, I believe, in light of the great confusion and debate over "data," resulting in the conclusions by some people that there is no energy crisis, or resulting in the implication that some industry information sources, like the National Petroleum Council, gave the Government and the public a "bum steer."

The National Petroleum Council, prior to the oil embargo, had been examining the impact on the Nation of a "hypothetical" denial of 1.5–3.0 million barrels per day of imported petroleum liquids under both long-term and short-term scenarios. Under the short-term, or January 1, 1974 scenario, we were dealing with only existing facilities—while the long-term, or January 1, 1978 scenario, allows time for the construction of additional storage facilities and the orderly implementation of emergency preparedness measures.

In July of last year our Committee on Emergency Preparedness issued an Interim Report discussing such areas as: methods to curtail petroleum consumption in a short-term emergency, the potential for fuel convertibility, emergency oil and gas production, and possible alternatives for maintaining emergency standby petroleum supplies. The report stressed the distinction between short-term imports interruption and the increasingly tight petroleum supply situation the Nation has been experiencing for several years.

After the imposition of the Arab embargo on October 18, 1973, Interior requested that we immediately submit all data possible pertaining to the short-term or January 1, 1974 cutoff scenario.

This we did in a volume entitled Emergency Preparedness for Interruption of Petroleum Imports into the United States—A Supplemental Report dated November 15, 1973, which presented our initial findings and conclusions pertaining to the fourth quarter 1973 and first quarter 1974 oil supply/demand balances. The Committee also presented a separate volume of its discussion papers which contain the background data and methodologies employed by the Committee in preparing the November 15 report.

The report, in analyzing the effect on the Nation of a denial of 2.0–3.0 million barrels of petroleum liquids per day, contained several findings and conclusions, chief of which was the fact that the domestic energy supply situation was tenuous even before the embargo. On October 26, before the impact of the embargo could be felt, primary inventories of gasoline, distillates and heavy fuel oil were 71 MMB below normal, while crude oil stocks were 14 MMB below normal. In addition, total oil imports into the United States had reached an all-time high level of 7½ MMB/D. This increased dependence upon imported petroleum is the result of many factors working together over a period of years, all of which the National Petroleum Council has examined in its reports to the United States Department of the Interior. I will outline briefly some of the principal factors:

Decline in exploration for and production of domestic crude oil and natural gas.

Delay in siting and construction of petroleum refineries and nuclear plants.

Decrease in use of coal due to environmental and other reasons.

Restrictions on the industry to explore, develop and produce the 96 billion barrels of discoverable oil and the 170 trillion cubic feet of discoverable gas located on the North Slope of Alaska; and the 90 billion barrels of oil and 214 trillion cubic feet of gas discoverable in coastal waters off the continental United States.

Establishment of unrealistically low prices for natural gas by the FPC.

The Committee projected the impact on U.S. petroleum supply and demand given its estimate that by the end of 1973, the magnitude of the embargo would reach 3 million barrels per day. It concluded that unless the United States took immediate emergency action to increase domestic production, reduce energy consumption, and equitably distribute the net shortfall, the impact would be severe.

In other words we were saying what could happen if nothing was done promptly. This point was repeatedly missed by many of those who read the report. Fortunately, quite a few things were done or otherwise occurred which reduced the potential seriousness of the shortage. This we can be thankful for. I am delighted that our projections proved to be too pessimistic by the end of 1973. However, 1974 has just begun and the Committee believes the potential for a severe situation still exists.

A number of factors worked to lessen the impact of the embargo during the last six weeks of 1973.

1. Implementation of the Emergency Petroleum Allocation Act of 1973,

2. Organization of the Federal Energy Office on December 4, 1973,

3. Logistical re-deployment of world oil movements and reduction in the production cutbacks originally announced by the Arab nations,

4. Significant public response to the President's November 7 and November 25, 1973, messages,

5. Voluntary and mandatory energy conservation measures, and

6. Markedly warmer than normal weather in November and December.

Required oil supplies were projected to be reduced, assuming a 30-day time lag for supplies enroute, by about 1.2 MMB/D of crude oil and 0.8 MMB/D of refined products. The impact of the denial was then projected to increase as demand seasonally increased to 1.8 MMB/D of crude and 1.2 MMB/D of products by the end of the year and to continue at that level during the first quarter of 1974.

Import data reported by the American Petroleum Institute indicate that by the end of the year crude supplies were reduced by 1.2 MMB/D and product supplies by 0.6 MMB/D. The primary reason for the difference in estimates is not one of absolute volume but one of timing. Imports did not suddenly drop off 30 days after the announcement of the embargo but gradually declined over a 60-day period. Meanwhile, public cooperation with federal energy conservation measures began almost immediately in November. The combination of these factors alleviated serious potential shortages and actually allowed inventories of certain products to be increased over expected levels.

The effects of the embargo are just now being felt in the United States with total imports running at about 5 million barrels per day. The full effects of this continued shortfall will become increasingly felt in the first quarter of 1974.

The Committee is now reappraising the entire situation in light of the above developments. We are attempting to determine for the first half of 1974 the effects of such supply factors as the magnitude and duration of the embargo, the absolute levels of crude and product imports and the potential contributions, if any, of additional oil and gas production. On the demand side of the equation, we are examining such variables as weather, price, electricity and gas savings, as well as public acceptance of FEO energy conservation measures. In addition we will discuss methods of inventory management. We will report our findings to the Secretary of the Interior hopefully in the next week or two. There are some general observations I would like to give you today:

The supply situation for petroleum liquids is currently better than anticipated; however, the Committee estimates that the full impact of the denial should become more evident in the first quarter of 1974 as demand takes its seasonal jump upward and as inventories are drawn down.

In the initial report the Committee projected its results based upon a hypothetical 3 million barrels per day cutoff of imports. We believe now that the gross shortfall in supply (when compared to predenial supply/demand balances for the first quarter of 1974) will approximate 2.7 million barrels per day. There is a large degree of judgment involved in the estimate, and actual import levels could be within a range of plus or minus 10 percent of this estimate.

If the fuel use savings as targeted by the FEO are actually achieved, (i.e., about 2.4 million barrels per day less than predenial demand estimates), then the first quarter 1974 consumption will run 6 percent *less* than first quarter 1973 actual consumption (or 14 percent less than pre-denial first quarter 1974 estimates), assuming of course the continuation of the embargo. I would like to point out that even if the embargo were lifted today and if Arab nation oil production were increased, 60 to 90 days would be required before supplies would be restored, thus the first quarter import situation is virtuallly unchangeable. This estimate still envisions a U.S. requirement for total imports in the order of 5 million barrels per day. To achieve these savings will require even greater public cooperation than was experienced in the last quarter of 1973, particularly with regard to motor fuel use as the Nation heads into the good weather driving season. Otherwise, such savings would have to be mandated, most likely in the form of rationing, lest inventories be depleted and even more severe dislocations occur.

The product which appears to be in the most critically short supply during the first quarter 1974 is residual fuel oil, mostly on the East Coast. A gross shortfall of some 850,000 barrels per day is indicated and use

curtailment measures are expected to be about 375,000 barrels per day. By drawing inventories down to minimum historical levels, an additional 29,000 barrels per day could be made available. The only alternative to the transfer of gasoline into residual market through adjusted refinery yields. Such a change will however rob Peter to pay Paul and cause an even greater problem with gasoline.

It should be noted that the demand for petroleum products is also likely to be constrained by past and prospective increases in refined products prices. On this note, if I may take off my NPC hat and put on my independent oil and gas producer hat, requiring price roll backs at this point in time will most assuredly have extreme repercussions on future domestic supply availability and while saving the consumer a few pennies a gallon today, will prove very costly in the long run.

Another consideration which will tend to decrease fuel consumption in the next several months is the expected low rate of increase in the Gross National Product. In fact, if industrial production decreases as many forecasters expect, potential petroleum demand will further decline.

At the same time, an important potential constraint on petroleum imports and ultimately upon the real GNP is the potential of sharply higher costs of petroleum imports upon the U.S. balance of trade. Petroleum consumption could be even further restrained by our financial capacity to make payment for extremely costly oil imports.

With the quadrupling in costs of foreign imports which has occurred over the last few months, the 1974 import bill could approach $20 billion, even at the present embargoed level of imports, given the current prices.

The effect of the impact of these reduced supplies on the economic growth and employment was also examined by the Committee and reported in the November Supplemental Interim Report. For example, a 2 million barrels per day annual net denial of petroleum liquids was estimated to result in a 5.6 percent reduction in total energy usage, a $48.4 billion (or 3.6 percent) decrease in real GNP and a rise in unemployment from the then current 4.9 percent to over 6 percent. Since November 1973 the Federal allocation measures and positive conservation response have worked together to reduce the immediate economic effect of the fuel shortage. However, some direct effects have already been seen—spot unemployment and reduced air schedules, for example—and secondary effects are beginning to take their toll. Automobile and recreation vehicle manufacture and residential construction have been affected by current fuel supply problems and uncertain future conditions. It is assumed that the conservation measures and the fuel allocation policies will continue to be at least moderately effective, in which case the economic impact of fuel shortages may not be severe as originally estimated. Nevertheless, if oil imports are not substantially increased well before year end, it is not thought possible that real GNP can be increased significantly above the current level, or that unemployment rates in the neighborhood of 6 percent could be avoided.

Gentlemen, the shortages facing the Nation today can be alleviated. It is the belief of the National Petroleum Council's Committee on Emergency Preparedness that certain policies must be implemented immediately for both our short-term and long-term energy stability:

An all-out effort to increase, without further delays, the exploration for and development of our vast domestic energy resources within a framework of adequate economic incentives, and in a stable economic atmosphere.

Continued Federal, state and local action is needed within the framework of cooperation of private industry and public interest to minimize detrimental effects occasioned by the current energy crisis upon the economy and social well-being of the Nation.

Federal, state and local governments in cooperation with industry and the public should step up their educational programs through all communications media to assure public awareness of conservation measures and to solicit the full support of all the citizens of this Nation.

Long range Federal policies should be developed whereby energy conservation becomes a national goal to be pursued as a major national project of the highest priority.

The current imports dependency did not appear overnight. Reports that Congress and the Federal Government had no warning of the impending crisis are simply erroneous. As early as July 1971, the National Petroleum Council advised the U.S. Department of the Interior that "the availability of foreign oil to meet shortfalls in domestic supplies cannot be assured. Significant limitations could arise for political or logistical reasons. . . . It is essential that the many considerations bearing on the selection of an optimum national energy posture be brought into sharp focus at the earliest possible date." In December 1972 the Council attempted to place the Nation's growing dependence upon imports in the perspective of the long-term energy situation: "During the next three to five years, a further deterioration of the domestic energy supply position is anticipated. . . . The long lead times required for orderly development of energy resources make it essential that national energy objectives and sound enabling policies be established promptly."

Fortunately, the United States has an adequate energy resource base. Action taken now would markedly improve our energy situation in future years. To attract the vast capital requirements to develop our indigenous resources, the energy industries will need higher prices and appropriate national energy policies. This was the advice repeatedly and urgently submitted by the National Petroleum Council to the Federal Government over the past four years.

Mr. HANSEN. Mr. President, both those who would be required to report this mass of unneeded information and those who would receive and compile it are opposed to this bill.

The Federal Energy Administration and the Department of the Interior already have all the authority they need to require whatever reports they want on energy or all natural resources.

This proposal is an unnecessary and expensive overkill and should be killed by the Senate rather than further punishing industry.

Let us give them a chance to go out and develop our natural resources rather than spend all their time filling out useless reports.

As a further example of the real hardships this bill would impose on small business and industry, I would like to refer to a letter from a small refiner in Wyoming. He has applied for an exemption to present reporting requirements of the Emergency Petroleum Allocation Act. If he cannot comply with present reporting requirements, you can imagine what he would face under this bill.

I ask unanimous consent that the letter be printed in the RECORD.

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

SAGE CREEK REFINING CO.,
Cowley, Wyo., June 5, 1974.

MELVIN GOLDSTEIN,
Director, Office of Exceptions & Appeals, Federal Energy Office, Winder Building, Washington, D.C.

DEAR SIR: I would like to ask that Sage Creek Refining Company be excused from filing Form F.E.O.–96 with the Federal Energy Office. I make this request due to the extreme hardship that filing this report would place on Sage Creek.

We are a very small company with a crude capacity of 1200 Bbls per day and an average run of around 500 Bbls per day. We have operated the refinery at a loss every year since we started in 1958, and have been kept going by the profits from our service stations which have always done well but could not have been supplied without the help of the refinery.

The only way that we have been able to keep the refinery open is by keeping our labor force small, working long hours and saving wherever possible. Our bookkeeping system is simple and we have a C.P.A. figure a financial statement and compute our income tax once a year. To fill out this monthly report would require that we hire a C.P.A. full time or purchase expensive computers, either one of which the refinery could not afford at this time.

Even though there has been an energy shortage the competition in this area has kept our prices from 6c to 7c per gallon below the major oil companies on all of our products. I'm sure that our raw materials are costing us more on the average than the larger companies. The cost has tripled on some of our blending stocks. I am sure that we are staying within the guidelines of the regulations set up by the F.E.O. because there is no one that I know of who is below us in the price at this time.

If there is anything else that you need to make your decision we would be glad to supply it. We hope that you will give this request serious consideration because it may very well make the difference of whether we continue to operate our refinery or not. Thank you.

Sincerely,

ROBERT N. BAIRD,
President.

Mr. HANSEN. Mr. President, my good friend, the junior Senator from Arizona, (Mr. GOLDWATER) wrote an article for the May issue of Nation's Business which should be carefully heeded by every businessman in this country.

It is not just the oil industry that is under attack and threatened, it is every industry and businessman in the United States. Senator GOLDWATER wrote:

In the current drive for government ownership of business, the oil industry just happened to be the first juicy target for the liberal-leftist cabal. And already we know from signs that are evident in all parts of the nation that today's energy crisis will be tomorrow's steel crisis, and tomorrow's steel crisis will be the next day's crisis for the entire competitive enterprise system.

Mr. President, I hope all businessmen will heed Senator GOLDWATER'S warning. This bill is a good example of what he was writing about and I also hope that other segments of business and industry will join in opposing the spate of punitive legislation aimed at the petroleum industry and in opposing this bill which is aimed at practically all industry.

Mr. MCINTYRE. Mr. President, the Energy R. & D. appropriation bill at long

last will provide the money we need to enlarge our energy supplies, and over the long run should bring down the fuel prices we are facing today.

It should provide the basis for cheap electricity, cheaper oil, more methane both from natural gas wells and from synthetic methods, and better ways to move our fuel around. I am pleased that we are moving in the right direction.

This bill provides us with the means to increase our historic energy base. But it does a lot more, it gives us the means to move ahead to free ourselves from the dependence on the companies that have taken control of so much of our national affairs—by this I mean the oligopoly of the Nation's major oil companies.

This bill does nothing to stop the oil companies from giving us more fuel, but it also provides funds for us to free ourselves from total dependence on those companies for oil, gas, and indirectly, electricity. While I would not want to forecast lower prices for fuels, I certainly think this bill could go a long way to stopping price increases.

Providing $2.2 billion for energy research is probably the best investment this Congress could make this year. It is easily more than double the amount of money we spent 2 years ago and a hefty increase over what we spent last year.

This is a step that will put us in better stead than spending trillions of dollars on the arms race. This R. & D. bill puts money into things that we need, things we can use. Of course, it does put money on the horses that are already running: Coal, nuclear energy, oil, and electricity. But at the same time it gives us funds to free ourselves from the total dependence on those fuels such as $72 million for research on renewable energy, like solar, geothermal, windmills, and water power. They are the only way to freedom for us all. These are fuels that cannot be monopolized, that cannot be taken over. They are there for us all. No oil company, no small country, can hold these fuels from us.

Mr. President, I am pleased to support this bill, as amended.

Mr. KENNEDY. Mr. President, the energy research and development appropriation which we have before us today includes funding for programs which are of particular concern to me as chairman of the Subcommittee on the National Science Foundation, as a member of the Senate Ocean Policy Study, and as a New England Senator concerned with the hardships our area has faced as a result of our heavy dependence on imported fuel and our position at the end of the energy supply line.

There are two particular items in the pending bill that I want to call to the special attention of my colleagues. These items will have a critical effect on the formulation of a well-balanced policy for the development of existing energy sources and will provide needed Federal funding of research into the new technologies we will need in the next decades if we are to utilize a wide range of renewable and nonpolluting alternative energy sources—the sun, the wind, the oceans, and the earth itself.

First, this legislation includes $19,157,000 to gather necessary information on the impact of oil and gas development on the U.S. Outer Continental Shelf. This funding is essential if we are to meet the recognized concerns raised as a result of the recent study by the Council on Environmental Quality, which included a strong recommendation that an accelerated leasing program be undertaken in the Georges Bank area off the New England coast. Although that study cited the lack of information available in such critical areas as the effect of such development on the ocean and coastal environment, on fish and wildlife and on our recreational areas and beaches—no funds were requested by the administration in its $2.2 billion energy research program to gather this information.

These are critical questions to those of us in New England. The research which the National Oceanic and Atmospheric Administration will conduct with the funds provided in this appropriation will provide us with the knowledge we need to evaluate accurately the impact of offshore oil and gas development and to measure that impact against other short and medium term solutions such as additional refinery capacity, hydroelectric power, the stockpiling of imported petroleum products and a concerted energy conservation effort.

As a member of the ocean policy study, which has heard extensive testimony on the inadequacy of Federal data-gathering efforts on the OCS and on the critical need for a stepped-up research program I welcome the inclusion of this funding in the special energy appropriation.

The ocean policy study has made the energy potential of the OCS and the impact of its extraction on the environmental and socioeconomic conditions of the coastal zone its first area of investigation. And the initiative of its chairman, Senator HOLLINGS, in seeking this funding, is a clear indication that the study is meeting its responsibility to influence both the legislative and executive approaches to ocean policy and to insure a strong voice for the Congress in the determination of priorities for the use of our oceans. As a newly appointed member of the study, I look forward to participating in its work and to extending to concerned Massachusetts fishermen, recreation interests, consumer groups, environmentalists, and the business and industrial community the opportunity to present their views to the study.

Second, Mr. President, the pending appropriation includes $101.8 million for the energy research programs of the National Science Foundation. These programs will develop such needed information on new technologies for energy conservation, for coal gasification and liquefaction, for the development of solar and geothermal energy sources and for oil and gas resource assessments.

These are areas in which the foundation first began research as early as 1950. Until the acute shortages we experienced last winter they are programs which were consistently underfunded by the administration. In fact, they are programs under which, as recently as last year, the Congress had to set funding floors, in order to insure that the money was not impounded and to guarantee that federally funded research and development programs did not ignore this critical area.

As a result of this congressional action, the NSF now has a $28 million energy research and technology program underway, which will be tripled under the pending appropriation. Already, projects funded by the Foundation are bringing us more information on the feasibility of using solar heating and cooling systems than all previous laboratory experiments to date. And with the funds included in the bill before us, the Foundation plans to move ahead rapidly into solar thermal conversion, wind energy conversion, bioconversion to fuels, ocean thermal energy conversion, and photovoltaic energy conversion. Its efforts include a wide range of potential technology combinations to help this Nation meet its energy needs in the next decade and beyond, and the investment will provide the broad base of knowledge needed to resolve energy issues over the long term, and to increase the efficiency of current energy usage and systems.

As chairman of the Subcommittee on the National Science Foundation, I have had the opportunity over the last 6 years to follow closely the Foundation's growing involvement in the development of a selected number of research programs directed to critical areas of national need. Its energy research and technology program is one important part of that effort, and I urge prompt approval of the funds requested so that the Foundation can begin to allocate the new funding as soon as possible.

Mr. SCHWEIKER. Mr. President, one of the most significant items of H.R. 14434, the Energy Research Appropriations Act for fiscal year 1975 is the doubled commitment to coal research.

For many years, long before the concept of an energy crisis was understood by the public, I have been pressing for expanded research and development of methods to utilize our significant coal reserves.

Last year, during consideration of the fiscal year 1974 Interior Department appropriations bill, I sponsored an amendment to double the funding for the research activities of the Office of Coal Research bill from $43.5 million to $95 million.

This year, the Appropriations Committee has doubled coal research funds once again, appropriating $258.4 million for the Office of Coal Research, and $137.3 million for research and development activities of the Bureau of Mines. I strongly urge my colleagues to support these important new funding levels for coal research.

The simple fact is that our Nation's long-range energy needs cannot be met unless we fully utilize our most abundant domestic energy source—coal. Coal represents 87 percent of proven fossil fuel reserves in our country, and must be utilized.

The Arab oil embargo dramatically demonstrated to the American people, and the Congress, that we cannot remain dependent on foreign energy

sources. This is one of the reasons I have been vigorously opposing the billion-dollar natural gas deals with the Soviet Union being sponsored by the U.S. Export-Import Bank—we must never again depend on foreign energy sources that can be turned off by a hostile government or as part of international negotiations.

Coal is our most plentiful energy resource. Coal is readily available now in our mines. And most important, the environmental problems caused by the burning of coal are currently being solved by modern technology. Coal can be coverted into clean-burning pipeline gas and fuel oil at a price competitive with other sources of energy on the market today. The processes of coal gasification and coal liquefaction can convert coal into clean-burning fuels at low costs, but we must have the necessary research commitments to significantly expand these processes. I have personally seen the future U.S. Bureau of Mines coal gasification plant at Bruceton, near Pittsburgh, and have seen some of its current work. When fully completed, this plant will be able to economically convert 75 tons of coal daily into 300,000 cubic feet of clean-burning gas. This is the kind of modern technique that can help us become self-sufficient in energy.

Mr. President, the energy crisis, and the oil embargo, this past winter was of great concern to all Americans. It taught us a lesson we must never forget—that we must take all steps possible to become self-sufficient in energy. I have introduced my own bill, S. 2956, to create a Federal Energy Production Corporation to stimulate immediate production of American energy sources. Other measures have been introduced and debated covering oil shale, atomic energy, solar, geothermal, and other energy sources. These are all steps we must take.

But in addition to these energy concepts, we must make immediate commitments of immediate sources of energy. Coal is the most significant of the processes that is immediately available. But we must expand the research money available for coal to guarantee that the new technologies can quickly move from research into production.

I commend the members of the Appropriations Committee for making this commitment to coal, and to coal research, and am confident that this financial commitment will play an important role in helping this Nation to become more self-sufficient and thereby help prevent future energy crises.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH) and the Senator from Arkansas (Mr. FULBRIGHT) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I also announce that the Senator from Montana (Mr. METCALF) and the Senator from Missouri (Mr. SYMINGTON) are absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 92, nays 0, as follows:

[No. 253 Leg.]

YEAS—92

Abourezk	Ervin	Montoya
Aiken	Fannin	Moss
Allen	Fong	Muskie
Baker	Goldwater	Nelson
Bartlett	Gravel	Nunn
Beall	Griffin	Packwood
Bellmon	Gurney	Pastore
Bennett	Hansen	Pearson
Bentsen	Hart	Pell
Bible	Hartke	Proxmire
Biden	Haskell	Randolph
Brock	Hathaway	Ribicoff
Brooke	Helms	Roth
Buckley	Hollings	Schweiker
Burdick	Hruska	Scott, Hugh
Byrd, Harry F., Jr.	Huddleston	Scott, William L.
Byrd, Robert C.	Hughes	Sparkman
Cannon	Humphrey	Stafford
Case	Inouye	Stennis
Chiles	Jackson	Stevens
Church	Johnston	Stevenson
Clark	Kennedy	Taft
Cook	Long	Talmadge
Cotton	Magnuson	Thurmond
Cranston	Mansfield	Tower
Curtis	Mathias	Tunney
Dole	McClellan	Weicker
Domenici	McClure	Williams
Dominick	McGovern	Young
Eagleton	McIntyre	
Eastland	Metzenbaum	
	Mondale	

NAYS—0

NOT VOTING—8

Bayh	Javits	Percy
Fulbright	McGee	Symington
Hatfield	Metcalf	

So the bill (H.R. 14434) was passed.

Mr. MCCLELLAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCLELLAN. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes 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. MCCLELLAN, Mr. STENNIS, Mr. PASTORE, Mr. BIBLE, Mr. PROXMIRE, Mr. MONTOYA, Mr. HOLLINGS, Mr. YOUNG, Mr. HRUSKA, Mr. FONG, Mr. HATFIELD, Mr. STEVENS, Mr. MATHIAS, and Mr. BELLMON conferees on the part of the Senate.

Mr. MCCLELLAN. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make any necessary technical and clerical corrections in the engrossment of the Senate amendments.

The PRESIDING OFFICER (Mr. BARTLETT). Without objection, it is so ordered.

ASSISTANCE TO THE STATES RELATING TO ANIMAL HEALTH RESEARCH

Mr. TALMADGE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 11873.

The PRESIDING OFFICER (Mr. BARTLETT) 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. 11873) to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. TALMADGE. 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 part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. BARTLETT) appointed Mr. TALMADGE, Mr. MCGOVERN, Mr. ALLEN, Mr. CLARK, Mr. YOUNG, Mr. DOLE, and Mr. BELLMON conferees on the part of the Senate.

ORDER OF BUSINESS

The PRESIDING OFFICER. What is the will of the Senate?

Mr. ROBERT C. BYRD. Mr. President, under the order does the Senate now return to the bill, S. 3523?

The PRESIDING OFFICER. It does. The Senator is correct.

NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES ACT OF 1974

The Senate continued with the consideration of the bill (S. 3523) to establish a Temporary National Commission on Supplies and Shortages.

The PRESIDING OFFICER. Thirteen minutes remain for the proponents, and 39 minutes remain for the opponents. Who yields time?

Mr. HUMPHREY. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 4, line 14, insert the following: strike out the word "reports", and add between "its" and "specific" the words "first report".

On page 4, strike out everything between "including" in line 16 and "examination" in line 18, and insert between "including" and "examination" the following: "the format and structure for the establishment of an agency to provide for a continuing and comprehensive".

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum, with the time for the quorum call to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may proceed for 1 minute.

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

ENVIRONMENTAL CENTERS ACT OF 1974

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 877, S. 1865.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1865) to amend the National Environmental Policy Act of 1969 in order to encourage the establishment of, and to assist State and regional environmental centers.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments to strike out all after the enacting clause and insert:

That this Act may be cited as the "Environmental Centers Act of 1974".

DEFINITIONS

SEC. 2. As used in this Act—

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

(3) The term "educational institution" means a public of private institution of higher education, or a consortium of public of private institutions of higher education.

(4) The term "State environmental center" means an organization which, on a statewide basis, carries out and coordinates research, training, and information dissemination; assists State and local governments; and performs other functions described in section 6 of this Act related to the protection and improvement of the environment.

(5) The term "regional environmental center" means an organization which, on an interstate basis, undertakes and coordinates research, training, and information dissemination; assists State and local governments; and performs other functions described in section 6 of this Act related to the protection and improvement of the environment.

(6) The term "environmental center" means a State environmental center or regional environmental center established pursuant to this Act.

(7) The term "other research facilities" means the research facilities of (A) any educational institution in which a State environmental center is not located and which does not directly participate in a regional environmental center, (B) public or private foundations and other institutions, or (C) private industry.

POLICY AND PURPOSES

SEC. 3. (a) It is the policy of the Congress to support basic and applied research, planning, management, education, and other activities necessary to maintain and improve the quality of the environment through the establishment of interdisciplinary environmental centers, in cooperation with and among the States, and thereby to achieve a more adequate program of environmental protection and improvement within the States, regions, and Nation. It is hereby recognized that research, planning, management, and education in environmental subjects are necessary to establish an environmental balance in local, State, and regional areas to assure the Nation of a quality environment.

(b) The purposes of this Act are to stimulate, sponsor, provide for, and supplement existing programs for the conduct of basic and applied research, investigations, and experiments relating to the environment; to provide for comprehensive study of environmental problems of particular importance to the several States; to provide for the widest dissemination of environmental information; to assist in the training of professionals in fields related to the protection and improvement of the Nation's environment; to provide for coordination of the above activities; and to authorize and direct the Administrator to cooperate with the several States for the purpose of encouraging and assisting them in carrying out the activities described above having due regard to the varying conditions and needs of the respective States.

DESIGNATION AND APPROVAL OF ENVIRONMENTAL CENTERS

SEC. 4. (a) The Administrator may provide financial assistance under this Act for the purpose of enabling any State, if such State does not participate in a regional environmental center receiving funds under this Act, to establish and operate one State environmental center if—

(1) such State enviromental center is, or will be—

(A) located at an educational institution within the State; and

(B) administered by such educational institution;

(2) such educational institution is designated by the Governor of the State; and

(3) the Administrator determines that such State environmental center—

(A) meets, or will meet, the requirements set forth in section 5 of this Act; and

(B) has, or will have, the capability to carry out the functions set forth in section 6 of this Act.

(b) The Administrator may provide financial assistance under this Act for the purpose of enabling two or more States, if none of such States has a State environmental center assisted under this Act, to establish and operate a regional environmental center if—

(1) such regional environmental center is, or will be—

(A) located at an educational institution within one of such States, or in educational institutions within two or more of such States if such institutions agree to operate jointly as the regional environmental center; and

(B) administered by such educational institution or institutions;

(2) such educational institution in each State is designated by the Governor of the State to participate in the regional environmental center; and

(3) the Administrator determines that such regional environmental center—

(A) meets, or will meet, the requirements set forth in section 5 of this Act; and

(B) has, or will have, the capability to carry out the functions set forth in section 6 of this Act.

(c) Each Governor, in designating an educational institution to be a State environmental center or to participate in a regional environmental center, shall take into account those institutions of higher education in the State which, at that time, are carrying out environmentally related research and education programs; and shall, insofar as possible, avoid duplication of such programs.

ELIGIBILITY REQUIREMENTS FOR ENVIRONMENTAL CENTERS

SEC. 5. Each environmental center shall—

(1) be organized and operated so as to coordinate, support, augment, and implement programs contributing to the protection and improvement of the local, State, regional, and national environment;

(2) have (A) a chief administrative officer, hereinafter referred to as the "Director", and (B) a treasurer who shall carry out the duties specified in section 11 of this Act, each of whom shall be appointed by the chief executive officer of the educational institution concerned, in the case of a State environmental center, or jointly approved and appointed by the chief executive officers of the educational institutions concerned, in the case of a regional environmental center.

(3) have a nucleus of administrative, professional, scientific, technical, and other personnel capable of planning, coordinating, and directing interdisciplinary programs related to the protection and improvement of the local, State, regional, and national environment;

(4) be authorized to employ personnel to carry out appropriate research, planning, management, and education programs;

(5) be authorized to make contracts and other financial arrangements necessary to implement subsection (b) of section 6 of this Act; and

(6) make available to the public all data, publications, studies, reports, and other information which result from its programs and activities, except information relating to matters described in section 552(b)(4) of title 5, United States Code.

FUNCTIONS OF ENVIRONMENTAL CENTERS

SEC. 6. (a) Each environmental center shall be responsible for the following functions—

(1) the planning and implementing of research, investigations, and experiments relating to the study and resolution of environmental pollution, natural resource management, environmental health, and other local, State, and regional environmental problems and opportunities;

(2) the training of environmental professionals through such research, investigations, and experiments, which training may include, but is not limited to, biological, ecological, geographic, geological, engineering, economic, legal, energy resource, natural resource, and land use planning, social, recreational, and other aspects of environmental problems;

(3) the establishment, operation, and maintenance of a comprehensive environmental education program directed at the widest possible segment of the population, which program may include, but is not limited to, public school curricula development, undergraduate degree programs, graduate programs, nondegree college level course work, professional training, short courses, workshops, and other educational activities directed toward professional training and general education;

(4) the widest possible dissemination of useful and practical information on subjects relating to the protection and enhancement of the Nation's environment and the establishment and maintenance of a reference service to facilitate the rapid identification,

acquisition, retrieval, dissemination, and use of such information;

(5) the coordination of efforts in the several areas required to achieve the purposes and objectives of this Act; and

(6) the submission, on or before September 1 of each year, of a comprehensive report of its program and activities during the immediately preceding fiscal year to the relevant Governor or Governors, the Administrator, and the Environmental Centers Research Coordination Board established under section 9 of this Act.

(b)(1) Each environmental center is encouraged to contract with other environmental centers and with other research facilities to undertake any function listed in subsection (a) of this section in order to achieve the most efficient and effective use of institutional, financial, and human resources.

(2) Each environmental center is encouraged to make grants, contracts, and cooperative agreements through fund matching or other arrangements with—

(A) other environmental centers, research facilities, and individuals the training, experience, and qualifications of which or whom are, in the judgment of the Director, adequate for the conduct of specific projects to further the purposes of this Act; and

(B) local, State, and Federal agencies to undertake research, investigations, and experiments concerning any aspects of environmental problems related to the mission of the environmental center and the purposes of this Act.

(c) In the carrying out of the functions described in clauses (a) (3) and (4) of this section, the services of private enterprise firms active in the fields of information, technical services, publishing multimedia or educational materials, and broadcasting are to be utilized whenever feasible so as to avoid creating Government competition with private enterprise and to achieve the most efficient use of public funds in fulfilling the purposes of this Act.

AUTHORIZATION OF APPROPRIATIONS FOR GRANTS

SEC. 7. (a) There is authorized to be appropriated for grants to environmental centers for the purposes of this Act $7,000,000 the first full fiscal year following the enactment of this Act; $10,000,000 for the second full fiscal year following the enactment of this Act; $15,000,000 for the third full fiscal year following the enactment of this Act; and $20,000,000 for each of the next two fiscal years. The sums authorized for appropriation pursuant to this subsection shall be dispersed in equal shares to the environmental centers by the Administrator, except that each regional environmental center shall receive the number of shares equal to the number of States participating in such regional environmental center: *Provided*, That sums allocated under this subsection in each fiscal year after the third full fiscal year following the enactment of this Act shall be made available only to those environmental centers for which the participating States provide $1 for each $2 provided under this subsection.

(b) In addition to the sums authorized by subsection (a) of this section, there is further authorized to be appropriated $10,000,000 for each of the three full fiscal years following the enactment of this Act; and $15,000,000 for each of the two succeeding fiscal years, which shall be allocated by the Administrator, after consultation with the Environmental Centers Research Coordination Board, to the environmental centers on the following basis; one-fourth based on population using the most current decennial census, one-fourth based on the amount of each State's total land area, and one-half based on the assessment of the Administrator with respect to (1) the nature and relative severity of the environmental problems among the areas served by the several environmental centers, and (2) the ability and willingness of each center to address itself to such problems within its respective area; except that sums allocated under this subsection shall be made available only to those environmental centers for which the States concerned provide $1 for each $2 provided under this subsection.

(c) In addition to the sums authorized to be appropriated under subsections (a) and (b) of this section, there is authorized to be appropriated for each of the five full fiscal years following the enactment of this Act, such sums as may be necessary to provide to each regional environmental center during each of such fiscal years an amount of money equal to 10 per centum of the funds which will be disbursed and allocated to such center during that fiscal year by the Administrator under such subsections (a) and (b).

(d) Not less than 10 per centum of any sums allocated to an environmental center shall be expended only in support of work planned and conducted on interstate or regional programs.

AUTHORIZATION OF APPROPRIATIONS FOR ADMINISTRATION

SEC. 8. There is authorized to be appropriated $1,000,000 for each of the five full fiscal years after the enactment of this Act, to be used by the Administrator solely for the administration of this Act and to carry out the purposes of section 9 of this Act.

ENVIRONMENTAL CENTERS RESEARCH COORDINATION BOARD

SEC. 9. (a) There is established the Environmental Centers Research Coordination Board (hereinafter referred to in this section as the "Board"), for the purposes of assisting the Administrator with program development and operation, consisting of the following sixteen members—

(1) a Chairman, who shall be the Administrator;

(2) one representative each from (A) the Council on Environmental Quality; (B) the National Science Foundation; (C) the Department of the Interior; (D) the Department of Agriculture; and (E) the National Institutes of Health;

(3) five members, appointed by the Administrator, each of whom shall be the Director of a State or regional environmental center authorized in this Act, and who shall be selected to represent the widest possible geographic cross section of the Nation; and

(4) five members, appointed by the Administrator, who shall be appointed on the basis of their abilities to represent the views of (A) State government; (B) private industry; (C) the public academic community; (D) the private academic community; and (E) not-for-profit organizations the primary objective of which is the improvement of environmental quality.

(b) Selection of Board members pursuant to clause (a) (2) of this section shall be made by heads of the respective entities after consultation with the Administrator.

(c) The Chairman of the Board may designate one of the members of the Board as Acting Chairman to act during his absence.

(d) The Board shall undertake a continuing review of the programs and activities of all environmental centers assisted under this Act and make such recommendations as it deems appropriate to the Administrator and the relevant Governors with respect to the improvement of the programs and activities of the several centers. The Board shall, in conducting its review, give particular attention to finding any unnecessary duplication of programs and activities among the several environmental centers and shall include in its recommendations suggestions for minimizing such duplications. The Board shall also coordinate its activities under this section with all appropriate Federal agencies and may coordinate such activities with such State and local agencies and private individuals, institutions, and firms as it deems appropriate.

(e) The Board shall meet at least four times each year. The members of the Board who are not regular full-time officers or employees of the United States shall, while carrying out their duties as members, be entitled to receive compensation at a rate fixed by the Administrator, but not exceeding $100 per diem, including traveltime, and, while away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by law for persons intermittently employed in Government service.

ENVIRONMENTAL CENTER ADVISORY BOARDS

SEC. 10 (a) The Governor of each State having a State environmental center assisted under this Act, and the Governors of States participating in each regional environmental center assisted under this Act, shall appoint, after consultation with the Director of the environmental center concerned, an advisory board which shall—

(1) advise such environmental center with respect to the activities and programs conducted by the center and the coordination of such activities and programs with the environmental protection and enhancement activities and programs of Federal, State, and local governments, of other educational institutions (whether or not directly participating in an environmental center assisted under this Act), and of private industry; and

(2) make such recommendations as it deems appropriate regarding—

(A) the implementation and improvement of the research, investigations, experiments, training, environmental education, information dissemination, and other activities and programs undertaken by the environmental center; and

(B) new activities and programs which the environmental center should undertake or support.

(b) All recommendations made by an advisory board pursuant to clause (a) (2) of this section shall be promptly transmitted to the Governor or Governors concerned, the Director of the environmental center, the chief executive officer of each educational institution in which the environmental center is located, and the Administrator.

(c) Any recommendations made by an advisory board pursuant to clause (a) (2) of this section shall be responded to, in writing, by the Director of the environmental center within one hundred and twenty days after such recommendations are received. In any case in which any such recommendation is not followed or adopted by the Director, he, in his response, shall state, in detail, the reason why the recommendation was not, or will not be, followed or adopted.

(d) All recommendations made by an advisory board pursuant to clause (a) (2) of this section, and all responses by the Director thereto, shall be matters of public record and shall be available to the public at all reasonable times.

(e) (1) Each advisory board appointed pursuant to this section shall have not to exceed fifteen members consisting of representatives of—

(A) the agencies of the relevant State or States which administer laws and programs relating to environmental protection or enhancement;

(B) the educational institution or institutions in which the environmental center is located;

(C) the business and industrial community; and

(D) not-for-profit organizations, the primary objective of which is the improvement of environmental quality, and other public interest groups.

The Director of the environmental center shall be an ex officio member of the advisory board. Each advisory board shall elect a chairman from among its appointed members.

(2) The term of office of each member appointed to any advisory board shall be for three years; except that of the members initially appointed to any advisory board, the term of office of one-third of the membership shall be for one year, the term of office of one-third of the membership shall be for two years, and the term of office of the remaining members shall be for three years.

(f) Each advisory board appointed pursuant to this section shall meet not less than once each year.

(g) Funds provided under section 7 of this Act may be used to pay the travel and such other related costs as shall be authorized by the Director of the environmental center which are incurred by the members of each advisory board incident to their attendance at meetings of the advisory board or its official committees; except that the amount of travel and related costs paid under this subsection to any member of an advisory board with respect to his attendance at any meeting of the Advisory Board may not exceed the amount which would be payable to such member if the law relating to travel expenses for persons intermittently employed in Government service applied to such member.

MISCELLANEOUS

SEC. 11. (a) Sums made available for allotment to the environmental centers under this Act shall be paid in quarterly installments during each fiscal year. Each treasurer appointed pursuant to clause (2) of section 5 of this Act shall receive and account for all funds paid to the environmental center under the provisions of the Act and shall transmit, with the approval of the Director, to the Administrator on or before the first day of September of each year, a detailed statement of the amount received under provisions of this Act during the preceding fiscal year and its disbursement, on schedules prescribed by the Administrator. If any of the moneys received by the authorized receiving officer of the environmental center under the provisions of this Act shall be found by the Administrator to have been improperly diminished, lost, or misapplied, they shall be replaced by the environmental center concerned and until so replaced no subsequent appropriations shall be allotted or paid pursuant to this Act to that environmental center.

(b) Moneys appropriated under this Act, in addition to being available for expenses incurred in research, investigations, experiments, education, and training conducted under authority of this Act, shall also be available for printing and publishing of the results thereof.

(c) Any environmental center which receives assistance under this Act shall make available to the Administrator and the Comptroller General of the United States, or any of their authorized representatives, for purposes of audit and examination, any books, documents, papers, and records which are pertinent to the assistance received by such environmental center under this Act.

DUTIES OF ADMINISTRATOR

SEC. 12. The Administrator shall—

(1) prescribe such rules and regulations as may be necessary to carry out the provisions and purposes of this Act;

(2) indicate to the environmental centers from time to time such areas of research and investigation as to him seem most important, and encourage and assist in the establishment and maintenance of cooperation among the several environmental centers;

(3) report on or before January 1 of each year to the President and to Congress regarding the receipts and expenditures and work of all the environmental centers assisted under the provisions of this Act and also whether any portion of the appropriations available for allotment to any environmental center has been withheld, and, if so, the reason therefor; and

(4) undertake a continuing survey, and report thereon to Congress on or before January 1 of each year, with respect to—

(A) the interrelationship between the types of programs conducted by environmental centers pursuant to this Act; and

(B) ways in which the activities provided for in this Act for improving the Nation's environment may be integrated with other environmentally related Federal programs.

The Administrator shall include in any report required under this paragraph any recommendations he deems appropriate to achieve the purposes of this Act.

Mr. BELLMON. Mr. President, I urge the Senate to adopt S. 1865 to create a network of environmental centers to conduct research on and monitoring of environmental problems at the State or regional level. Congress has been generous with the Federal Establishment in providing funds to conduct national research on the environment. Certainly Congress needs the best knowledge and data it can get on the standards which it is setting nationwide to clean up the air and water. State and local governments, faced with the need to make similar decisions, need the same facts relating to their States or communities. S. 1865 will provide a way to get such information.

Too often, we are telling States and localities to meet certain standards, but we are not telling them how. Too often, States and localities have environmental problems that the Federal Establishment dismisses as of purely local concern.

Therefore, I believe it is essential that these jurisdictions be equipped, modestly, to address these problems on the basis of their own decisions and on the basis of their own perceptions of their needs.

Let us talk a little about what this measure will and will not do.

It will not provide a lot of money to build new buildings and research establishments. It will provide some money for the Governor of each State, or possibly several States together, to designate an existing educational institution or institutions to carry out research and train professionals in fields that are of prime environmental concern to the State or region.

Mr. President, this bill was reported out of the Senate Interior Committee unanimously. It has been cosponsored by a distinguished group of Senators. It was passed by the 92d Congress as part of a bill containing other legislative features, and it suffered a pocket veto.

The bill was reintroduced with some assurance from the administration that it will be signed this time. This bill in its emphasis on decisionmaking at the State and local level actually translates new federalism concepts into the research and development area. The highly respected chairman of the House Subcommittee on Fisheries and Wildlife Conservation and the Environment, the Honorable JOHN DINGELL, has introduced the same measure in the House as H.R. 35 and we are assured of speedy consideration in that body.

Mr. President, I am most hopeful that this is a bill whose time has finally come. It is meritorous. We need it now. The States and localities need it now. The public deserves it now.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is the engrossment and third reading of the bill.

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

The title was amended, so as to read: "A bill to authorize and encourage establishment of, and to render assistance to, environmental centers in the several States and regions of the Nation, and for other purposes."

NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES ACT OF 1974

The Senate continued with the consideration of the bill (S. 3523) to establish a temporary National Commission on Supplies and Shortages.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that no time be charged against either side on the quorum call which I suggested.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. DOMENICI). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I seek recognition for 5 minutes on the bill.

Will the Senator from Tennessee yield me 5 minutes?

Mr. BROCK. I yield 5 minutes to the majority leader.

Mr. MANSFIELD. Mr. President, at the outset of this session the majority caucus and the Majority Policy Committee voted to support the establishment of an instrumentality designed to assist the Nation in dealing with potential future areas of crisis with regard to sufficient supplies of resources, materials, and commodities. Economic foresight was the way we perceived it, and it was agreed unanimously that some mechanism ought to be provided that gives us an alternative to the crash-based planning with which the Nation attempted to meet the energy problem. At the direction of the Democratic caucus, I pursued the issue with the Republican leadership, with the House joint leadership, and with the President. The joint leadership introduced a bill that was agreed to by all representing the executive and the legislative branches. In a sense, the genesis of this proposal was unique in the way both branches, both Houses, and both parties came together to find a solution to an issue of the highest priority. The

resulting bill, S. 3523, is what the Senate has been considering yesterday and today.

Let me say that I appreciate the deep and sincere interest in this issue by the Commerce Committee, the Government Operations Committee, and by other committees and individual Senators. Personally, I do not disagree with many of the views expressed on the issue, but feel constrained to suppress my personal concerns in the interest of preserving the unique cooperation achieved at the outset.

I should say that those who acted on behalf of the executive branch were Secretary of the Treasury George Shultz at the beginning, until his resignation; Secretary of the Treasury William Simon, Director Ash, Chairman Stein, Chairman Dunlop, and Chairman Flanigan. Not only do I think that the support of the administration and the House leadership are essential to the success of this proposal, with all due respect to the many Senators who have differed on certain specifics, it seems to me that unless these Department heads and Council heads cooperate fully in supplying the needed information to such an instrumentality, its usefulness would be greatly impaired. The leadership, therefore, sought to join in efforts that would assure the ultimate success of this first major step to meet an enormous problem. As it now stands, the proposal mandates that the specific recommendations as to a permanent facility be provided within 6 months. Thereafter this Commission would itself continue to perform the task of perceiving a potential crisis area and offering us alternative policy actions needed to offset that crisis until Congress acts on the recommendations for a permanent facility—I repeat, until Congress acts on the recommendations for a permanent facility. Congress would have 6 months to act and pending that action, this Commission itself has the authority to continue to perform these tasks on a transitional basis.

Let me close by stressing that this is a first step and with it is assured, I think, the cooperation between parties, between branches, and between Houses of Congress that will assure its success and ultimately the success of a future full-fledged, highly visible, and highly credible permanent mechanism within our national life to accomplish the task of economic foresight regarding the future needs of the Nation.

If after a year the transitional work of this Commission is unfinished, and Congress still has not acted on its recommendations, or if sufficient funds have not been made available, I see no reason why we simply cannot extend its life and provide supplemental resources. The important thing is that we get this project underway and that we do so cooperatively. This issue is too important to be jeopardized by further delay and long-range studies, which we have had up to our neck and coming out of our ears. We all agree with the objective involved, and I hope we will keep that in mind in considering further the proposal before us.

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

Mr. MANSFIELD. Yes, indeed.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. The Senator is yielding to me.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. TUNNEY. I yield time to myself on the bill.

Does the Senator have any kind of understanding with the administration with respect to a continuation of the responsibilities of the Commission if, after a year, its work is not done and Congress has not been able to determine what mechanism should be established for the evaluation of shortages? Would the administration agree to a continuation of the life of this Commission? Have representatives of the administration given any communication to the Senator that they are prepared to support the extension of the life of the Commission?

Mr. MANSFIELD. I may say to the distinguished Senator from California that we did not operate on the basis of understandings or deals. All the cards were laid on the table. The purpose was to be as careful as we could in the selection of a permanent Commission by way of the setting up of a temporary Commission to establish all the facts needed to be considered.

I personally would have no doubt that the administration, at least based on my interpretation of conversations and conferences with the men mentioned representing the executive branch, would be more than willing to consider an extension provided we showed some progress, some determination, and some objectivity in the meantime.

Mr. TUNNEY. I think that this is very important because, as the distinguished majority leader knows, there are a number of us who feel very sincerely—we may be wrong, but very sincerely—that we need a permanent mechanism right now, and that the study as to whether we do need a permanent Commission is superfluous because there have been studies in the past that have demonstrated we need it.

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

Mr. TUNNEY. Yes.

Mr. MANSFIELD. The need is recognized for a permanent Commission. But we want to be absolutely certain rather than to jump ahead too fast, make mistakes and, hence, the transitional period so that we can be certain that we can do as good a job and create as good a permanent Commission as is possible and, in some way, bring to it all the findings of the congressional committees in both the House and the Senate, including the Commerce Committee on which the Senator serves with such distinction, all the agencies, officers and bureaus downtown, of which there are more than 50, so that we will have a clearinghouse of information already achieved and be able to plan for the future, and project shortages, say, in copper, in bauxite, which are with us at the present time.

We depend 100 percent on imports, and we will until and unless we begin to develop the alumina clays in the States of Georgia, Montana, and Idaho and, perhaps, elsewhere.

On copper, the need is becoming apparent all the time that we are depending on outside sources, even though we import only 8 percent of our needs.

The purpose is to prepare, to plan, to anticipate, to develop substitutes and alternatives, and not be cut short as we were at the time of the energy crisis last October, even though we had been warned time and time again that this could happen.

We can, for example, take advantage of the excellent recommendation made 22 years ago by the Paley Commission. People have asked, "Well, why was that not put into operation?" I do not know what the answer is except that I would hazard the guess that with President Truman going out and President Eisenhower coming in, it was lost in the shuffle at that time. But what was said then holds up pretty much today and would be a fine working instrument to help a temporary Commission get under way toward the creation of a permanent Commission.

Mr. TUNNEY. During the course of our hearings administration witnesses testified before the committee—the two committees that were holding joint hearings, Government Operations and Commerce Committee—that such a permanent commission was not needed.

What I suppose I am trying to elicit from my very distinguished leader is the answer to a very basic question, and that is, assuming that Congress has not acted at the end of, the expiration of, the life of this Commission, is it the majority leader's understanding that the administration is prepared to see the life of this Commission extended for another 6 months or another 2 years until such time as Congress has an opportunity to act?

The importance of that is we are envisioning that this Commission will have the responsibilities immediately for collecting data on material shortages, monitoring that data, analyzing it and distributing information on a regular basis to Congress and to the executive branch. We do not want a hiatus between the expiration of the life of this Commission and a future point at which Congress would act, assuming that Congress does not act within a year.

Mr. MANSFIELD. I would agree with the assumption of the Senator from California; that would be my anticipation and my understanding; and frankly I would hope that it would be possible within the year to set up a permanent Commission, subject to the will of Congress at all times, and in that way get underway the kind of a permanent Commission which the distinguished Senator has been advocating during the course of this debate.

Mr. HUMPHREY. Mr. President, will the majority leader yield to me?

Mr. MANSFIELD. Yes, indeed.

Mr. HUMPHREY. I have an amendment pending which relates to this discussion, it may not be at all necessary to press it. I just wanted to get the counsel of the majority leader.

In the bill which comes to us now, the language on page 4 reads:

The Commission shall include in its reports specific recommendations with respect to institutional adjustments, including the advisability of establishing an independent agency to provide for . . .

My amendment, which is pending, would knock out the word "advisability" and would, in a sense, really set forth that the Commission was to report, as I have indicated in the language of the amendment, the format and structure for the establishment of an independent agency.

I ask the majority leader whether that complicates matters, or is it within what the majority leader thinks we ought to have in this legislation?

Mr. MANSFIELD. I would say that it complicates matters somewhat. The intent and the meaning which the Senator is intending to convey, and very constructively, I think, is contained within the contents of the bill now pending.

Mr. HUMPHREY. Does the Senator believe that the word "advisability" there leaves the option open to a point where an independent agency would not be recommended? In other words, a permanent commission would not be?

Mr. MANSFIELD. No, no. I would agree with the Senator from California and other Senators that what we are seeking to achieve on as solid a basis as possible is a permanent commission which could sort of act as a point organization; take out the possible deficiencies and come up with ways to develop alternatives, substitutes, or whatnot to overcome the crises not only in metals but in food, pure air, pure water. It covers the whole spectrum; it is not simply tied to supplies of food and minerals.

Mr. HUMPHREY. I understand.

Mr. MANSFIELD. It is not tied merely to scarcities in those areas.

Mr. HUMPHREY. My concern was whether or not the Commission—the temporary Commission—with its makeup should have the option of recommending or not recommending the establishment of an independent agency. What I had in mind was to make certain that what the Commission was to recommend, in whatever form it may suggest, is a permanent independent agency, and not leave it with the option which the present language would permit. The present language says "including the advisability of establishing an independent agency." The words "the advisability" disturbed me somewhat because I believe what the Senator from Montana wants is a permanent independent agency, and we ought not to let the temporary Commission fool with that.

Mr. MANSFIELD. The Senator can be assured that there will be no tampering; that the idea will be for the temporary Commission to lay the groundwork on the recommendations for a permanent Commission which it would have to come back to Congress to achieve.

Mr. HUMPHREY. Yes.

Mr. MANSFIELD. I think there is enough viability or flexibility in the language to achieve the results which both the Senator from California and the Senator from Minnesota desire.

Mr. HUMPHREY. So the Senator would feel, from his point of view, since he had to negotiate this rather delicate arrangement for this legislation, that it would be desirable for my amendment to be withdrawn and to leave the language as it is; is that correct?

Mr. MANSFIELD. If the Senator would be so kind, because what we are seeking is something unusual in executive-legislative relations. As I indicated last night, all too often our relations with the White House and the executive branch are at arm's length, or on an adversary basis. This is one time when, on the basis of Senatorial initiative, we could work in cooperation and partnership with the administration in achieving a common goal.

I have felt throughout all my political years that there has been too much antagonism between the two branches, that there ought to be more in the way of accommodation and partnership, and this is one way in which we are trying to achieve that. Whether or not we succeed, of course, depends upon developments, but I am sure the Senator has my viewpoint in mind.

Mr. HUMPHREY. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn. Who yields time?

Mr. BROCK. Mr. President, I yield 4 minutes to the Senator from New Hampshire (Mr. COTTON).

Mr. COTTON. Mr. President, I have had mixed feelings about this measure.

In view of the fact that the leadership on both sides wanted to proceed in this way and that the desire was to establish a better working relationship with the executive on this rather vital matter, I am disposed to try to be as cooperative as the distinguished Senator from Minnesota, who always proves his breadth of vision by being most reasonable.

I am willing to meet him half way and perhaps support this measure, in view of the fact that we are going to have provision for a report in 6 months.

But, Mr. President, that does not mean I have lost my distrust and lack of confidence in this method of approach, which has been acquired over the last 20 years.

I remember well serving on a commission to try to establish a uniform method of dealing with Government security. I served as one of the two Senators on that commission. It was a commission consisting of some 16 people, including two Senators, two Members of the House, members from the American Bar Association designated by the president of the Bar Association, and several public members designated by the President of the United States. We operated for about 3 years. We kept asking for more time.

Actually, the work was done by a staff, and the only real decision that commission ever made was when it selected the staff. They journeyed to Washington, had their expenses paid on a per diem basis, and made their report. I remember the Senator from Mississippi (Mr. STENNIS) and I introduced in the Senate, and the corresponding Members of the House of Representatives introduced in the House, legislation to implement that report. However, it was never even taken up by a committee, and so that is as far as we got.

My next experience was when I was appointed along with the distinguished chairman of the Commerce Committee, the Senator from Washington (Mr. MAGNUSON), to the Commission on Marine Science, Engineering and Resources.

Again, a staff was appointed, and again every 2 or 3 weeks we went downtown and met with distinguished citizens from all over the country until Congress acted without waiting for us. We never really got going on this matter of oceanography.

My most recent experience was serving on the Bicentennial Commission, from which I have resigned since it is just about as big a farce as I have ever seen.

It seems to me that we can cooperate with the White House because there are still a few Members of this body who are on good terms with the President, mostly because we have refrained from attacking him and have proceeded on the basis that we would live up to our oaths of office, and if an impeachment trial came we would vote according to the sworn evidence, and not according to the information furnished by the news media.

There are Members of this body who have confidence in the President. For that reason, I think that we could expeditiously, in view of the leadership's fine attitude of cooperation, establish a special committee in this body that would proceed to listen to the secretaries of the various agencies downtown and try to work out the kind of instrumentality that should deal with this problem.

But, there will be 13 members of this Commission; they will come from all Christendom; they will have their trips to Washington; they will listen to the report of their staff; and, hopefully, they will come up with some kind of recommendation. But when they do, it will have to be settled right here on the floor of the Senate and on the floor of the House of Representatives as to whether there is going to be an independent, quasi-judicial agency, with vast powers to deal with this problem, or whether the authority shall be delegated in some other manner.

The decision will be made right here. It will not be made in 1 month, 6 months, or 2 years. I do not want to be cynical, but I would almost wager that the first report we would get from that Commission would be a report asking that it be extended for another 6 months or another year.

But because of the leadership and the attitude taken by the distinguished majority leader, I am willing, like the Senator from Minnesota, to subordinate my own views and go along with this bill in its present form. However, I still adhere to the fears that I have expressed before, and I cannot refrain from expressing them here because they are the result of long personal experience.

I think that Congress is perfectly capable of handling this matter itself, but because of the strange situation between Congress and the executive branch and because of the attitudes of the majority leadership, I will therefore retract what I said to the distinguished Senator who is in charge of this debate, and out of respect for the majority leader and those who have hopes that this method of approach will work, I will vote for it.

Mr. BROCK. The Senator from New Hampshire has demonstrated nobility. We appreciate it very much.

Mr. MANSFIELD. I thank the Senator from New Hampshire very much.

Mr. DOLE. Mr. President, an ounce of prevention may—as the old saying goes—be worth a pound of cure. And in no area can I imagine a greater need for a few ounces of preventative action than in the processes by which our crucial agricultural and industrial sectors are supplied with the basic materials upon which their productivity is based.

This past year has brought home to nearly every American the importance of having basic materials available when needed. I know in the State of Kansas that shortages of everything from gasoline, propane, and other fuels to oilfield tubular steel, fertilizer, and baling wire have caused great anxiety, a good deal of alarm, and real economic hardship in some cases. Nationwide, these same problems have been experienced in a wide variety of items, and there is growing concern that various materials shortages may be one of the great areas of world crisis developing over the next few years. Certainly, the current food shortages in various parts of Africa point up the problem of adequate agricultural products.

Of course, the most spectacular area of shortage revolved around the export embargo of Arab-produced crude oil last winter. The fact that the shortages created by the embargo were manmade and not due to any exhaustion of resources did not lessen the impact on the entire world's economy. But the experience with the embargo may have had at least one beneficial result in that it sounded a clear warning that materials shortages can develop—for whatever reason—and very rapidly.

The obvious response to this warning is that we undertake the necessary steps to avoid being caught flat-footed by another shortage in one or a number of basic materials. And I am pleased to support S. 3532, the National Commission on Supplies and Shortages Act, as a highly appropriate and worthwhile attempt to arm America with a basic policy for assuring adequate supplies of essential resources.

The establishment of this Commission—charged with the responsibility to study short- and long-term supplies, explore possible alternative sources, review existing policies and provide an overall coordination for planning to deal with potential supply problems—is a sound and sensible approach to this important question. The success we have in formulating effective materials policies may very well be absolutely critical to our survival at some point in the future. So I again wish to express my support for this measure and urge the Senate to grant its approval.

Additionally, I ask unanimous consent that an informative article on our potential metals shortages from the December 26, 1973 Wall Street Journal be printed in the RECORD at this point.

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

WHAT NEXT? AMERICA'S DEPENDENCE ON IMPORTED METAL SEEN LEADING TO NEW CRISIS

(By Richard J. Levine)

WASHINGTON.—After the energy crisis could come a metals crisis.

That grim possibility is beginning to haunt officials here as the Arab oil embargo stirs new fears about the nation's growing dependence on foreign supplies of many crucial mineral ores.

At this point, the concern is centered among middle-echelon bureaucrats, private economists and industry executives. But it is starting to spread to the ranks of government policymakers, reaching in recent days the offices of Interior Secretary Rogers Morton, Federal Reserve Board Chairman Arthur Burns and energy czar William Simon.

What worries these men is the possibility that the Arab oil embargo may give dangerous ideas to the less-developed countries in Africa, Asia and Latin America that supply the U.S. with minerals. They are concerned that these so-called third-world nations—viewing the Arabs' use of oil to force Israeli withdrawal from occupied lands—may decide to use their mineral wealth not to achieve political ends but to jack up their economic positions. The result could be skyrocketing prices and dwindling supplies on world markets.

"Recent events are very disturbing," says Mr. Burns. "What happened in oil could happen" in copper and other raw materials, he adds. Mr. Morton suggests that, unless protective steps are taken, such as maintaining stockpiles, the U.S. could face a "minerals crisis and a materials crisis." There is "no reason why the group of countries that supply most of our bauxite (the ore from which aluminum is produced) can't get together the way the (oil-producing) countries got together on the price of oil," he says. Jamaica and Surinam are the original source of about two-thirds of the aluminum used in the U.S., with Canada and Australia also major producers.

Perhaps the man most responsible for spreading the word about the metals-dependence problem has been C. Fred Bergsten, an international-economics expert at the Brookings Institution who formerly worked for Henry Kissinger on the National Security Council staff. Mr. Bergsten outlined the problem in an article last summer in Foreign Policy magazine entitled, "The Threat From the Third World." It drew little attention at the time, but then came the oil embargo. Recently, Mr. Bergsten has been busy updating his ideas before congressional committees.

"While the oil situation itself must be the focus of policy attention at the moment, we must recognize its far broader implications for the longer run," he says. "Perhaps the broadest lesson to be learned . . . is that countries will adopt extreme, even wholly irrational, policies when frustrated repeatedly in achieving their most cherished aspirations."

Underlying the concern of Mr. Bergsten and others are some harsh facts about the ever-increasing reliance of the U.S. on foreign metals since it became a net importer in the 1920s.

According to the Interior Department, the U.S. already depends on imports for more than half its supply of six of 13 basic raw materials required by an industrialized society (aluminum, chromium, manganese, nickel, tin and zinc.) By 1985, the country will also depend on imports for more than half its iron, lead and tungsten. And by the year 2000, its imports will have to supply more than half its copper, potassium and sulphur. (The 13th material is phosphorus, which is so abundant in the U.S. that imports even in the year 2000 are expected to be negligible.)

INCREASING DEPENDENCE

Viewed another way, the projections suggest the U.S. may have to import $18 billion of metals a year by 1985 and $44 billion by the turn of the century, up from only $5 billion in 1970. "What kind of an economy can stand that kind of pressure on its balance of payments?" asks an Interior Department planner.

At the department's Bureau of Mines, Paul Zinner, assistant director for planning, says the bureau has seen the metals problem coming for 20 years but has been unable to generate much high-level interest. "Since 1953, we've been saying annually we've got to do something about it. But nothing's happened because there's been no crisis. When you find you can't buy an auto because industry can't get materials, you'll get concerned."

As that concern builds, it is likely to be accompanied by the realization that the increasing dependence on overseas metals supplies must dictate changes in American foreign policy. Most obviously, in the view of some analysts, it will force Washington to lavish more attention and money on the less developed nations than in the past. "When we awaken to an oil crisis," says Mr. Bergsten, "we realize how vital to us are Nigeria, Indonesia and Ecuador"—countries that have crude for sale.

In recent years, Washington's foreign-policy machinery, under the tight direction of Henry Kissinger, has concentrated on building relations among the big powers—the Soviet Union, China, Japan, the allies in Western Europe. The result has been a slighting of the development areas of the world, which hold the resources the U.S. will increasingly need. "Our policy institutions aren't adapted to these newly emerging economic realities," says Federal Reserve Chairman Burns.

Many experts believe the U.S. metals-dependence problem will be reflected in rising prices, rather than in a cutoff of supplies. "You wouldn't suddenly find yourself without copper, for example, but you could find the price so high you couldn't afford it," Mr. Zinner says.

Increasing world-wide demand for metals presents suppliers with an opportunity to raise prices, and the oil crisis demonstrates how quickly suppliers can move. Immediately after Iran auctioned crude oil for as much as $17.34 a barrel, Indonesia, Bolivia and Ecuador announced they intended to raise prices, too. "We can't close our eyes to the prices of oil in the last few months," declared Indonesia's minister of mining, Mohammad Sadi.

Earlier this week, six Persian Gulf oil producing countries more than doubled their posted price for crude oil to $11.651 a barrel from $5.11, effective Jan. 1, and more increases may be forthcoming.

Predicting how or where a metals crisis might erupt is difficult. John Morgan, acting director of the Bureau of Mines, says only that the U.S. could find itself in trouble in "any one" of the metals it imports heavily.

Right now, the aluminum situation appears particularly threatening. Among the danger signs: reports that the leading bauxite-producing countries plan to meet early next year to discuss establishment of a producer organization similar to the Organization of Petroleum Exporting Countries, or OPEC.

In addition to OPEC, which has shown its muscle in raising oil prices, there is the Inter-governmental Council of Copper Exporting Countries (Chile, Peru, Zambia and Zaire) and the International Tin Council (producing members are Malaysia, Bolivia, Indonesia, Nigeria, Zaire and Australia.)

In the long run, some government experts predict, one critical supply problem may be in uranium. "The world resources that are known, assuming that we have access to them, just aren't adequate," an Interior Department analyst says.

Still the situation isn't entirely bleak. For one thing, the U.S. remains rich in natural resources. In many instances, American industry has turned to foreign metal supplies because they have been cheaper than remaining domestic supplies.

For example, the U.S. has aluminum-bearing ore in Georgia and Alabama. But methods haven't yet been developed so these low-grade resources can be used economically. The U.S. also possesses much low-grade iron ore.

Some experts also question whether poor countries, lacking the unifying political cause of the Arabs, could actually get together to raise prices and control supplies. The major copper-exporting countries, says a Washington expert, "aren't geographically cohesive." However, such arguments are rejected by Brookings' Mr. Bergsten, who believe that joint action is more likely in some raw materials than it was in oil.

In any case, U.S. officials are talking about ways to conserve metals in the future as well as to increase U.S. production. Some officials, such as Interior Department Chief Morton, also believe it's time to take another look at the administration policy, established last spring in the hopes of lowering metal prices, of disposing most of the government's huge strategic materials stockpile.

"What the stockpile has provided," an Interior Department planner says, "is tremendous bargaining power for this country in the international sphere. With it, you don't let these bandits hold you up."

AMENDMENT NO. 1408

Mr. TAFT. Mr. President, I call up my amendment No. 1408 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

At the end of the bill insert the following new section:

ENFORCEMENT OF DECONTROL COMMITMENTS

SEC. 8. (a) Notwithstanding the expiration of the Economic Stabilization Act of 1970, as amended—

(1) any commitment made or given as a condition of, in connection with, in exchange for, or in the course of decontrol or the grant of other relief from or under such Act, prior to May 1, 1974, shall continue in full force and effect, except that the President may modify any such commitment if he determines that modification would be in the national interest and publishes in the Federal Register the basis for such determination.

(2) the authority and provisions of sections 203 (relating to Presidential control authority), 208 (relating to sanctions), 209 (relating to injunctions and other relief), and 211 (relating to judicial review) of that Act (as in effect on April 30, 1974) may be invoked against, and shall apply to, any person who violates any commitment made or given as a condition of, in connection with, in exchange for, or in the course of decontrol or the grant of other relief to such person from or under such Act, prior to May 1, 1974, or any modification of any such commitment pursuant to the provisions of this subsection.

(b) The authority conferred by section 203 of the Economic Stabilization Act of 1970 shall be exercised with respect to the violation of a decontrol commitment only to the extent necessary to apply appropriate corrective action to the person who committed the violation, and any such exercise of authority shall be accompanied by a statement explaining the reason for such exercise of authority and the President's analysis of why such exercise of authority constitutes appropriate corrective action within the meaning of this subsection.

Mr. TAFT. Mr. President, I have listened with a great deal of interest—as I have been in the Chamber during most of the debate on this measure—and this amendment No. 1408 has been pending which I have described in some detail in the CONGRESSIONAL RECORD on page 18755. I find that when it was introduced, I thought it was a pretty good idea and would fit in pretty well with the committee bill. Its only purpose was to provide some kind of authority to the President to go ahead in some manner—and I am not sure I had it spelled out currently—to enforce the commitments the price control authorities had worked out with some 17 different industries before expiration of the wage and price control legislation.

At the time the wage and price control legislation was in being, I attempted to point out the necessity for some continuing authority to move on the commitments if they were violated. I do not know whether they had been or not. We are not watching them to find out whether they have been violated. I know that one very large company did raise its prices under an exemption within the commitment, but I do not have any idea about it; but here we are sitting here and we have been debating for several days whether we should set up a Commission to advise the Senate and the House as to the structure of the agency that would best control shortages of supply, which in most cases relate to overall economic factors and not just to the actual amount of raw material supplies available that might be involved, did not have the economic factors in play.

To tackle this on the simple theory that they are shortages and that, somehow, the Commission will come up with a warning when shortages may occur, seems to me to be a rather superficial approach to the argument. I already have an amendment and am very happy that the committee adopted an amendment which is somewhat broader in its language, so that insofar as commercial interests are concerned, or on prices, employment practices, business practices, the Commission will have the authority to go into those matters.

I must say, at this point, that I am talking on this amendment but I am really referring to the entire process here and I share many of the doubts expressed by the Senator from New Hampshire (Mr. COTTON) as to whether this will do a bit of good.

I am afraid that what we are facing is a major inflationary problem and a major shortage problem which does not relate to the unavailability of the raw materials in the world in energy sources but across the board all over, because the economy is not working entirely properly and shortages occur and because we have not had any information available to all of us.

I must say, I certainly admire the effort and the enthusiasm expressed by the distinguished majority floor leader as to this legislation and the bipartisan work that has developed. But I should like to make a wager with him, or with anyone else in the Senate for that matter, that when the Commission reports and what the Senate does, if it does anything, will have very little to do with what the Commission reports to us. That has been the history of the past and that will be the history of the future. That is why I thought the motion to recommit was well taken and I thought the idea of extending the Commission for a 3-year or a 2-year life was helpful because we could expand it and change it into a different kind of body, in conference with the House, of course, which would take on the responsibility of monitoring and doing something about this. I thought such a monitoring agency, while it would monitor the supply of materials as well as the matter of prices and wages and the increases that have occurred and their effect upon the economy, were areas in which we should expand but on which the Senate and the House, the entire Congress and the administration, should be attempting now.

The inflation problem is what is behind the thing basically.

We are not tackling that in any way. We are not going to set up an agency by this action that has anything to do with inflation. We turned down the Muskie amendment. I do not want to perpetuate wage and price controls. I do not think they have worked very well. But it is simple folly to relax into a situation where we do not have the information available or any agency responsible for having information available as to what is happening to prices and wages and what is happening to supplies of vital war materials around the world. The action we are taking today is putting it off. Congress should respond to what the needs are by enacting legislation. This is a cream puff approach to what is a very hard-rock problem. The Senate should realize that.

I think the amendment which I have, might or might not help in that connection, so far as decontrol commitments are concerned. I bring this up today to make these points because I have already introduced it and have pending before the Banking Committee legislation which is entitled "The Inflation Restraint Act of 1974," which would include the language in this amendment. But it would also give monitoring authority over developments in wages, prices, and the supply of materials, which I think is vital we provide at this time. We are not doing it by this legislation.

I reserve the remainder of my time.

Mr. TUNNEY. Mr. President, I would hope that the distinguished Senator from Ohio would withdraw his amendment. He has made his point clearly. I supported this concept when it was first brought to the attention of the Senate a number of months ago. I think that the

point he is making is a very good one. However, I think it is unnecessary to have this amendment a part of this legislation. I am informed presently that there are only 17 major voluntary wage and price commitments in effect which would be covered by this amendment. The Cost of Living Council has advised the Commerce Committee staff that these are not being abused and that they are being carried out. Therefore, the amendment is unnecessary and seems to be irrelevant to the major purposes of the pending bill.

Although I think that what the Senator wants to achieve by his amendment is salutary, I would hope that he would withdraw it. However, if the Senator feels that he cannot withdraw it, I will move to table the amendment, not because I do not think it has validity as a concept, as I have already indicated, but I do not think it is pertinent to what the purposes of this bill are all about, and that the commitments are being lived up to.

Mr. TAFT. Mr. President, by way of explanation, let me say that the 17 commitments are commitments as to the industrial sector but there are also many individual companies in each sector, so that the commitments do cover a broader portion of the economy than has been implied. Some of them, for instance, the longest range ones, which expire on March 31 next year, are in the coal sector. Another longer range commitment relates to paper, another basic commodity, of which the Senate uses a good deal—and we have just increased our paper allowance again.

What I am trying to call to the attention of the Senate is the necessity for some action on broader inflation-related problems. I do intend, when we are through discussing this, to pull down the amendment at this time because the way the bill has been set up, it is not particularly appropriate to this particular bill. Had we gotten the changes that the committee had advocated on the bill and the changes that others had advocated on the bill, I think it would have been far more appropriate.

Nevertheless, I feel that the amendment covers an area in which we do have an obligation. I hope that the Committee on Banking, Housing and Urban Affairs, before which the related bill that I have proposed is now pending, will shortly have hearings on this matter and will, by emergency legislation if necessary, give at least somebody the authority and the power to monitor and to enforce the commitments that have already been made under the Cost of Living Council, which we have allowed now to expire.

I hope at the same time, and I would recommend at the same time, regardless of the ongoing studies that may or may not come as a result of this legislation, that we will set up some kind of a body to do current, effective economic monitoring, and to use the jawboning approach.

I think if we can somewhat broaden the basis of that from an executive type of jawboning by the White House through a congressional entity, we will do ourselves and the Nation a great deal of credit.

(At this point Mr. HUDDLESTON assumed the Chair.)

Mr. DOMENICI. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I am glad to yield.

Mr. DOMENICI. Let me compliment the Senator from Ohio for the discussion he has brought to the floor of the Senate. I honestly tell the Senator I would not have supported the amendment, but I support the discussion and would like to add a few thoughts of my own with reference to shortages in this country.

Obviously, it was a difficult job to get the bill to the floor of the Senate in a manner that is going to be accepted apparently by both Houses and by the Executive so that we can get on with the business of establishing some system in this country for getting at the facts with reference to the various products that our country now needs, that we are short of, and those we will be short of down the line.

I compliment the Senator for calling to our attention that before we can do anything about the shortages, before we can get the cooperation of the American people with reference to solutions, we have to have facts.

I still believe that a majority of the American people do not believe there is really an energy crisis. I submit that one glaring reason is that we have never had an objective, factfinding body that could support the propositions, logical, and normal, aimed at a solution, because there were still those who were in open combat as to the true state of facts.

Right now in this country we have a situation where we are out of baling wire; yet, no one can tell us precisely how much we will have for the farmers, or what the future holds. Right now we are talking about drilling more oil and gas wells in this country to develop energy; yet, we do not know wherein is the material to drill the wells. We do not know whether we have enough steel being produced, enough rigs, enough bits.

We also find that that which is available seems all of a sudden, to be in the hands of the huge, giant oil companies. Yet, we sit here and say it is the independents that we want to protect so that they can drill. Drill with what? Yet, nobody can give the facts to a Senator. The agency in charge of allocation does not know the facts. They do not think they have the total authority to get the facts.

Now we are talking about a world market in minerals. No one has even told the American people or Congress the status of mineral availability in this country. Those entities are busy about gathering facts in conflict; they are not in unison.

Then we are expected to pass trade bills, to pass all kinds of economic incentive bills for the mineral deposits of this country, either to cause them to move ahead or to slow down, or even to cut them out, to protect the environment.

We do not even have an inventory of the mineral wealth of this country, or a policy with reference to whether or not we want to become independent in mineral productivity.

So it seems to me that if anything can be gained from this trial 6 months, or the 6-months-to-report-commission, it should be this: that they should clearly and forthrightly explain to Congress the dilemma we are in with reference to available facts upon which to base a policy of materials, substances, and goods for the American people.

Mr. TAFT. Even the FEO does not have the facts, particularly in the oil area. It was incredible that when the Arab oil crisis arose, we did not have much knowledge on how much oil was being used or imported. We had to turn to industry. While I am sure the industry figures were designed to be honest with the public, they were certainly not figures that we should accept automatically. They were incomplete in many ways.

Mr. DOMENICI. I believe the Senator will acknowledge, certainly, that the private sector has some proprietary interest that in normal times we want to protect, but we are not even directing some objective factfinding body to see what ought to be protected, what ought to be made public, or how we can get proprietary facts and yet disclose to the public, without destroying patent rights and the like, the true state of affairs.

We do not know the status of petrochemicals in this country. We do not really know the status with reference to fertilizer—and we are talking about growing more crops. We still have nobody who can tell the Senate whether we should ban exports or not.

If they could tell us that and confirm that we do not have the facts upon which to base them, and recommend the method and manner whereby we might get objective third-party kinds of facts, much like the Council on Environmental Quality now gives to the Executive, if they would do just that for us to stimulate us into getting on with that kind of approach, then it would serve the purpose.

With reference to the Senator's objection to any more commissions, as the senior Senator from Rhode Island mentioned, based upon the Paley report and all kinds of commissions, I would like to say I think there is a distinction.

Let me suggest to the Senator from Ohio that America frequently, as one of its national traditions, does not really act until we have problems, until we are in a crisis.

I submit that the Paley report was far too silent for us to act upon. I submit that most of the commissions that reported on the energy crisis were talking too far in the distance for us to react. But right now we have found that this great economy of ours can suffer shortages, inflation, the kinds of things we never expected.

I believe that particular crisis atmosphere gives this—and, hopefully, a permanent factfinding body that will follow it—the impetus that others have not had. For that reason, and because I have a ray of hope, I will support it.

I compliment the Senator for calling to the attention of the Senate the shortcomings of the bill, yet his willingness to support its basic concept.

Mr. TAFT. I thank the Senator for his

remarks. I generally have thought of myself as being an optimist, but I must say that I differ with him in his optimism and his hopes for the effectiveness of this legislation.

It seems to me that this legislation is just going to put off Congress facing up to the problem in a way that I think it ought to face up to it—very directly. I do not think we need a commission report. I think we know what the basic problems are.

We ought to get down to business in our own committees and face this with a congressional initiative, do something about it here, and do something about it now.

The problems are not going to go away.

One thing that has not been mentioned, that we are going to lose another year on, is what the Senator from New Mexico just mentioned. The public does not believe there really is an energy crisis. I think that all the conservation philosophy that came out of the Arab crisis, which has resulted in a considerable saving of energy will evaporate. I believe it will go out the window as soon as the public becomes convinced, as I think they are pretty much, that there really was a phony crisis.

There was not a phony crisis. But unless we actually act and get the facts, and get them on the basis that people can believe, I do not think we are going to get the confidence of the public that is necessary for major measures of conservation.

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

Mr. TAFT. I yield.

Mr. BROCK. I shall take 1 minute to pursue a point. I am deeply interested in what the Senator has said. He is absolutely right. The functions defined in this legislation are congressional functions. They should be fulfilled by Congress.

But I must point out to the Senator that Congress today has such jurisdictional complexities and contradictions that it is almost impossible for us to consider this problem in its entirety in any single committee. That is one of the basic difficulties.

The Senator from Illinois is in the Chamber. He and I have been sponsoring a bill for 9 months to ask for a study of our commitee structure in Congress.

Mr. TAFT. I appreciate the Senator's comments. I certainly concur with them and agree that this is extremely necessary.

I do not think we are going to do it overnight. There is difficulty that arises with regard to it, and I am sure the Senator knows of the situation. We can see the problem just by looking at the other body and observing what has been going on. After a couple of years of good work, all of a sudden there is a roadblock, because of the prerogatives of individuals and the policies of the committees, and other problems of that kind.

What I would like to suggest to the Senator, and maybe we could join in an initiative of this sort, would be to have perhaps a joint committee with legislative authority for this purpose, crossing the lines of other committees. Perhaps that is the direction we should take. The jurisdictional problems will still be here when that special Commission comes back with this report and they will face the same stone wall we face now. We are not going to face the problem through this Commission, because the problem is in getting some congressional mechanism to face the problems and deal with responsibilities that are ours.

Mr. BROCK. Mr. President, I cannot share the Senator's pessimism with respect to our inability to reform Congress, nor that we cannot do something more. But I must agree with his objections to this Commission, because the Commission can perform an enormously useful function in bringing all the structural analysis into the fore so that it can be cohesively worked on and cogently refabricated so that we can arrive at a structure within the executive to deal with this problem. That does not relieve us of our responsibility in the legislature, but we have to have some mechanism to bring to pass executive and legislative cooperation on this matter.

The Senator has done a good job in bringing this matter to the attention of the Senate today. I am delighted to cosponsor the proposal. I have high hopes that something valuable comes out of this effort. That does not mean that we do not have to back it up in Congress.

Mr. TAFT. The problem will be in Congress.

Mr. BROCK. It always is.

Mr. TAFT. There is no question about that.

Mr. BROCK. I would love to add the Senator as a cosponsor of a resolution that the Senator from Illinois and I have.

Mr. TAFT. I shall examine it again.

Mr. BROCK. I thank the Senator.

Mr. TAFT. I thank the Senator for his remarks.

Mr. President, at this time I withdraw the amendment.

The PRESIDING OFFICER (Mr. DOMENICI). The amendment is withdrawn.

Mr. STEVENSON. Mr. President, will the manager of the bill yield for a question?

Mr. TUNNEY. I yield.

Mr. STEVENSON. The bill mandates the Commission to review existing policies and practices of Government which may affect supplies of natural resources and other commodities. Export controls can be used by the Government to alleviate the short-supply situations and export subsidies; DISC and Eximbank financing can be used in ways that exacerbate shortages in other commodities.

Is it the intent of the bill to include in that phrase, "the policies and practices of Government," export controls and export studies which could affect the supply of natural resources and other commodities?

Mr. TUNNEY. The answer is "Yes." In the committee report, on page 6, the committee stated:

> These practices may or may not cause shortages. They may tend to increase supply or to simultaneously encourage conflicting results. The areas of government policy review should include: foreign, military, anti-trust, environmental, health and safety, and import and export policies, as well as policies relating to the management of domestic agricultural and mineral resources, manpower and productivity policies, policies affecting the rate and nature of private investment, policies affecting industrial efficiency and competitiveness, and policies relating to science and technology.

The point I make is that the Committee on Commerce reviewed the problem of governmental activities as it relates to import and export policies. It felt these policies did have a substantial impact on material supplies and, therefore, this Commission should look at those import and export policies in its evaluations of existing and potential shortages.

Mr. STEVENSON. I thank the Senator. The reference to export policies would include export controls. I want to be sure the phrase would include export subsidies.

Mr. TUNNEY. Export subsidies would also be included, including DISC.

Mr. STEVENSON. I thank the Senator for the clarification.

Mr. TUNNEY. I thank the Senator from Illinois.

Mr. HUDDLESTON. Mr. President, will the Senator yield to me for 2 minutes on the bill?

Mr. TUNNEY. I yield 2 minutes to the Senator from Kentucky on the bill.

Mr. HUDDLESTON. Mr. President, this whole area of material shortages is one which I have had a particular interest in, as have many other Members of this body. I have done some special studies and drafted legislation. I know many other Members of this body have also drafted legislation. I think therein lies one of the important points in passing the bill that is before us now, and that is when we are confronted with a problem of this nature, there is a great tendency to move out in many different directions at the same time by many different individuals.

I think we are faced with a problem that will be with us for many years, and that is the question of short supply of raw materials necessary to keep our economy going and our factories operating to supply us with products we need. It will take long-range tools to meet this need.

Many of the materials that are necessary for us to sustain our life are already on the Earth and in full supply. There will not be any more. The good Lord has already placed on this planet all that man will have. The question of how we use that supply, extract it, and process it and what we do with it is a question that we will be confronted with for many years.

I commend the majority leader and members of the majority and the minority leadership in working out with the executive branch this approach, because when we formulate the kind of commission with the authority it needs it must be based on a sound foundation.

It is important that we study this problem. As I said, I have prepared legislation which I am withholding. I have prepared amendments to this particular bill that we are confronted with now. More amendments which I intend to

offer would have placed on the various agencies of the Federal Government somewhat broader and specific obligation as to how to respond to the needs of this country. But in view of the fact that the majority leader indicated to us, and those on the minority side have confirmed it, that there has been a spirit of cooperation expressed by the executive branch to make sure this commission has all the documents, data, and information necessary in order to draw guidelines for future action, I would like at this time to withhold that amendment and offer my support to this approach to the problem.

I do not think it is a problem that is going to be solved overnight. It will require long-term, intelligent action on the part of Government. I believe this approach for a commission that can assess the situation we are in now, to take inventory of supplies, look down the road to see where we are heading and then come back with recommendations to the Government is the kind of authority that will be necessary to deal with the problem.

I commend the sponsors of the bill and those who have been so much interested in it in offering this approach.

Referring to the words of the distinguished majority leader, this is a first step, and it should be looked upon as a first step and one which will lead to a solution that will enable us to provide this country with the guidance we will need.

I thank the Senator.

Mr. MANSFIELD. Mr. President, I appreciate the remarks just made by the distinguished Senator from Kentucky. I assure him that I appreciate most deeply his forebearance, along with other Senators, of the understanding which the joint leaders and the executive branch of Government tried to develop.

If the bill is enacted, any suggestion by any Member of Congress would be most welcome and would be given the most serious consideration.

May I say furthermore that the creation of this commission does not in any way impinge upon the right of any committee in the Senate to come forth with a resolution of its own or the right of any Senator or Member of the House to carry forward his ideas in the Chamber in which he is representing his State or his district.

But it is not an easy solution. We are not out of the energy crisis, as the distinguished Senator from Ohio seemed to indicate some of us thought. We have been concentrating on energy, but it goes far beyond energy. It takes in so much. It is all-encompassing. We hope the bill will pass. We hope it will be a good first step.

I want to express myself in accord with the general outline of expressions made by the distinguished Senator from California and the distinguished Senator from Kentucky, because I think they are both moving in the right direction.

Mr. TUNNEY. Mr. President, I do not want to prolong the debate, because I think we have heard from all sides what the basic issues are, but before we reach the final vote on the legislation, I would like to say to the distinguished majority leader that although at times during the course of the debate I differed with him on some details, I take this opportunity to express to him my very deep respect for the position that he holds with regard to the need for a commission to study and to analyze and to monitor material shortages.

I think the majority leader has done an extraordinary thing in getting the administration to agree to anything, and I do not say that as a partisan. I happen to have sat on the committee and heard the administration witnesses come forward and testify against any commission of any kind on commodity shortages, saying it was not needed. The fact that the majority leader and the joint leadership were able to get the administration to agree to any form of commission shows the potency of the majority leader's persuasion; and I certainly want to express publicly the fact that, although I would have liked to have seen a longer-life commission, I think the majority leader has performed a great service to the country by getting the administration to agree that not only is this a problem that has to be studied now, but the actual monitoring of shortages has got to take place.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD as passed, when it is passed.

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

Mr. TUNNEY. Mr. President, there are no more requests for time on our side. I am not aware of any more amendments to be offered, so I move the third reading of the bill.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. TUNNEY. I yield back my time.

The PRESIDING OFFICER. All time on the bill is yielded back.

The bill having been read the third time, the question is, Shall it pass?

The bill (S. 3523) was passed, as follows:

S. 3523

An Act to establish a National Commission on Supplies and Shortages

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 "National Commission on Supplies and Shortages Act of 1974."

ESTABLISHMENT OF COMMISSION

SEC. 2. (a) There is established as an independent instrumentality of the Federal Government a National Commission on Supplies and Shortages (hereinafter referred to as the "Commission"). The Commission shall be comprised of thirteen members selected for such period of time as such Commission shall continue in existence (except that any individual appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term) as follows:

(1) The President, in consultation with the majority and minority leaders of the Senate and the majority and minority leaders of the House of Representatives, shall appoint five members of the Commission from among persons in private life.

(2) The President shall designate four senior officials of the executive branch to serve without additional compensation as members of the Commission.

(3) The President of the Senate, after consultation with the majority and minority leaders of the Senate, shall appoint two Senators to be members of the Commission and the Speaker of the House of Representatives, after consultation with the majority and minority leaders of the House of Representatives, shall appoint two Representatives to be members of the Commission. Members appointed under this paragraph shall serve as members of the Commission without additional compensation.

(b) The President, in consultation with the majority and minority leaders of the Senate and the House of Representatives shall designate a Chairman and Vice Chairman of the Commission.

(c) Each member of the Commission appointed pursuant to subsection (a)(1) of this section shall be entitled to be compensated at a rate equal to the per diem equivalent of the rate for an individual occupying a position under level III of the Executive Schedule under section 5314 of title 5, United States Code, when engaged in the actual performance of duties as such a member, and all members of the Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

FUNCTIONS

SEC. 3. (a) It shall be the function of the Commission to make reports to the President and to the Congress with respect to—

(1) the existence or possibility of any long- or short-term shortages; employment, price, or business practices; or market adversities affecting the supply of any natural resources, raw agriculture commodities, materials, manufactured products (including any possible impairment of productive capacity which may result from shortages in materials, resources, commodities, manufactured products, plant or equipment, or capital investment) and the reason for such shortages, practices, or adversities;

(2) the adverse impact or possible adverse impact of such shortages, practices, and adversities upon consumers, in terms of price and lack of availability of desired goods;

(3) the need for, and the assessment of, alternative actions necessary to increase the availability of the items referred to in paragraph (1) of this subsection, to correct the adversity or practice affecting the availability of any such items, or otherwise to mitigate the adverse impact or possible adverse impact of shortages, practices, or adversities upon consumers referred to in paragraph (2) of this subsection;

(4) existing policies and practices of government which may tend to affect the supply of natural resources and other commodities;

(5) the means by which to coordinate information with respect to paragraphs (1), (2), (3), and (4) of this subsection.

(b) The Commission shall report within six months of the date of enactment of this Act to the President and Congress specific recommendations with respect to institutional adjustments, including the advisability of establishing an independent agency to provide for a comprehensive data collec-

tion and storage system to aid in examination and analysis of the supplies and shortages in the economy of the United States and in relation to the rest of the world.

(c) The Commission may, until June 30, 1975, prepare, publish, and transmit to the President and Congress such other reports and recommendations as it deems appropriate.

ADVISORY COMMITTEES

SEC. 4. (a) The Commission is authorized to establish such advisory committees as may be necessary or appropriate to carry out any specific analytical or investigative undertakings on behalf of the Commission. Any such committee shall be subject to the relevant provisions of the Federal Advisory Committee Act.

(b) In order to establish a means to integrate the study of supplies and shortages of resources and commodities into the total problem of balanced national growth and development, it shall additionally be the function of the Commission to establish an advisory committee to develop recommendations regarding the establishment of a policy making process and structure within the executive and legislative branches of the Federal Government and a system for coordinating these efforts with appropriate multi-State, regional and State governmental jurisdiction. For the purposes of carrying out this provision there is authorized to be appropriated not to exceed $75,000 for the fiscal year ending June 30, 1975.

POWERS

SEC. 5. (a) Subject to such rules and regulations as it may adopt, the Commission, through its Chairman, shall—

(1) appoint and fix the compensation of an Executive Director at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code, and such additional staff personnel as is deemed necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51, and subchapter III of chapter 53 of such title relating to classification and the General Schedule under section 5332 of such title; and

(2) be authorized to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

(b) The Commission or any subcommittee thereof is authorized to hold such hearings, sit and act at such times and places, as it may deem advisable.

ASSISTANCE OF GOVERNMENT AGENCIES

SEC. 6. Each department, agency, and instrumentality of the Federal Government, including the Congress, consistent with the Constitution of the United States, and independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, such data, reports, and other information as the Commission deems necessary to carry out its functions under this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. There is authorized to be appropriated not to exceed $500,000 for the fiscal year ending June 30, 1975, to carry out the provisions of this Act.

The title was amended, so as to read: "A bill to establish a National Commission on Supplies and Shortages."

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT ON S. 1485 AND S. 1486

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as Calendar Orders Nos. 831 and 832 (S. 1485 and S. 1486) are called up and made the pending business before the Senate, there be a limitation of 1 hour on each, with a limitation of one-half hour on any amendment, and with a limitation of 20 minutes on any debatable motion or appeal, to be equally divided in accordance with the usual form; that the agreements be in the usual form; and that the time on each of the bills be under the control of the distinguished majority and minority leaders or their designees.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, there will be no more rollcall votes tonight.

ORDER TO CONSIDER H.R. 11221, FULL DEPOSIT INSURANCE, TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as morning business is concluded tomorrow, the Senate proceed to the consideration of H.R. 11221.

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

ORDER TO CONSIDER S. 585, AM AND FM BROADCASTS, TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of H.R. 11221 tomorrow, the Senate proceed to the consideration of S. 585.

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

ORDER TO CONSIDER S. 1485 AND S. 1486 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of S. 585 tomorrow, the Senate proceed to the consideration of S. 1485 and S. 1486, in that order.

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

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the orders for the recognition of Senators tomorrow, there be a brief period for the transaction of routine morning business of not to exceed 15 minutes, with a limitation on each statement therein of 5 minutes.

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

ORDER FOR ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the adjournment of the Senate today, the Senate convene at 10 a.m. tomorrow.

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

TRANSACTION OF ROUTINE BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine business.

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

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 2382. A bill for the relief of Caridad R. Balonan (Rept. No. 93–911);

S.J. Res. 192. A joint resolution to grant the status of permanent residence to Ivy May Glockner, formerly Ivy May Richmond nee Pond (Rept. No. 93–912);

H.R. 1961. An act for the relief of Mildred Christine Ford (Rept. No. 93–913);

H.R. 2514. An act for the relief of Mrs. Gavina A. Palacay (Rept. No. 93–914);

H.R. 5477. An act for the relief of Charito Fernandez Bautista (Rept. No. 93–915); and

H.R. 7635. An act for the relief of Giuseppe Greco (Rept. No. 93–916).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 864. A bill for the relief of Victor Henrique Carlos Gibson (Rept. No. 93–917);

H.R. 2537. An act for the relief of Lidia Myslinska Bokosky (Rept. No. 93–918); and

H.R. 5667. An act for the relief of Linda Julie Dickson (nee Waters) (Rept. No. 93–919).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

H.R. 4590. An act for the relief of Melissa Catambay Gutierrez (Rept. No. 93–920); and

H.R. 7682. An act to confer citizenship posthumously upon Lance Corporal Federico Silva (Rept. No. 93–921).

By Mr. JOHNSTON, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. 3270. A bill to amend the Defense Production Act of 1950, as amended (Rept. No. 93–922).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment, and without recommendation:

H.R. 13163. An act to establish a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes (Rept. No. 93–923).

By Mr. COOK, from the Committee on the Judiciary, with an amendment:

S. 3355. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide appropriations to the Drug Enforcement Administration on a continuing basis (Rept. No. 93-925).

SUBMISSION OF A CONFERENCE REPORT ON H.R. 7130, THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974 (REPT. NO. 93-924)

Mr. ERVIN. Mr. President, from the committee of conference on H.R. 7130, the Congressional Budget and Impoundment Control Act of 1974, I submit the report of the conferees.

This report was filed in the House of Representatives on yesterday and is printed in the CONGRESSIONAL RECORD of June 11 at pages 18759-18780.

Because of the significance of this act, which is one of the most important pieces of legislation to be considered during my 20 years service in the Senate, I ask unanimous consent that the conference report together with the statement of the managers be printed as a Senate report.

The PRESIDING OFFICER (Mr. TAFT). Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. EASTLAND, from the Committee on the Judiciary:

Otis L. Packwood, of Montana, to be U.S. attorney for the district of Montana;

Norwood Carlton Tilley, Jr., of North Carolina, to be U.S. attorney for the middle district of North Carolina;

Laurence C. Beard, of Oklahoma, to be U.S. marshal for the eastern district of Oklahoma;

Max E. Wilson, of North Carolina, to be U.S. marshal for the western district of North Carolina;

Keith S. Snyder, of North Carolina, to be U.S. attorney for the western district of North Carolina;

Gerald J. Gallinghouse, of Louisiana, to be U.S. attorney for the eastern district of Louisiana; and

Paul J. Henon, of Virginia, to be an Examiner in Chief, U.S. Patent Office.

(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:

Robert W. Porter, of Texas, to be U.S. district judge for the northern district of Texas;

H. Curtis Meanor, of New Jersey, to be U.S. district judge for the district of New Jersey;

Donald S. Voorhees, of Washington, to be U.S. district judge for the western district of Washington; and

Robert M. Duncan, of Ohio, to be U.S. district judge for the southern district of Ohio.

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

Robert R. Elliott, of Virginia, to be General Counsel of the Department of Housing and Urban Development.

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

Mr. MAGNUSON. Mr. President, as in executive session, I report favorably sundry nominations in the U.S. Coast Guard which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER (Mr. BIDEN). Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed at the end of the Senate proceedings in the RECORD of June 7, 1974).

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. HUGH SCOTT (for himself and Mr. SCHWEIKER):

S. 3626. A bill to assure that an individual or family, whose income is increased by reason of a general increase in monthly social security benefits, will not, because of such general increase, suffer a loss of or reduction in the benefits the individual or family has been receiving under certain Federal or federally assisted programs. Referred to the Committee on Finance.

By Mr. COOK:

S. 3627. A bill to prohibit foreign assistance to India until India becomes a signatory to the Treaty on the Nonproliferation of Nuclear Weapons. Referred to the Committee on Foreign Relations.

By Mr. BELLMON (for himself and Mr. BARTLETT):

S. 3628. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating the Illinois River at its tributaries as a potential component of the National Wild and Scenic Rivers System. Referred to the Committee on Interior and Insular Affairs.

By Mr. INOUYE:

S. 3629. A bill for the relief of Ramon York Quijano;

S. 3630. A bill for the relief of Tarcisus York Quijano;

S. 3631. A bill for the relief of Paul York Quijano; and

S. 3632. A bill for the relief of Dennis York Quijano. Referred to the Committee on the Judiciary.

By Mr. ERVIN (for himself, Mr. GOLDWATER, Mr. KENNEDY, Mr. BAYH, and Mr. MATHIAS):

S. 3633. A bill to protect the constitutional right of privacy of individuals concerning whom identifiable information is recorded by enacting principles of information practices in furtherance of articles I, III, IV, IX, X, and XIV of amendment to the U.S. Constitution. Referred to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 3634. A bill to amend the Public Works and Economic Development Act of 1965 for the purpose of assisting local economies in regions of persistent economic underdevelopment by enabling the Federal cochairmen of designated regional commissions to acquire Federal excess personal property and to dispose of such property to certain recipients. Referred to the Committee on Public Works.

By Mr. GRAVEL:

S. 3635. A bill to declare the commercial salmon fishery of the Bristol Bay area of Alaska to be undergoing a commercial fishery failure, to direct the Secretary of Commerce to take certain actions to restore such fishery, and to authorize additional funds for such purposes and for other United States fishery failures; and

S. 3636. A bill to compensate U.S. salmon fishing vessel owners and operators, salmon processors, and employees of such owners, operators and processors, for certain losses incurred as a result of salmon fishing by foreign fishing vessels under the terms of the International Convention for the High Seas Fisheries of the North Pacific Ocean. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 3626. A bill to assure that an individual or family, whose income is increased by reason of a general increase in monthly social security benefits, will not, because of such general increase, suffer a loss of or reduction in the benefits the individual or family has been receiving under certain Federal or federally assisted programs. Referred to the Committee on Finance.

Mr. HUGH SCOTT. Mr. President, on behalf of my colleague from Pennsylvania (Mr. SCHWEIKER), and myself, I am pleased today to introduce a bill to correct an inequity in our social security system. The purpose of this bill is to disregard social security in determining allowable income for those receiving benefits from any other Federal or federally assisted program such as supplemental security income—SSI—aid to families with dependent children—AFDC—and veterans. Since the 11-percent increase in social security benefits this year, many people in these groups have found their total benefits have been reduced. This clearly was not the purpose of the social security increase.

Several months ago, recognizing that veterans had been negatively affected by the social security increase, I joined in cosponsoring a bill introduced by the Senator from New Mexico (Mr. MONTOYA). This bill was designed to aid those veterans whose total pension was reduced because of the raise in social security. Since that time I have been contacted by many constituents giving personal testimony that they too, although not in the veterans groups, were facing the same problem.

One lady from Allentown, Pa., who has a blind son receiving a disability pension writes:

Recently, as you know, there was an increase in Social Security—my son received this increase, but his SSI check was reduced by the amount of his increase in Social Security.

Consequently, while Senator MONTOYA's bill is a good one, my bill, I believe, is a better one because it recognizes a greater need. It does not focus solely on the veteran, but includes all

groups which have been treated unfairly by the social security increase.

My bill will provide that any individual or family whose income is increased because of subsequent increases in monthly social security benefits will not suffer a loss of or a reduction in the benefits due them under certain other Federal programs. Any individual who was receiving benefits for the month immediately preceding the first month the social security increase became effective will be entitled to any subsequent increase in those benefits and his total income will not be reduced as a result of that increase.

By my own rough estimates, this bill will aid more than 2.5 million people and benefits from other Federal programs. For example, of the total number of SSI recipients, 3.38 million as of May, 55 percent are also getting social security checks; of the 3 million AFDC families—1971 figures—4.4 percent of them are also receiving social security benefits; and approximately 1.5 million veterans, or 75 percent of the total number, also receive social security benefits. Each of these people have faced a reduction in their anticipated benefits. I am deeply concerned that so many Americans are suffering great hardships when social security increases should have meant relief.

Mr. President, I urge my colleagues to recognize this need and to act quickly on this vital measure, to end the intolerable burden upon millions of persons. I ask unanimous consent that the text of my bill be printed in the RECORD at the conclusion of my remarks.

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

S. 3626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a), in addition to any other requirement imposed as a criterion for determining eligibility to participate in or receive benefits provided by, or for determining the amount, type, or quantum of benefits to be provided under, any plan or program—

(1) which is designed to provide benefits to individuals or families who meet prescribed conditions,

(2) which establishes need (based on lack of or smallness of income or resources) as a criterion for determining eligibility of individuals or families to participate therein or receive the benefits provided thereunder, or for determining the amount, type, or quantum of benefits to be provided to individuals or families thereunder, and

(3) which is (A) a Federal plan or program, or (B) is a plan or program of a State (or political subdivision thereof) which is funded (wholly or in part) by Federal funds, there is hereby imposed the requirement that, in determining under such plan or program the income or resources of any individual who (or any family the members of which include any individual who), for the month immediately preceding the first month with respect to which a general social security benefits increase becomes effective, was—

(4) a recipient of benefits (or a member of a family which was a recipient of benefits) under such plan or program, and

(5) received (or had previously established entitlement to) a monthly insurance benefit under section 202, 223, or 228, of the Social Security Act,

there be disregarded any amount received by such individual—

(6) which is attributable solely to such general social security benefits increase, and

(7) for or with respect to any consecutive period of months (beginning with the first month with respect to which such general social security benefits increase became effective) with respect to each of which such individual is—

(A) a recipient of benefits (or a member of a family which is a recipient of benefits) under such plan or program, and

(B) entitled to such monthly insurance benefit. For purposes of paragraph (7)(A), an individual shall be deemed to be a recipient of benefits (or a member of a family which is a recipient of benefits) under such plan or program for any period after March 1974 with respect to which the requirement imposed by this subsection is not complied with if he would have been eligible to receive such benefits (or was a member of a family which would have been eligible to receive such benefits) had such requirement been complied with during such period.

(b) The requirement imposed by subsection (a) shall be applicable in the case of general social security benefit increases which become effective after March 1974, and shall be effective in determining eligibility to participate in or receive benefits under (and in determining the amount, type, or quantum of benefits under) a plan or program referred to in such subsection for periods after March 1974.

(c) The requirement imposed by subsection (a) with respect to any plan or program shall be deemed not to have been violated, in the case of any individual who immediately prior to the effective date of a general increase in the level of benefits provided under the plan or program (as determined in accordance with regulations of the Secretary of Health, Education, and Welfare) was entitled to have any amount of social security income disregarded because of such requirement, solely because the total amount of social security income was so required to be disregarded (in the case of such individual) immediately prior to such general increase is, on or after the effective date of such general increase, reduced (but not below zero) by an amount equal to the amount of such general increase.

(d) Notwithstanding any other provision of law, no Federal funds shall be paid to any State (or political subdivision thereof) with respect to any expenditures made under any plan or program (referred to in subsection (a)) for any period which commences on or after the first day of the first calendar month which begins more than 60 days after the date of enactment of this Act, unless, for such period, such plan or program is operated so as to comply with the requirement imposed by subsection (a).

SEC. 2. It shall be the duty of the Secretary of Health, Education, and Welfare to promulgate such rules and regulations as may be appropriate to assure the uniform implementation of the provisions of the first section of this Act; and such Secretary shall furnish appropriate information and data to and shall otherwise cooperate with and assist other Federal agencies with a view to assuring compliance with the provisions of such section.

By Mr. COOK:

S. 3627. A bill to prohibit foreign assistance to India until India becomes a signatory to the Treaty on the Nonproliferation of Nuclear Weapons. Referred to the Committee on Foreign Relations.

Mr. COOK. Mr. President, India has recently become the world's sixth nuclear power. A country that once denounced nuclear ambition and admonished those participating in the development and testing of nuclear weapons is now a member of that group. Prime Minister Indira Gandhi maintains that India's motives are for purely peaceful purposes—mining, prospecting for oil and gas, the discovery of underground sources of water, and the diversion of rivers for scientific and technological knowledge. However, if this is indeed the case, why then has India refused thus far to sign the Nonproliferation Treaty of 1968?

As most of my colleagues are undoubtedly aware, that treaty provides for the supply of nuclear materials to both nuclear-weapon and non-nuclear-weapon states for peaceful purposes to all parties of the treaty at cost, when nuclear materials are safe, and an economic credit. In addition, the treaty further urges the cooperation of all states in the attainment of this objective.

Let me briefly describe the current deplorable situation which exists in India. The population of 580 million persons faces famine—with 80 percent of the Indian people malnourished—and that population is increasing dramatically each year by 13 million. Seventy-five percent of those 580 million are illiterate, 75 percent of India's university graduates are unemployed, and one-half of the population lives on 10 cents a day.

Given these facts, there can be no justification whatsoever for the expenditure of $173 million by the Indian Government on nuclear weapon development between 1968 and 1973, or for the $315 million which it intends to spend over the next 5 years. One-third of all Indians live below the poverty level of $30 per year. Housing is badly needed, yet the Indian Government allocated only $200 million for that purpose during the same period in which it spent $173 million for nuclear development. India's nuclear program will not provide more jobs, increase production, or solve the deficit balance-of-payments crisis which now confronts the Indian economy.

Even more important, the suspicion and fear that surrounds the Indian motives for the recent nuclear detonation could set off a wave of nuclear proliferation around the world if left unchecked.

Mr. President, I believe it is time for the United States, which between 1950 and 1971 contributed a record $10 billion in assistance to India, to cut off all economic assistance of any sort to that country until it becomes a signatory of the Nonproliferation Treaty. If not, we have no way of guaranteeing that the money we so eagerly hand out to the Indians each year will not be spent for further nuclear weapon development, rather than to deter the famine which appears imminent, or for other needed social and economic programs.

Accordingly I am today introducing legislation to accomplish that objective. Representative STANFORD PARRIS of Virginia, is introducing identical legislation today in the House of Representatives. Under the terms of the legislation, all military and economic assistance, all

sales of agricultural commodities, and all licenses with respect to the transportation of arms, ammunition, and implements of war to the Government of India would be suspended until such time as India becomes a state party to the Treaty on the Nonproliferation of Nuclear Weapons. I would strongly recommend that this body proceed expeditiously to secure enactment of this legislation.

I ask unanimous consent that the full text of the legislation, as well as additional documentation, be printed in the RECORD at this point.

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

S. 3627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all military, economic, or other assistance, all sales of defense articles and services (whether for cash or by credit, guaranty, or any other means), all sales of agricultural commodities (whether for cash, credit, or by other means), and all licenses with respect to the transportation of arms, ammunitions, and implements of war (including technical data relating thereto) to the Government of India under any provision of law shall be suspended for the period beginning on the date of enactment of this Act and ending on the date that India becomes a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons.

INDIA

[U.S. fiscal years, millions of dollars]

Program	U.S. overseas loans and grants—Obligations and loan authorizations										
	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1964–73
ECONOMIC PROGRAMS											
A. Official development assistance											
A.I.D. and predecessor agencies, total	344.1	265.3	309.9	211.7	300.9	203.4	223.7	205.9	5.6	16.6	2,087.1
Loans	337.2	256.1	300.0	203.3	287.7	194.0	195.0	196.0	----	14.7	1,984.0
Grants	6.9	9.2	9.9	8.4	13.2	9.4	28.7	9.9	5.6	1.9	103.1
(Supporting assistance)	(—)	(—)	(—)	(—)	(—)	(—)	(—)	(—)	(—)	(—)	(—)
Food for Peace, total	268.0	391.2	567.1	359.8	325.0	268.7	222.2	234.8	104.6	64.2	2,805.6
Title I, total	236.8	360.6	518.8	276.7	282.2	211.1	180.7	156.2	----	----	2,223.1
Repayable in U.S. dollars—Loans	----	----	----	23.7	64.4	102.2	111.0	128.3	----	----	429.6
Payable in foreign currency—Planned for country use	236.8	360.6	518.8	253.0	217.8	108.9	69.7	27.9	----	----	1,793.5
(Total sales agreements, including U.S. uses)	(270.5)	(404.2)	(656.7)	(285.7)	(236.8)	(117.1)	(76.6)	(30.0)	(—)	(—)	(2,077.6)
Title II, total	31.2	30.6	48.3	83.1	42.8	57.6	41.5	78.6	104.6	64.2	582.5
Emergency relief, economic development and world food	6.7	2.8	18.2	45.4	2.6	6.1	----	32.1	40.7	10.3	164.9
Voluntary relief agencies	24.5	27.8	30.1	37.7	40.2	51.5	41.5	46.5	63.9	53.9	417.6
Other official development assistance	1.7	3.2	24.9	6.1	6.2	5.4	3.8	3.8	3.3	.9	59.3
Peace Corps	1.7	3.2	8.9	6.1	6.2	5.4	3.8	3.8	2.6	.9	42.6
Other	----	----	16.0	----	----	----	----	----	.7	----	16.7
Total official development assistance	613.8	659.7	901.9	577.6	632.1	477.5	449.7	444.5	113.5	81.7	4,952.0
Loans	480.7	616.6	834.8	450.3	569.9	384.1	375.7	352.2	0.7	14.7	4,079.7
Grants	133.1	43.0	67.1	127.3	62.2	93.4	74.0	92.3	112.8	67.0	872.2
B. other official economic programs											
Export-Import Bank loans	57.2	38.1	----	14.1	45.0	----	46.9	12.4	15.0	----	228.7
Other loans	----	----	----	----	----	----	5.2	----	----	----	5.2
Total other official loans	57.2	38.1	----	14.1	45.0	----	52.1	12.4	15.0	----	233.9
Total economic programs	671.0	697.8	901.9	591.7	677.1	477.5	501.8	456.9	128.5	81.7	5,185.9
Loans	537.9	654.7	834.8	464.4	641.9	384.1	427.8	364.6	15.7	14.7	4,313.6
Grants	133.1	43.0	67.1	127.3	62.2	93.4	74.0	92.3	112.8	67.0	872.2
MILITARY PROGRAMS											
Military assistance (charged to FAA appropriation)	35.2	29.1	7.1	----	.1	.1	.1	.2	----	----	71.9
Credit sales (LMS)	8.8	18.9	----	----	----	----	----	----	----	----	27.7
Grants	26.4	10.2	7.1	----	.1	.1	.1	.2	----	----	44.2
Military assistance service funded grants	----	----	----	----	----	----	----	----	----	----	----
Transfer from excess stocks	(2.0)	(0.2)	----	----	----	----	----	----	----	----	2.2
Other grants	----	----	----	----	----	----	----	----	----	----	----
Export-import bank military loans	----	----	----	----	----	----	----	----	----	----	----
Total military programs	37.2	29.3	7.1	----	.1	.1	.1	.2	----	----	74.1
Total economic and military programs	708.2	727.1	909.0	591.7	677.2	477.6	501.9	457.1	128.5	81.7	5,260.0
Loans	546.7	673.6	834.8	464.4	614.9	384.1	427.8	364.6	15.7	14.7	4,341.3
Grants	161.5	53.4	74.2	127.3	62.3	93.5	74.1	92.5	112.8	67.0	918.6

Compiled from U.S. A.I.D. sources by V.N. Pregeljo, Economics Div.

H.R. —

A bill to prohibit foreign assistance to India until India becomes a signatory to the Treaty on the Non-Proliferation of Nuclear Weapons

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all military, economic, or other assistance, all sales of defense articles and services (whether for cash or by credit, guaranty, or any other means), all sales of agricultural commodities (whether for cash, credit, or by other means), and all licenses with respect to the transportation of arms, ammunitions, and implements of war (including technical data relating thereto) to the Government of India under any provision of law shall be suspended for the period beginning on the date of enactment of this Act and ending on the date that India becomes a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons.

Mr. PARRIS. Mr. Speaker, India has recently become the world's sixth nuclear power. A country that once denounced nuclear ambition and admonished those participating in the development and testing of nuclear weapons is now a member of that group. Prime Minister Indira Gandhi maintains that India's motives are for purely peaceful purposes—mining, prospecting for oil and gas, the discovery of underground sources of water, and the diversion of rivers for scientific and technological knowledge. However, if this is indeed the case, why then has India refused thus far to sign the Non-Proliferation Treaty of 1968?

As most of my colleagues are undoubtedly aware, that Treaty provides for the supply of nuclear materials to both nuclear-weapon and non-nuclear-weapon States for peaceful purposes to all Parties of the Treaty at cost, when nuclear materials are safe and an economic credit. In addition, the Treaty further urges the cooperation of all States in the attainment of this objective.

Let me briefly describe the current deplorable situation which exists in India today. The population of 580 million persons faces famine—with 80 percent of the Indian people malnourished—and that population is increasing dramatically each year by 13 mil-

lion—75 percent of those 580 million are illiterate, 75 percent of India's university graduates are unemployed, and one-half of the population lives on 10 cents a day.

Given these facts, there can be no justification whatsoever for the expenditure of $173 million which the government of India spent from 1968 to 1973 for nuclear weapon development or the $315 million which they intend to spend over the next five years.

One-third of all Indians live below the poverty level of $30 per year. Housing is badly needed, yet the Indian government only allocated $200 million for that purpose during the same period in which it spent $173 million for nuclear development. India's nuclear program will not provide more jobs, increase production, or solve the deficit balance of payments crisis.

Even more important, the suspicion and fear that surrounds the Indian motives for the recent nuclear detonation could set off a wave of nuclear proliferation around the world if left unchecked.

Mr. Speaker, I believe it is time for the United States, which between 1950 and 1971 contributed a record $10 billion in assistance to India, to cut off all economic assistance of any sort to that country until it becomes a signatory of the Non-Proliferation Treaty. If not, we have no way of guaranteeing that the money we so eagerly hand out to India each year will not be used for further nuclear weapon development, rather than to deter a famine which appears imminent.

Accordingly, I am today introducing legislation to accomplish that objective. Representative Stanford Parris (R-Va.) is introducing identical legislation today in the House of Representatives. Under the terms of the legislation, all military and economic assistance, all sales of agricultural commodities, and all licenses with respect to the transportation of arms, ammunitions, and implements of war to the Government of India would be suspended until such time as India becomes a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons. I would strongly urge that this body proceed expeditiously to secure the enactment of that legislation.

By Mr. BELLMON (for himself and Mr. BARTLETT):

S. 3628. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating the Illinois River and its tributaries as a potential component of the national wild and scenic rivers system. Referred to the Committee on Interior and Insular Affairs.

Mr. BELLMON. Mr. President, the Illinois River in the State of Oklahoma has long been recognized as one of the most popular scenic and recreational areas in the United States. The free-flowing streams of the Illinois and its main tributaries, the Flint and Barren Creeks, provide a unique variety of fish and wildlife. The river annually draws thousands of visitors from all parts of the country to enjoy swimming, fishing, floating, and camping along the river's banks.

The fragile beauty of the river is gently tucked away among the heavily wooded hills of northeastern Oklahoma. The Oklahoma section of the Illinois River stretches approximately 70.5 miles north of Lake Tenkiller to the Arkansas State line. Within this relatively short stretch of river are found 95 species of fish and over 67 different species of birds. Wildlife is abundant. Frequenting the river area are deer, raccoon, bobcat, fox, and many other wild animals. The natural and scenic beauty of the area can in no way be quantified. One can sit on the river's banks and cliffs that hang over the gently flowing waters of the Illinois for hours and gaze upon a setting that is uniquely soul satisfying.

Mr. President, over the past few months there has been a great deal of concern among a significant number of Oklahomans that the fragile beauty and natural character of the Illinois River will be destroyed. This concern is justifiable. It is my understanding that approximately 70 percent of northwest Arkansas' treated sewage drains into the Illinois River. It has been further brought to my attention that Arkansas now has a plan to dump 100 percent of its treated sewage water into the Illinois River. I am also advised that a power plant is scheduled to be built in Gentry, Ark., and the fly-ash emitted from this plant and blown into the river is a significant threat to the esthetic beauty and quality of the Illinois. Threat of extinction does not come solely from outside the borders of the State of Oklahoma. Development in the river area may soon deface the river's beauty and deny access to the river to thousands whose lives have been enriched by the outdoor recreational opportunities it affords.

Mr. President, it is difficult to pass judgment in the battle between those who wish to build and develop and those who wish to preserve forever the national heritage of our environment. Each have valid objectives. Certainly powerplants are necessary to generate energy, and development is necessary to meet the needs of our Nation. However, there is also a valid need to give due consideration to what is the unique and unspoiled beauty of America's countryside.

Mr. President, it is my belief that today, more than at any other time in our history, it is necessary for us to pause and balance these two objectives, and that is my purpose in introducing this bill. Senator BARTLETT and I offer this legislation to provide information that Congress would need to decide whether or not the Illinois River truly encompasses the attributes needed to make it suitable for inclusion in the wild and scenic rivers system. Through the study this legislation authorizes, two competing interests can be reconciled logically and systematically.

Mr. President, I might add that in December of 1973 and January of 1974, Senator BARTLETT and I wrote a letter to Secretary Morton with respect to including the Illinois River for study under the Wild and Scenic Rivers Act. It is my understanding that the Office of Management and Budget is still reviewing the feasibility of this proposal. In order to move this request along, on May 28, 1974, I proposed an amendment to S. 2439, to include the Illinois River for study along with the New River in North Carolina. At that time the distinguished Senator from Colorado (Mr. HASKELL) stated that hearings would soon be held on other bills of the same nature and that if a measure calling for the study of the Illinois was introduced, it would receive committee consideration. I am very pleased to say that early last week the Interior Committee contacted my office in regard to hearings on the Illinois River. I wish to thank the distinguished subcommittee chairman Senator HASKELL, for his thoughtfulness.

Mr. President, it seems entirely appropriate that a study of the Illinois River be authorized so that future decisions as to the status of the river can be made based upon careful evaluation of all facts related to the river's highest use.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, along with an article appearing in the June 9, 1974, edition of the Sunday Oklahoman in regard to potential sewage pollution of the Illinois River.

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

S. 3628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 5 of the Wild and Scenic Rivers Act [16 USC 1276(a)] is amended by adding at the end thereof the following:

(29) the Illinois River in the State of Oklahoma, including the Flint and Barren Fork Creeks, beginning at the upper limits of the Tenkiller Lake, thence upstream to the Arkansas state line.

SEC. 2. The studies of the rivers named in section 1 of this Act shall be conducted in accordance with the provisions of the Wild and Scenic Rivers Act; provided that such studies shall be complete and reports made thereon to Congress not later than one year from data of enactment of this Act.

SEC. 3. The sum of $175,000 is hereby authorized for purposes of the study designated in Section 1 of this Act.

[From the Sunday Oklahoman, June 9, 1974]

ILLINOIS RIVER NEEDS YOU: BELIEVE IT OR NOT, ARKANSAS PLANS TO TURN SCENIC WONDERLAND INTO SEWER

(By Glenn Titus)

This proposal may be a little hard to believe but then the way things have been going at the various levels of government lately it takes quite a bit to be shocking.

However, if you are one who has enjoyed the sparkling water of the Illinois River this little idea may cause you to register a tremor of five or six on the Richter scale.

Arkansas is planning to use one of Oklahoma's few scenic rivers as a sewer for partly treated effluent.

The plan, if approved by the U.S. Environmental Protection Agency, will be for the placement of two large waste water treatment plants along the Illinois River in Arkansas.

One plant would treat all of the waste water from the eastern half of Washington and Benton Counties, that includes Fayetteville and Rogers, and a western plant would be located at Siloam Springs.

These plants would handle municipal and industrial waste from the whole area and process it to the secondary treatment state and then dump it into the Illinois River, letting the final treatment occur downstream in Oklahoma.

The plan's proponents see nothing wrong with it.

Secondary treatment is clean water and meets the federal standards they say, but the Arkansas Health Department says that the city of Siloam Springs must discontinue using drinking water from the Illinois River if the plan is implemented.

Does this mean that the sewage is treated well enough for Oklahomans to swim in, but

is not clean enough for Arkansawyers to run through their water purification plant to use as domestic water?

The treated sewage water from Siloam Springs is now dumped into Lake Francis, a reservoir on the Illinois. The nutrient from the waste has about killed that lake and has caused some problems of algae and water clarity downstream in Oklahoma.

Among other things, secondary treatment doesn't remove from the waste water the nitrogen and phosphorus which are the same thing as fertilizer.

Some of this can be beneficial, but just a little too much can be devastating.

The first noticeable effect is more of a soupy green appearance of an algae bloom and it's not as appealing to swim in as clear water.

In early stages these nutrients provide more food for fish, but as the process grows it changes the capacity of the stream to carry dissolved oxygen.

This then changes the kind of fish that can live in the stream.

The Illinois River is classified as a smallmouth bass stream and smallmouth tops the list of desirable game fish in Oklahoma.

We have just a few rivers left where smallmouth bass can live because of their demand for a high level of oxygen in the water.

Oklahoma's minimum standard for smallmouth streams are six parts per million of dissolved oxygen, but if Arkansas has its way this standard will have to be lowered.

And we can, as they say, raise more fish, but for a fellow who has stalked the feisty smallmouth in clear tumbling waters it's hard to get excited about catching bullheads out of swamp water.

Not only is the quality of the Illinois River in jeopardy, but so is Lake Tenkiller.

The lake could become as dead as Lake Francis and for the same reason—too much nutrient from sewage.

But then it's not only Arkansas which wants to use the Illinois for partly treated sewage.

The Illinois River Conservation Council, a coalition of Oklahoma Conservationists made up of the Izaak Walton League, Scenic Rivers Association, The League of Women Voters, Oklahoma Wildlife Federation, Audubon Society, Sierra Club and others, has raised the alarm over the 3,000 proposed septic tanks to be used in the large Flint Ridge second home development that has started along the Illinois River.

U.S. Sen. Henry Bellmon has shown a sincere interest in the river and has requested the U.S. Bureau of Outdoor Recreation to study the Illinois River for protection under the federal Wild and Scenic Rivers Act.

I'll bet that if he heard from enough folks who are concerned about the Illinois he might also have a word with the U.S. Environmental Protection Agency, which has veto power over the Arkansas plan.

A copy of that letter, and if you feel strongly enough, a donation would be in order to the Illinois River Conservation Council. Such action will play a big part in saving the Illinois as one of Oklahoma's true scenic rivers.

Their addresses are: Illinois River Conservation Council, Mrs. Sherrill Nilson, Chairman, 4214 S. Wheeling, Tulsa, Okla., 74105; Sen. Henry Bellmon, 4203 New Senate Office Bldg., Washington, D.C., 20510.

By Mr. ERVIN (for himself, Mr. GOLDWATER, Mr. KENNEDY, Mr. BAYH, and Mr. MATHIAS):

S. 3633. A bill to protect the constitutional right of privacy of individuals concerning whom identifiable information is recorded by enacting principles of information practices in furtherance of articles, I, III, IV, IX, X, and XIV of amendment to the U.S. Constitution. Referred to the Committee on the Judiciary.

GOVERNMENT DATA BANK RIGHT TO PRIVACY ACT

Mr. ERVIN. Mr. President, I introduce today on behalf of Senators GOLDWATER, KENNEDY, BAYH, and MATHIAS a bill entitled the "Government Data Bank Right to Privacy Act."

The Judiciary Committee for many years has been concerned with issues of privacy. Going back into the 1950's, both through the Administrative Practice and Procedure Subcommittee under the late Senator Long of Missouri and more recently under Senator KENNEDY, and through the Constitutional Rights Subcommittee, under my chairmanship, the Judiciary Committee members have had many opportunities to become expert in problems of privacy. The Constitutional Rights Subcommittee, especially, has worked on data bank privacy legislation, for years, and presently has before it among other privacy legislation, bipartisan bills to regulate criminal justice data systems. The sponsors of this new bill are, with the exception of Senator GOLDWATER, all members of the Judiciary Committee. Our sponsorship symbolizes the interest of the committee in this legislation, an interest I know is shared by other committee members who have sponsored similar proposals. For that reason I look forward to the joint cooperation between the Judiciary and Government Operations Committees in moving this legislation to the floor in this Congress.

This bill proposes to establish certain fundamental rights for all citizens who are the subjects of files and dossiers maintained by the Government. Among these rights are the right of review and correction, the right of notification, the right of correction and explanation, the right to challenge data banks, and to enforce privacy both through administrative and judicial processes. Among the other provisions of the bill is the requirement that data banks be disclosed to the public as they are established, that they only contain relevant, accurate, and necessary information, that they employ security and confidential devices and rules, that access be explicitly defined and controlled, that dissemination be strictly limited, and that a record be kept of all those examining the files.

Americans by now are fast becoming aware of the danger to their liberties from vast and proliferating data banks which are uncontrolled by law. Like any new invention, the technological and administrative developments of recent years in the field of data collection and use not only promise better conduct of the public's business, but also threaten unforeseen and tremendous dangers to individuality. A society numbered, punched, and filed by Government cannot be free. Clearly it is time to insure that only the good that is promised by these new Government data systems becomes reality, and that the harm feared never comes about.

Next week I hope to be able to release the results of a 4-year study of Federal data banks conducted by the Constitutional Rights Subcommittee. This study will document the need for many of the provisions of this proposal. It will give concrete evidence to support the warnings that many have issued over the past decade about the need for explicit legislative privacy protections. It is my hope that this data bank study will form the foundation of general privacy legislation that can be enacted this year.

Next week, as has already been publicly announced, an ad hoc privacy subcommittee of the Government Operations Committee and the Constitutional Rights Subcommittee of the Judiciary Committee will open hearings on data bank legislation. Before the subcommittee will be a bill, S. 3418, introduced by Senators MUSKIE, PERCY, and myself, and referred to Government Operations, and a bill by Senator BAYH, S. 2542, and a bill and substitute amendment, S. 2810, introduced by Senator GOLDWATER, referred to the Judiciary Committee. Each of these bills takes a similar approach to privacy, although they differ in detail and in scope.

The bill we introduce today follows the line generally expressed in these bills, and in those introduced in the House by Congressmen KOCH and GOLDWATER. Indeed, each of the Senate bills are variations of the model first prepared by those two gentlemen, and the debt that the Senate bills owe is apparent by a comparison of their texts.

This bill differs from S. 3418, the Ervin-Muskie-Percy bill, in a number of respects:

First, it proposes to apply the regulation to Federal systems, and those State governmental systems supported or funded by the Federal Government, or which are interstate in nature. It does not propose to cover private systems. This alternative is suggested not because there is no need to cover private systems, but because there is some sentiment that a more limited bill might be desirable at this stage. By so limiting its coverage, the sponsors of the bill do not suggest that they will not work for passage this year of comprehensive legislation such as in the other bills. They only wish to present the alternative for formal examination.

Second, the bill provides that it will not apply to any Federal or State data bank system which is subject to another statute affording at least the minimum protections set forth in the model. This is a desirable proposal. It encourages States and the Congress to enact specific legislation designed to meet the peculiar problems of particular data systems. To those who object to uniform model privacy legislation as being too comprehensive and too much an interference in State prerogatives, the answer is simple: "If you think you can protect privacy better than Congress, do so. Enact your laws. We encourage it."

Third, the bill addresses the difficult problem of how to administer privacy legislation. Clearly we cannot rely solely upon the courts. The requirements of the act are not all susceptible to civil suits on behalf of an ordinary citizen. Also, we cannot trust the government agencies to enforce the law against themselves. The data bank study shows how little they have done on their own.

Yet, to establish a Government-wide independent administering board has certain disadvantages. The cosponsors of this bill unite in recognizing the need for performing this function, but have an open mind on the structure to perform it. In the field of criminal data banks, it is rapidly being recognized that an independent board reflecting the many different interests is the best way to proceed. That may well be the result with this general legislation, also. But, again, to focus attention on another possible alternative, this bill suggests that the GAO perform the oversight and registry functions contemplated in the legislation. We offer this suggestion without commitment.

In addition to these major changes, the bill has been reorganized and a statement of findings and purpose has been added. A number of other technical changes have been made. In most other respects, however, it is a refinement of S. 3418.

Along with my other colleagues on this bill, I express the hope that the Judiciary and Government Operations Committees, working through the special expertise on privacy and Government administration reflected in the Constitutional Rights Subcommittee and ad hoc subcommittees, will produce a unified bill that will quickly secure approval in the weeks ahead.

Mr. KENNEDY. Mr. President, I am pleased to join the distinguished Senator from North Carolina and several other colleagues in sponsoring the Government Data Bank Right to Privacy Act. This bill will provide a framework for enacting necessary safeguards to protect American citizens against the compiling of inaccurate or unverified data and the unrestricted use and dissemination of this data.

The past several decades have seen an enormous growth in the volume of unregulated information about American citizens. When an American applies for insurance, purchases a home, seeks employment, applies for a professional license, or in thousands of other everyday situations, he will be evaluated in large part on the basis of information contained in computer data banks. This information is often incomplete, inaccurate, or based upon unverified or hearsay representations. Experience has shown that as the capacity to store and disseminate personal information has increased through the use of computers and other devices, information has been collected to fill this capacity.

The Subcommittee on Administrative Practice and Procedure, which I am privileged to chair, has a long history of involvement in issues concerning the right to privacy, including problems in the use of computer data banks. From 1965 to 1968, the subcommittee under its previous chairman considered legislation and held extended hearings on computer privacy and invasions of privacy by Federal agencies and the private sector.

In recent years, the subcommittee has developed legislation which has passed the Senate to permit greater citizen access to information in Government files, and has held extensive hearings on invasions of privacy through warrantless wiretapping and electronic surveillance. I introduced legislation which was passed last year to provide greater safeguards over the use of criminal data in programs funded by the Law Enforcement Assistance Administration. I recently testified as to the necessity for safeguards in the collection and use of medical information in data banks. And we have been concerned with protecting the rights of American citizens in the dissemination of data through the National Criminal Information Center.

I will work for the enactment into legislation of five basic principles to protect the right to privacy of American citizens. First, all persons who collect, store, use, or dessiminate information should be considered to have a duty of due care toward the subjects of that information.

Second, decisions to collect information should be made with a high regard for considerations of personal privacy and of relevance and need. The mere existence of capacity to store information should not justify its collection. In particular, first amendment considerations should play an important role, to insure that there is no "chilling effect" on the exercise of constitutionally protected expression arising from the collection of data.

Third, all systems that collect, store disseminate, or use data must maintain strict security over the information. There must be limitations on access to the data. The method of information storage should be designed to prevent unauthorized access or intrusion. Protective devices should be installed to safeguard the transmission of data to other users. Stringent standards akin to those required for airline safety should be applied to information safety.

Fourth, the subject of information should have the right of access to his own file to see that the information contained in it is accurate, and to challenge any inaccurate information. Experience has shown that frequently data is collected on the basis of incomplete, unverified, or mistaken representations. Of course, special rules can be developed to protect against violation of privileges or confidences and to protect the identity of informers. But the general principle that the subject of information should have access to it is important.

Fifth, data should be destroyed or expunged when its age or obsolescence suggests that its utility is outweighed by its inaccuracy or by its potential harm to the individual.

These principles are essential to guaranteeing the constitutional right to privacy of American citizens. They were most recently articulated by Prof. Arthur Miller of the Harvard Law School and were endorsed at the Annual Chief Justice Earl Warren Conference on Advocacy of the Roscoe Pound-American Trial Lawyers Foundation in Massachusetts last week. The bill of the distinguished Senator from North Carolina would go a long way toward enacting these principles into law.

During hearings on this bill, several important issues will have to be considered, and particular provisions of the bill may be improved upon. These issues include whether regulation should apply to both Government and private data collection systems; whether it should apply to both automated and manual systems; the precise nature of the requirement of relevance of data collected; and law enforcement considerations in expunging old data. I am glad to join in seeking to resolve these issues and to enact legislation to ensure that every American can fully exercise his constitutional right to privacy.

By Mr. DOMENICI:

S. 3634. A bill to amend the Public Works and Economic Development Act of 1965 for the purpose of assisting local economies in regions of persistent economic underdevelopment by enabling the Federal cochairmen of designated regional commissions to acquire Federal excess personal property and to dispose of such property to certain recipients. Referred to the Committee on Public Works.

Mr. DOMENICI. Mr. President, I introduce today and submit for appropriate reference a bill which would provide assistance to the economic base of regions of persistent economic underdevelopment by allowing the Federal cochairmen of regional commissions to obtain excess Federal property and to utilize that property for purposes of economic development.

This bill would amend title V of the Public Works Act of 1965—42 U.S.C. and the following. It would add to that act a new section, section 514, creating a regional excess property program.

The Four Corners Regional Commission has had some experience with obtaining and utilizing excess Federal property for the purpose of accomplishing its objectives. I understand that program has been successful and popular.

In fact, during the 2-year period that the program was in operation in the Four Corners Regional Commission, those portions of New Mexico within that region received nearly $5 million worth of excess property. This amount was greater than the total New Mexico share of congressional appropriations for the Four Corners Regional Commission during that 2-year period. This level of assistance is indeed substantial and represents one of the easiest and least expensive means by which significant economic development can be achieved.

That program was phased out when it appeared a short time ago that EDA was being phased out and because there was some question as to the specific legal authority for the Federal cochairmen of the regional commissions to participate in such programs. My bill would eliminate that legal question by authorizing the Federal cochairmen of designated regional commissions to receive and make disposition of excess Federal property to appropriate entities within the region. The manner of use or disposal of any such property would have to be related to the purpose of the regional commission for the economic development within the region. The use and accounting for such property would be strictly controlled in accordance with provisions of the bill.

It should be noted that an identical bill has been introduced in the House by Congressman LUJAN of New Mexico and six other Congressmen. It is my hope that the appropriate committees will give immediate attention to this bill and that the legislative process will rapidly culminate in its enactment.

I request unanimous consent that the text of this 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. 3634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title V of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3181 et seq.) is amended by adding at the end thereof the following new section:

"REGIONAL EXCESS PROPERTY PROGRAM

"SEC. 514. (a) Notwithstanding any other provision of law, and subject to subsection (b), the Federal cochairmen of each regional commission established under section 502 may acquire excess property, without reimbursement, through the Administrator of general Services and shall dispose of such property, without reimbursement and for the purpose of economic development, by loaning to, or by vesting title in, any of the following recipients located wholly or partially within the economic development region of such Federal cochairman:

"(1) any State or political subdivision thereof;

"(2) any tax-supported organization;

"(3) any Indian tribe, band, group, or pueblo recognized by the Federal Government, and any business owned by any tribe, band, group, or pueblo;

"(4) any tax-supported or nonprofit private hospital; and

"(5) any tax-supported or nonprofit private institution of higher education requiring a high school diploma, or equivalent, as a basis for admission.

Such recipient may have, but need not have, received any other aid under this Act.

"(b) For purposes of subsection (a)—

"(1) each Federal cochairman, in the acquiring of excess property, shall have the same priority as other Federal agencies; and

"(2) the Secretary shall prescribe rules, regulations, and procedures for administering subsection (a) which may be different for each economic development region, except that the Secretary shall consult with the Federal cochairman of a region before prescribing such rules, regulations, and procedures for such region.

"(c)(1) The recipient of any property disposed of by any Federal cochairman under subsection (a) shall pay, to the Administrator of General Services, all costs of care and handling incurred in the acquiring and disposing of such property; and such recipient shall pay all costs which may be incurred regarding such property after such Federal cochairman disposes of it, except that such recipient shall not pay any costs incurred after such property is returned under subsection (e).

"(2) No Federal cochairman may be involved at any time in the receiving or processing of any costs paid by the recipient under paragraph (1).

"(d) Each Federal cochairman, not later than six calendar months after the close of each fiscal year, shall account to the Secretary, as the Secretary shall prescribe, for all property acquired and disposed of, including any property acquired but not disposed of, under subsection (a) during such fiscal year. The Secretary shall have access to all information and related material in the possession of such Federal cochairman regarding such property.

"(e) Any property disposed of by loan under subsection (a) and determined by the Federal cochairman, who disposed of it, to be no longer needed for the purpose of economic development shall be returned by the recipient to the Administrator of General Services for disposition under the Federal Property and Administrative Services Act of 1949.

"(f) The value of any property acquired and disposed of, including any property acquired but not disposed of, under subsection (a) shall not be taken into account in the computation of any appropriation, or any authorization for appropriation, regarding any regional commission established under section 502 or any office of the Federal cochairman of such commission.

"(g) For purposes of this section—

"(1) the term 'care and handling' has the meaning given it by section 3(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472 (h)); and

"(2) the term 'excess property' has the meaning given it by section 3(e) of such Act (40 U.S.C. 472 (e)), except that such term does not include real property.".

By Mr. GRAVEL:

S. 3635. A bill to declare the commercial salmon fishery of the Bristol Bay area of Alaska to be undergoing a commercial fishery failure, to direct the Secretary of Commerce to take certain actions to restore such fishery, and to authorize additional funds for such purposes and for other U.S. fishery failures; and

S. 3636. A bill to compensate U.S. salmon fishing vessel owners and operators, salmon processors, and employees of such owners, operators and processors, for certain losses incurred as a result of salmon fishing by foreign fishing vessels under the terms of the International Convention for the High Seas Fisheries of the North Pacific Ocean. Referred to the Committee on Commerce.

Mr. GRAVEL. Mr. President, the State of Alaska has moved to have the Bristol Bay area declared a national disaster because of the absence of red salmon there. This action is warranted to preserve the meager remnants of what was once the greatest red salmon fishing grounds. Today, I propose legislation to begin the restoration process and to ease the impact of this major crisis on the residents of the area.

The scope of the problem in Bristol Bay is devastating. A scant 4 years ago, the Bristol Bay harvest accounted for 64 percent of the national red salmon production, when the value of this resource to the fishermen exceeded $27 million. Today in Bristol Bay, there is no production, there is no value to the fishermen, there is no commercial red salmon harvest. Of the 4,400 civilian residents of the area, 2,500 work directly in this industry, as fishermen or cannery workers. Mortgage payments on idle fishing vessels will go unpaid. The income from the fishing season, used to supplement the subsistence existence of an area where the cost of living is 170 percent of Seattle, will be insignificant. There is no other developed economic base, and little hope for the area without our immediate action.

The drastic decline in the Bristol Bay red salmon resource is believed to be due to a combination of factors, some natural, but most manmade. We are powerless, in most instances to adequately avert the natural causes. But the tragedy of this disaster rests with errors of commission and omission by the Federal Government that could avert or control the manmade causes.

The natural phenomena contributing to the decline has produced poor seasons, but never to the present extent, the extremely cold winters of 1970–71 and 1971–72 are contributing factors. The lack of snow cover during these years destroyed millions of recently hatched or smolt salmon. Similarly, the varying water levels have destroyed millions of eggs. But, as I have previous stated, we are powerless to change these weather factors.

The resource realized its first great depletion in the period 1900–40, while Alaska was still a territory, Federal management and enforcement was subservient to the economic interests of canners and fishermen with little regard for the renewability of the resource. There is no hope, or expectation that the salmon can be replenished to these preexploitation levels. Attitudes have changed since that time. State management has tried to do a commendable job to insure maximum sustainable yield for the future.

But where there has been Federal intervention in recent years, it has made matters worse. And where Federal intervention was most needed it has been absent.

In 1972, the Marine Mammal Protection Act was signed into law. It offered, what many thought, to be the necessary instrument to insure the continued existence of marine mammals. Among the mammals safeguarded by moratorium was the Beluga whale. Now we are beginning to realize how ill-conceived this action was in upsetting the balance in nature. It has been demonstrated that Belugas in Bristol Bay consume close to 3 million smolt annually. The Beluga herd proliferates at the expense of the sockeye. Protection of the Beluga cannot be considered separately from proper sockeye management.

By contrast, the lack of Federal intervention has resulted in even more harmful consequences. For years, Alaskans have pleaded with the Federal Government to take unilateral action, exerting pressure on foreign governments engaged in destructive fishery practices. Our pleas have been ignored in favor of the pursuit of fleeting international agreements. Such multilateral action is a commendable goal and in the interest of world peace, but must Alaska's fisheries be the peace offering?

Efforts to resolve the problem at the negotiating table have failed miserably. Representatives from this country attending the International North Pacific Fisheries Commission meeting in Tokyo, came away appalled at the insensitivity of the Japanese to sound conservation practices. Attempts to have the Japanese refrain from high seas salmon fishing, to allow minimum escapement goals for the Bristol Bay sockeye, were merely exercises in futility.

I have raised the question of invocation of the Pelly amendment. Economic retaliation for the gross misuse of the fish resources of the North Pacific is warranted. I am aware of technical violations of multilateral international fishery conservation program; the Coast Guard, which supplied this information, is also aware. It is highly unlikely that National Marine Fisheries Service and the Secretary of Commerce are not aware; in any case the only actions taken have been mollifying letters.

The Japanese high seas fishery for salmon began in 1952. Since that time, it is estimated that this fishery has taken 30 to 50 percent of the allowable annual harvest. In 1973, a conservative estimate by the Alaska Department of Fish and game placed the Japanese catch at 400,000 to 500,000 salmon. Other estimates for that season run as high as 5 million. These Japanese fishermen indiscriminately harvest immature as well as mature stock. One thing becomes perfectly clear from this—the Japanese are the major beneficiaries of State fish management programs.

Sadly, the diligent efforts of the Alaska Department of Fish and Game have been all but wasted. Earlier this year, they reported to Alaska's Governor Egan their inability to adequately manage the Bristol Bay salmon. Subsequently, with the closure of the commercial salmon fishery in this area, the Governor declared Bristol Bay a State disaster area. This was followed by a request to the President to declare a disaster in order to mobilize certain Federal disaster assistance programs.

Realizing the impact of these actions, I wrote the President in support of the Governor's request. Simultaneously, I asked Dr. Robert M. White, Administrator for NOAA to declare a disaster. Such action on his part would enable the State to avail itself of the commercial fisheries disaster assistance program. Such a program would allow the State to rehabilitate the decimated Bristol Bay sockeye, and utilize the existing manpower of the area in the effort. The answer to my request portends further delay, a situation that I and the residents of Bristol Bay cannot accept. I ask unanimous consent that this reply be printed at this point in the RECORD.

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

U.S. DEPARTMENT OF COMMERCE,
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, NATIONAL MARINE FISHERIES SERVICE,
Washington, D.C., May 30, 1974.

Hon. MIKE GRAVEL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GRAVEL: Dr. White has asked me to respond to your letter of May 10, 1974, with respect to the possibility of making certain funds available to the State of Alaska under the Commercial Fisheries Research and Development Act in order to restore the Bristol Bay sockeye salmon runs. Under Subsection 4(b) of the above-mentioned Act, certain limited funds are authorized for assistance in connection with a commercial fishery failure due to a resource disaster arising from natural or undetermined causes for any purpose that the Secretary determines is appropriate to restore the fishery affected by such failure or to prevent similar failure in the future. At this time we are unable to determine whether the Bristol Bay disaster qualifies as a commercial fishery failure due to a resource disaster arising from natural or undetermined causes. I have asked the scientists of National Marine Fisheries Service to investigate the matter and determine whether in fact the disaster arose from natural or undetermined causes.

In the event that we are in a position to make a favorable determination under Subsection 4(b) we will then review any request of the State submitted in connection with such determination. It should be pointed out that at this time there are no uncommitted funds available under Subsection 4(b) and, in the event we are favorably disposed toward such request, we would probably have to request a supplemental appropriation.

It is my understanding that the Department of Fish and Game, State of Alaska, is now discussing the entire matter with our Regional Office in Juneau and it expects to be in a position to submit to us certain material required by the Act some time in June.

As soon as we receive and review a determination from our scientists, I will notify you. Furthermore, we will keep you informed as to any developments that occur with regard to this matter.

Sincerely,

JACK W. GEHRINGER,
ROBERT W. SCHONING,
Director.

Mr. GRAVEL. Mr. President, the first measure I am introducing today is designed to pay reparations to the residents of Bristol Bay. It is demonstrable that the policies of the Federal Government are a major cause of this tragedy. The amount to be paid will enable these residents to endure the hardships they are about to suffer. Furthermore, this measure will testify to the responsibility of the Federal Government to preserve the resources of the seas for all Americans.

I ask unanimous consent that the full 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. 3635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of section 4(b) of the Commercial Fisheries Research and Development Act of 1964 (16 U.S.C. 779(b)) the commercial salmon fishery of the Bristol Bay area of Alaska is determined to be undergoing a commercial fishery failure due to a resource disaster arising from natural or undetermined causes. The Secretary of Commerce shall exercise his authority pursuant to such Act to restore such fishery.

SEC. 2. Section 4(b) of the Commercial Fisheries Research and Development Act of 1964 is amended by striking out "$1,500,000" and inserting in lieu thereof "$2,500,000".

Mr. GRAVEL. Mr. President, the dollar amount to be paid is the average value to those affected of the millions of salmon no longer available.

The second measure enables mobilization of the commercial fishery disaster assistance program. The State will then be able to renew the depleted stocks and put the residents to work, if only on a short-term basis. I ask unanimous consent that the full 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. 3636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Commerce shall compensate United States commercial salmon fishing vessel owners and operators and United States salmon processors for losses incurred during the calendar year 1974 as a result of salmon fishing by foreign vessels under the terms of the International Convention for the High Seas Fisheries of the North Pacific Ocean (4 U.S.T. 953). Such losses shall be determined by comparing average annual profits realized during the five-year period beginning with 1967 with profits realized during the calendar year 1974.

(b) The Secretary shall also compensate employees of such owners and operators and processors for any lost wages during the calendar year 1974 as a result of the condition which qualifies the owner, operator, or processor for compensation under subsection (a). In determining such compensation the Secretary shall take into account any amount received by an employee as wages, earnings, and other benefits.

SEC. 2. The Comptroller General of the United States shall conduct an audit of the indemnity program provided for in this Act as soon as practicable after the completion thereof, and shall submit to the Congress the results of such audit together with such comments and recommendations as he deems appropriate.

SEC. 3. The Secretary of Commerce is authorized to issue such regulations as he deems necessary to carry out the purposes of this Act.

SEC. 4. There are authorized to be appropriated not to exceed $14,500,000 to carry out the provisions of this Act.

Mr. GRAVEL. Mr. President, in closing. I ask my colleagues to act swiftly on these measures. The facts of the situation are before you. Bristol Bay needs our help and it must come while there is still a chance for continued survival of this area.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1326

At the request of Mr. WILLIAMS, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1326, the Hemophilia Act of 1973.

S. 3295

At the request of Mr. WILLIAMS, the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 3295, the National Public Employment Relations Act.

S. 3512

At the request of Mr. MONDALE, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 3512, a bill to reform the State-Federal unemployment compensation system.

S. 3530

At the request of Mr. STEVENS, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 3530, a bill to authorize the Secretary of the Interior to enroll certain Alaskan Natives for benefits under the Alaska Native Claims Settlement Act.

S. 3542

At the request of Mr. Moss, the Senator from Alaska (Mr. STEVENS) was

added as a cosponsor of S. 3542, a bill to authorize appropriations to the National Aeronautics and Space Administration for research and development relating to the seventh applications technology satellite, and for other purposes.

SENATE RESOLUTION 339—SUBMISSION OF A RESOLUTION IN COMMENDATION OF SECRETARY OF STATE HENRY KISSINGER

(Referred to the Committee on Foreign Relations.)

Mr. ALLEN (for himself, Mr. SPARKMAN, Mr. THURMOND, Mr. CURTIS, Mr. BAKER, Mr. HANSEN, Mr. JACKSON, Mr. NUNN, Mr. CHILES, Mr. HUDDLESTON, Mr. BIBLE, Mr. BARTLETT, Mr. GRIFFIN, Mr. COTTON, Mr. MCCLURE, Mr. MCCLELLAN, Mr. STEVENS, Mr. STENNIS, Mr. TALMADGE, Mr. TOWER, Mr. ERVIN, Mr. MCINTYRE, Mr. NELSON, Mr. GOLDWATER, Mr. FONG, Mr. GURNEY, Mr. BROCK, Mr. BELLMON, Mr. HRUSKA, Mr. JOHNSTON, Mr. EASTLAND, Mr. DOLE, Mr. BENNETT, Mr. TAFT, Mr. TUNNEY, Mr. HUMPHREY, Mr. FANNIN, Mr. DOMENICI, Mr. COOK, and Mr. MANSFIELD) submitted the following resolution:

S. RES. 339

Whereas, Secretary of State Henry Kissinger has done a masterful job in the cause of peace throughout the world—in the Mid-East, with Russia and the People's Republic of China and elsewhere in the world; and

Whereas, a principal factor in the successes he has achieved has been the confidence that the opposing sides in the various areas of negotiation have had in Dr. Kissinger's integrity, sincerity, and veracity; and

Whereas, the entire world is indebted to Dr. Kissinger for his efforts in the cause of world peace; and

Whereas, the people of the United States are grateful to Dr. Kissinger for his brilliant work; Now therefore be it

Resolved by the United States Senate that:

1. Dr. Kissinger be commended on his outstanding contributions to the cause of world peace.

2. Deep gratitude to Dr. Kissinger for his services is hereby expressed by the Senate.

3. That the United States Senate holds in high regard Dr. Kissinger, and regards him as an outstanding member of this administration, as a Patriotic American in whom it has complete confidence, and whose integrity and veracity are above reproach.

4. That the United States Senate wishes for him success in his continuing efforts to achieve a permanent peace in the world.

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT—AMENDMENTS

AMENDMENT NO. 1443

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

CONSOLIDATED TAX REFORM-TAX CUT AMENDMENT

Mr. HUMPHREY. Mr. President, on behalf of Senators BAYH, CANNON, CLARK, HART, KENNEDY, MONDALE, MUSKIE, NELSON, myself and other Senators, I am today introducing an amendment to H.R. 14832, the debt ceiling act, that combines the tax reform and tax relief amendments previously introduced into one package.

This amendment represents a group effort to put together a realistic and well-balanced tax cut, tax reform proposal for the Senate to consider. In addition to the Senators already mentioned, there are many others who have worked hard to develop parts of the package. Senators MAGNUSON, RIBICOFF and JACKSON have led in the development of the provision to reform the oil depletion allowance. In addition, Senators CRANSTON, CANNON, FULBRIGHT, INOUYE, JOHNSTON, LONG and Moss have helped in the development and support of the tax relief provision.

Although these reforms are being offered in one amendment, I would point out to the Senate that we intend to divide the question so that separate votes will occur on each section of the amendment. We hope that other colleagues will join us on those sections of the amendment they feel they can support.

The combined tax cut and reform amendment would accomplish a revenue gain through tax reform in the amount of about $4 billion. It would achieve this by repealing the oil depletion allowance, repealing the Domestic International Sales Corporation—DISC—repealing the asset depreciation range—ADR—and strengthening the minimum tax. Further details on these proposed actions can be found in our "dear colleague" letter of May 8, 1974, and also in conjunction with an identical tax reform amendment introduced by Senator BAYH in the CONGRESSIONAL RECORD on May 21, 1974—S8699.

In direct connection with these reforms, this amendment would provide $6.6 billion in tax relief for millions of taxpayers hard hit by inflation. Further details of this proposed action can be found in conjunction with a tax cut amendment offered by Senators KENNEDY and MONDALE in the CONGRESSIONAL RECORD of May 21, 1974—S8694.

The combined amendment that I am introducing today has the following advantages:

First, this amendment assures that tax reform is the first order of business. Although the beleaguered consumer needs tax relief badly, many people are concerned—as I am—that any tax cuts should be preceded by revenue-raising tax reforms. By passing tax reform first we recoup most of the revenue lost by the tax cut and assure that the cut will not be inflationary. This point of view was validated yesterday by one of the country's top economists, Dr. Walter Heller, at a news conference in the Capitol. I believe, therefore, that Senators who expressed this concern can now support our efforts to pass the amendment introduced today.

Second, this amendment will provide a balanced stimulus to an economy in recession. Professor Heller also emphasized this point. The tax cut will shore up the declining real income and confidence of consumers. We have seen an economy in which business has profited and prospered, while the consumer has consistently had to retrench. This amendment will move us toward recovery from recession and the creation of a more balanced growth pattern.

I believe these advantages make a compelling case for this amendment. I hope our colleagues will see its value and give it their support. This may be the only opportunity for meaningful tax reform and tax relief in the 93d Congress.

It is our understanding that the Debt Ceiling Act will be reported out by the Finance Committee this week and will be brought to the Senate floor early next week in ample time to debate and to vote on these matters before the expiration of the existing debt ceiling limitation at the end of June.

AMENDMENT NO. 1445

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

Mr. DOMENICI. Mr. President, this country has experienced a rather difficult period with the fuel crisis and all indications are that unless new sources of energy are found the situation will become even more serious. We have seen the effects of our dependency on foreign oil by rising fuel prices and the across the board shortages of petroleum products.

The President, in reacting to the effects of our reliance on foreign oil, has set a national goal of achieving energy independency by 1980. The Senate has responded to this challenge by actively pursuing several key pieces of legislation geared toward this goal of energy independence.

Throughout these discussions there has been a continual reference to the potential of using solar energy to augment our present energy sources. Recently the Senate passed H.R. 11864 the "Solar Heating and Cooling Demonstration Act of 1974." This bill authorizes a joint effort by both NASA and HUD to sponsor initial testing of various heating and cooling units.

I was very pleased with the passage of this bill, but would hope that my colleagues understood that this represents only the first step in what is needed for an effective solar energy program. It is very important that we determine what will follow this demonstration phase.

As a member of the Aeronautical and Space Science Committee, I have heard numerous testimony regarding the potential of solar energy. The majority of the witnesses testified that present technology for heating units is well ahead of those for combination heating and cooling, but that through more R. & D. the problem could be solved. Present technology standards have placed a cost of $3,000 to $8,000 for installing solar heating units on the average size home.

There are many private homeowners who because of the cost factor have been discouraged from installing this equipment. It is my contention that we must further encourage the private homeowner to utilize this new source of energy.

Today, in attempting to meet this need, I am introducing an amendment to H.R. 14832 that would allow a private homeowner to deduct from his capital account over a period of 60 months up to

$5,000 for the cost of installation and equipment of solar heating and cooling units as prescribed by the Secretary of HUD. The Secretary, as under the provisions of H.R. 11864 or related bills, will have determined the minimum performance criteria for such units. This amendment by allowing a private homeowner to rapidly write off his costs will be a productive stimulant to encourage construction.

There are those who would say, why give a special deduction to these people when other home improvements are not deductible. Let me describe a few facts which I found most interesting.

In the city of Baltimore—far below average sunlight in Southwest—an average 3 bedroom colonial home requires approximately 700 therms or 24 barrels of No. 2 heating oil—$300—to supply the needed heat for 1 year. If this same home were to install present day solar heating units using a 500-square foot collector, approximately 60 percent of the required heating would be supplied. This would mean that a fuel savings of over 14 barrels of heating oil would be realized.

This new source of energy would benefit the entire country because the demand on heating oil would decrease, thus allowing refineries to switch over to more needed petroleum products. This amendment is not a pay-out, but instead a very realistic approach to encouraging the use of solar energy. I feel that with this type of incentive many people will begin to more seriously consider the benefits of solar heating and cooling.

I am pleased that Senators CRANSTON, HUMPHREY, and Moss have joined me in sponsoring this amendment. We are all most concerned that substantial incentives be offered to encourage the private homeowner to utilize this new source of energy.

VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT OF 1974—AMENDMENT

AMENDMENT NO. 1444

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

Mr. DOLE submitted an amendment intended to be proposed by him to the bill (S. 2784) to amend title 38, United States Code, to increase the vocational rehabilitation subsistence allowance, educational assistance allowances, and the special training allowances paid to eligible veterans and persons under chapter 31, 34, and 35 of such title; to improve and expand the special programs for educationally disadvantaged veterans and servicemen under chapter 34 of such title; to improve and expand the veteran-student services program; to establish a veterans education loan program for veterans eligible for benefits under chapter 34 of such title; to promote the employment of veterans and the wives and widows of certain veterans by improving and expanding the provisions governing the operation of the Veterans Employment Service and by providing for an action plan for the employment of disabled and Vietnam era veterans; to make improvements in the educational assistance program; to recodify and expand veterans reemployment rights; to make improvements in the administration of educational benefits; and for other purposes.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1389

At the request of Mr. MONDALE, the Senator from Massachusetts (Mr. BROOKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from New York (Mr. JAVITS), the Senator from Wyoming (Mr. MCGEE), and the Senator from South Dakota (Mr. MCGOVERN) were added as cosponsors of Amendment No. 1389, regarding limitation on allowance of foreign tax credit, intended to be proposed to the bill (H.R. 10710), the Trade Reform Act.

NOTICE OF HEARINGS ON GUARANTEED LOANS FOR LIVESTOCK PRODUCERS

Mr. MCGOVERN. Mr. President, I wish to announce that my Subcommittee on Agricultural Credit and Rural Electrification, of the Committee on Agriculture and Forestry, will hold a hearing next week on proposed guaranteed loan programs for livestock producers.

The hearing will begin at 2 p.m. Monday, June 17, in the Committee on Agriculture and Forestry hearing room, 324 Russell Building. The subject of the hearing will cover four bills, introduced to date, S. 3597, S. 3605, S. 3606, and S. 3624, and any other similar legislation which may be introduced and referred to the subcommittee prior to Monday.

Representatives of the U.S. Department of Agriculture and the livestock and credit industries will be invited to testify. Others who desire an opportunity to testify should contact the committee clerk.

Witnesses should be advised that due to the limitations of time, each will be required to limit his or her oral statement to 10 minutes or less to provide ample opportunity for other witnesses and for questions by members of the subcommittee.

Mr. President, I cannot emphasize too strongly the urgency of the legislation which we will consider on Monday. The cattle and hog market has all but collapsed; producers are losing heavily, with many already bankrupt.

It is my hope that we can have some legislation ready to report to the Senate within several days, and that we can get early and favorable action on it.

ADDITIONAL STATEMENT

FAMINE IN INDIA

Mr. HUMPHREY. Mr. President, I wish to call to the attention of my colleagues a June 15 New Republic article, "India: The Lost Years," by Richard Critchfield.

Mr. Critchfield has been visiting countries facing the threat of famine and living in the rural areas to assess the true conditions.

He points out that deaths in India are now on the increase and particularly among both the old and very young. It is a Malthusian struggle for survival.

The author clearly believes that the policies followed by the Indian Government have not put sufficient stress on agriculture. This is why he states:

India has lost its big historic chance to grow enough food.

Our Government was hardly doing India a favor by, in effect, encouraging them to turn away our technical advisers who were needed to keep up the momentum of the green resolution.

We are deeply affected by the fate of India, and we cannot turn our backs on this nation.

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

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

INDIA: THE LOST YEARS

(By Richard Critchfield)

NEW DELHI.—India has lost its one big historic chance to grow enough food. Instead the Malthusian scourge has finally caught up with it: the rural death rate is dramatically rising. The poorest Indians are paying a heavy price for political decisions of the past three years: the loss of American cash, credit and, above all, hundreds of agricultural technicians; their replacement by the economically disadvantageous alliance with Russia; and now India's testing of nuclear weapons and, as the world's seventh largest industrial power, its manufacture of sophisticated jets, tanks, satellites and rockets.

India will not have enough food this year or next year or possibly ever again on a planet with just 27 days' reserves for the entire human population. Just to break even with population growth the earth now has to grow 8.8 million tons more grain each year. Most of mankind lives on rice or wheat and while wheat is holding its own, the growth rate of rice production, at one percent a year, is falling behind a two percent population growth.

Over the years a great many dooms have been predicted for India. It would "go Communist," be conquered by China, break into entirely separate linguistic states, parliamentary government would be overthrown by a military coup or by the communal forces of political Hinduism or, more vaguely, India would simply "go down the drain." None, save a Chinese occupation, is impossible. But most, with the passage of time and the emergence of a fairly prosperous urban middle class and northern farming community, perhaps numbering 100 to 150 million people in all, look increasingly unlikely. There are two Indias today and the modernizing minority is probably strong enough to hold the country together.

What is actually happening was largely unpredicted. Infants and old people, vulnerable because of inadequate diet, are beginning to die by the millions in poor, isolated villages. Indian doctors say that while there is some rise in cholera, smallpox and malaria, the big two new killers are plain old upper respiratory infections and gastro-

enteritis. Neither was usually fatal a few years ago.

The sudden, calamitous growth of India's population, once it was freed by the spread of medical science, has mostly taken place this century; it has risen by almost 200 million since I first visited India in the late 1950s. Then the rate of natural increases was 1.3 percent; by last year it was 2.5 percent.

Demographers say India will be pressing 700 million by the end of the 1970s and that yearly gains could rise from a present 13 million to 70 million within 26 years. It is now officially admitted that the 1971 census count of 542 million was nine million short; this means India will pass the 600 million mark sometime in early September. Despite 10 years of fairly vigorously family planning—$80 million is being spent this year—nothing has changed the traditional pattern of rural fertility or pronatalist views shaped by 10,000 years of clinging to a bare existence. By the time the average Indian woman reaches 46 she will have had 5.6 children. By 1989 there will be twice as many childbearing women so that, if mass famine is averted, the geometrical progression of India's population will continue.

Statistics indicate mass famine may quietly be well underway. Rural India's crude death rate first began to rise five years ago, climbing from 14 to 15.7 per 1000 persons by 1970 and 16.9 by 1972, the latest year with overall official data available. But preliminary sample surveys published by the Indian Office of the Registrar General show the death rate in parts of Uttar Pradesh state reached 27.1 per 1000 last year. With the overall rural crude birth rate down to 36.6—though still up in the mid-40s in the poorest areas—India's rate of natural increase is now actually declining, possibly by as much as from 2.5 to 2.1 percent. Some Indians claim this is because of the success of family planning; it is not. It is because more and more Indians are being born, not getting enough to eat and are catching bad colds or stomach aches and dying.

India's famous propaganda slogans of "a small family is a happy family" and *"Do ya teen bas!"* ("Two or three, finish!") have never been convincing in a village world where more sons mean more rupees coming in to the landless and mean security not only in old age but here and now in violence-ridden countrysides. For the poor Indian it remains eminently rational to have many children. It is only the urban middle class and the prosperous farmers of the northern plains who have taken to intrauterine devices and even they have shunned the pill since it causes irregular bleeding (a menstruating Hindu woman cannot cook or go to the temple since she is considered unclean). Indian experience, as well as elsewhere, has been that agricultural advance, and the change in village social values it brings, is the prerequisite for population control.

Indira Gandhi's tragedy of the past three or four years, of which the May nuclear explosion and a Soviet-advised rocket program are just the most alarming parts, is that the orientation of the leftist Kashmiri Brahmins who mostly advise her is so overwhelmingly political. There does not seem to be an a political technocrat or sound economist in the lot. It is a milieu more concerned with the superpowers, détente and grand imperial strategy; a court that looks not to the south, to the Gangetic Plain, the Daccan Plateau and the steamy tropical coasts where most of the 600 million live, but northward to massed Russian and Chinese armies between the Urals and Lake Baikal, to Pakistan where Baluchi and Pathan tribals are in revolt against Prime Minister Zulfikar Ali Bhutto's pro-Chinese government, to Afghanistan, now run by pro-Russian military men and to Iran and the shah with his growing ties with Delhi and Kabul and no longer so certain of saving Pakistan from any threat of disintegration or invasion by the Indian Army. It is all the Great Game and Henry Kissinger's expected visit this month the next move; its politics are heady but have little to do with India's 500,000 villages. There, people are starving.

Take for example D. P. Dhar, chairman of India's Planning Commission, former ambassador to Moscow, and a fellow Kashmiri Hindu Brahmin who is perhaps Mrs. Gandhi's most trusted adviser and troubleshooter. Dhar was Mrs. Gandhi's chief strategist on the break-up of Pakistan and the security treaty with Russia as well as a two-way one billion-dollar trade package this year with the Soviet bloc that gives India a lot of paper credits, some obsolete technology and shoddy machine tools, and quite a lot of arms and political support in exhcange for transferring many more valuable resources up north than are flowing back. The Soviet Union has supplied two million tons of wheat, one million of which is now being offloaded in Calcutta, and may give India two million more; but this year's Russian wheat crop is expected to be poor, with sowing delayed two weeks by frost, and Russia cannot supply India with the fuel, fertilizer and technical assistance it needs. Dhar, who has also negotiated deferred payment oil deals and mineral development with Iran, Iraq and Saudi Arabia, represents the kind of Russian-minded development thinking that pushes rapid industrialization without first putting agriculture on a sound basis.

Mrs. Gandhi's greatest chance to feed India's people and create economic conditions where family planning might take hold came with the great American scientific breakthrough in tropical agriculture in 1967: the widespread introduction of new high-yielding strains of dwarf wheat and rice. The so-called green revolution, which really took hold during Mrs. Gandhi's second year in office in 1968, doubled wheat yields on the California-like, highly irrigated Punjab plain and brought India virtual self-sufficiency in food by 1971. This bonanza, which ensured Mrs. Gandhi's popularity during her early years, fell in her lap. The first seed plots of the new wheat were planted in India in 1964 just before her father Jawaharlal Nehru died. This burst of agricultural abundance covered up a great deal of economic mismanagement in the late 1960s and early 1970s and allowed Mrs. Gandhi to steer India on its present pro-Soviet course and invest heavily in an armaments industry and nuclear race whose grim domestic harvest will be increasingly evident late this year and early next.

A great many people have misunderstood the nature of the green revolution; Mrs. Gandhi and her advisers seem to have been among them. It is no one-shot thing; it is a long-term continuous process of transferring American farm technology and this requires the continuous presence of American technicians—especially plant breeders, geneticists an agronomists—to find scientific answers to problems of environmental adjustment and ecological backlash as they crop up. What we call the green revolution is essentially the geographical transfer of new high-yielding seeds, irrigation, mechanization and the massive application of chemical fertilizer and most important the knowledge that goes with this. In countries like India in the late 1960s it came so fast that when the first spectacular results diminished, palpably absurd and trendy articles began appearing that the green revolution had "withered" or "failed" or whatever. But the green revolution is not an event but a process that will just go on, transforming for good and bad rural societies all over the earth.

Since the suspension of U.S. assistance and the souring of relations after the 1971 Bangladesh war, literally hundreds of American farm technicians, sponsored by the Agency for International Development and the Ford and Rockefeller Foundations, have quit India and gone home. The U.S. aid program, up to a peak of $877 million and 236 highly skilled professionals in 1966, most of them involved with agriculture, is now down to a $50 million a year infant and pregnant mother feeding scheme and nine Americans, almost all of them purely administrators. The Rockefeller Foundation, which focused entirely in India on agriculture research, mostly developing constantly newer, high-yielding varieties, gave up and pulled out of India two years ago. Ford, which focused on the practical application of technology and had a large group of farm experts working closely with the Indian Agriculture Ministry, is down to a skeleton crew of non-technicians.

Mrs. Gandhi and her people do not seem to grasp what a monumental misjudgment they made in allowing a state of affairs where most of the American farm experts have pulled out. You cannot continue to transfer American farm technology without them. M. G. Kaul, one of Mrs. Gandhi's key economic advisers, told me that old government-to-government technical assistance programs brought mostly "second-raters" to India, since they were the only ones willing to stay three or four years. "If you want top people," he said, "you have to pay for them and they'll only stay four or five months." He cited some Canadian copper miners as an example. Kaul's observation may be valid for industry but not agriculture. The green revolution is the product of the land grant colleges and US agricultural service and the vast amount of expertise gathered in the past 80 years; almost all these men, directly or indirectly, are financed by the government. As one of the few Western agricultural experts left in Delhi said, throwing up his hands in exasperation, "I don't know where Mrs. Gandhi's people are, Mars or somewhere; they're certainly not in India!"

This is brought home to you up on the fertile Punjab plain, which produces India's main marketable food surplus; it has been the main setting of the green revolution and, after 1967, the spectacular transformation from subsistence agriculture to modern commercial farming. Its hardy Moslem, Sikh and Hindu Jat Punjabi farmers, acre for acre, have been producing the highest wheat yields on earth. This is the region primarily responsible for the rapid rise in the use of scientific inputs in Indian agriculture. Since 1961 fertilizer consumption has risen from 300,000 tons to 3.1 million tons with a present estimated demand of five million tons; electric and diesel pumps from 420,000 to 2.1 million; tubewells from 19,000 to 178,000; tractors from 31,000 to 173,000 and the number of acres planted in new high-yielding varieties from two to 23 million hectares.

I spent 10 days touring villages here—unhappily being caught in one when the reportedly none-too-clean plutonium explosion went off May 18 on the Rasjasthan desert some 300 miles to the west of us—and expected to find water and power shortages and diesel fuel and fertilizer available only at black market prices. They were, but this was not the main trouble. The farmers' chief complaint was "there is no good new seed." They said the first three new wheat varieties introduced in the late 1960s—Khalyan Sona, PV-18 and 308—were the only good ones and that those put out by Indian research institutions since 1971 had been fiascos, either rust-prone, subject to insects, just plain low-yielding or with serious environmental problems. Others said heavy dosages of nitrogen since 1967 had left the soil deficient in potash and other minerals but that no one was supplying the technical assistance to remedy this.

Per acre yields that were two or 1.8 tons four years ago are down to 1.4 to 1.3 tons even in Punjab's richest district of Lud-

hiana. Mrs. Gandhi's economists talk about procuring seven million tons to keep the urban public food distribution system going. They will be lucky to get four or five million. The wheat harvest just threshed, hoped to be 30 million tons, may reach less than 23 million tons. Although Mrs. Gandhi has raised the procurement price per 100 kilos from $9.88 to $13.65, farmers angrily say this is still too high to offset high fuel and fertilizer costs; they demand "parity." Many are hoarding their wheat at home for the first time. Food is politics in India and if Delhi, Bombay, Madras and Calcutta and such deficient states as Kerala cannot get enough to avoid shortages and runaway prices, Mrs. Gandhi will be in real trouble by September. And needlessly.

A few days before the nuclear blast Dr. M. S. Swaminathan, director of the Indian Council of Agricultural Research and perhaps the leading farming authority in India, told me India could raise food production from the present 105 million tons to 220 million tons within 15 years provided it had the water, power, cash, credit and technical assistance. Swaminathan, an old-fashioned technocrat, said he was looking forward to the World Food Conference in Rome this fall; he wistfully recalled President Kennedy's 1961 prediction that America not only had the means to set foot on the moon but the technology to totally eradicate hunger from the earth. Swaminathan was full of schemes to triple fertilizer production, irrigate the vast Gangetic plain and ensure water control with cheap $3.10 bamboo tubewells, introduce special new grain varieties for the three-fourths of India's total acreage that is not irrigated and so on. Implicit in what he said was a return of American aid and technology.

The inflation rate of the past 12 months is somewhere between 22 and 29 percent; a kilo of rice can be bought for 13 cents at government fair price shops in the cities but out in the villages costs up to 26 cents. Mazdoors or landless laborers make 26, 39 or 52 cents a day when they can get work—power shortages and loss of water has dried up crops in parts of once irrigated areas. The arithmetic is such that landless laborers with the national average of 5.6 children cannot possibly feed their families. One can visit starving villages two or three hours from Delhi.

Nutritionists say an average Indian adult consumes 170 kilos of grain a year, a Southeast Asian 182, a Chinese 200 and an American 1000. When an Indian laborer with a family of eight has to feed them on 70 ounces a day, this is slow starvation.

Besides the Russian wheat, India has bought about one million tons abroad so far, 200,000 tons from the US. But it cannot buy much more. India faces a $2.4 billion balance of payments deficit this year and the World Bank-sponsored Aid India Consortium, even before Japan and other countries threatened to cut off aid after the nuclear blast, had seen only $1.3 million in aid and a 50 percent debt rescheduling as the maximum achievable target. And $200 to $300 million of this was hoped to come from Congress replenishing the International Development Association (IDA), the World Bank's soft loan arm. Congress has yet to act. Meanwhile, India has drawn a few hundred million from the International Monetary Fund (IMF), but not on concessional terms and while it won $200 million in immediate relief on oil payments to Iran, the money still has to be paid with interest, within five years. With exports doubling to five billion dollars since 1972, imports expected to make no more than $3.2 billion and only $1.4 billion in foreign exchange reserves, India badly needs more liquidity to import spare parts, fertilizer, fuel and food. It probably won't get it since the nuclear explosion gave the West and Japan the justification needed to turn their backs.

Yet if India loses, so does everybody. American grocery prices will keep on going up as long as world food grain prices do, and it will be hard to avoid a global recession if the world's seventh biggest industrial power collapses.

Somehow Mrs. Gandhi has got to realize that the transfer of American farm technology to India must take precedence above all else. To allow her advisers to convince her otherwise, at a time the Russians are eagerly seeking American industrial technology themselves, is tragic. Three years have been lost already.

INFLATION CLAIMS ANOTHER JUDGE

Mr. HUGH SCOTT. Mr. President, an editorial in today's Philadelphia Inquirer entitled, "Inflation Claims Another Judge" cites the fact that many Federal judges are finding they simply cannot afford to continue on the bench. In the last 5 years the salaries of Federal judges have not been increased, yet during this same time period inflation has risen by 30 percent. I bring this problem to the attention of my colleagues and ask unanimous consent that the editorial be printed in the RECORD.

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

INFLATION CLAIMS ANOTHER JUDGE

Another Federal judge, Arnold Bauman of the prestigious Southern District of New York, has resigned "because it is economically impossible for me to stay."

That makes him the third in the last year to leave the bench for financial reasons. And still a fourth, Judge Frederick Lacey of New Jersey, says he will leave for private practice at the end of this year "if no salary increase is then in prospect."

As Cyrus R. Vance, president of the Association of the Bar of the City of New York, points out, this "underscores the need for prompt action by the Congress."

It has been more than five years since the salaries of Federal judges were increased. Meanwhile, the cost of living has increased some 30 percent.

In Judge Bauman's case, the New York Times reports that when he leaves his $40,000-a-year Federal post he is expected to join a large corporate law firm where "experienced partners . . . frequently earn $150,000 or more a year."

The Federal government cannot be expected to match that, of course, nor do the judges expect it to do so. But it is unfair to expect the judges, many of whom made substantial financial sacrifices in going on the bench in the first place, to go through what Judge Bauman calls "precipitous inflation" with no adjustment in their salaries.

Congress made a serious mistake in killing a proposed increase for the judiciary earlier this year. How many more judges will have to leave the bench before it is corrected?

HOUSE, SENATE AGRICULTURE COMMITTEE CHAIRMEN SEE BANKRUPTCIES IN THE MEAT INDUSTRY, LEADING TO CONSUMER SHORTAGES

Mr. TALMADGE. Mr. President, today Congressman W. R. "BOB POAGE of Texas, chairman of the House Agriculture Committee, and I, as chairman of the Senate Committee on Agriculture and Forestry, issued a joint statement concerning the current crisis in the meat industry.

I ask unanimous consent that this statement be printed in the RECORD.

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

JOINT STATEMENT

In this time of runaway inflation, exorbitant interest rates, and shortages of some materials, many small businessmen are experiencing hard times. However, the livestock producer in the United States in experiencing an economic squeeze that is without parallel since the great depression.

In the past six months, the price of fed cattle has dropped over 20 percent—falling from $47 a hundredweight in January to around $36 this week. Hog prices have fallen even more—from about $40 a hundredweight to under $22, a drop of 45 percent.

Cattle feeders are losing from $100 to $200 a head. Hog producers are being forced to liquidate their herds.

Livestock producers are caught in the inexorable squeeze between high production costs and lower prices for their product. Clearly the smaller cattle and hog producers cannot continue to sustain such losses.

Already there have been a number of bankruptcies in the livestock industry. If this trend continues, we will see wholesale bankruptcies in the livestock producing areas of this nation. When these bankruptcies occur, the economy of rural communities and entire States will suffer.

Moreover, this damage will not be temporary. It will have a lasting and detrimental impact on the structure of our farm economy. While there are currently many big livestock producers who have the financial resources to withstand such situations, there are thousands and thousands of smaller producers—family farmers—who do not have the capital and resources to withstand the economic crisis which is currently upon them.

When they are forced to the wall, their assets will be sold, at fire sale prices.

We *don't* believe that the concentration of hog and cattle production in the hands of a few large corporations will mean lower prices for consumers in the long run.

Moreover, the cost-price squeeze currently being experienced by cattle and hog producers has also spread into the poultry and egg industry. Turkeys were selling for 24 percent less this May that a year ago, broilers were 13 percent less, and eggs at about 37 percent less than in January of this year.

If price declines for livestock on the farm level were reflected in lower meat prices, we might take some comfort from the situation. But it is clear that consumers are not getting the full benefit of the break in livestock prices.

Of course, it is the responsibility and the desire of the Committees in Congress which represent agricultural producers, and which write farm legislation, to do whatever is possible to alleviate the current crisis.

To their credit, livestock producers are a fiercely independent breed. They have never wanted government assistance or government controls. However, we are currently receiving thousands of complaints from livestock producers who can no longer cope with the economic catastrophe which has befallen them.

Several bills have been introduced and referred to the House and Senate Committees which would provide emergency relief for livestock producers.

It is the desire of our Committees to do anything within our power to assist our livestock producers. However, if we are to move quickly and if we are to achieve a solution that will be helpful to the livestock producers and to the nation, we will need the support

and the solidarity of the national organizations representing these producers.

Therefore, we call on farm organizations and their leaders to unite in a common effort to suggest the legislative relief which might be necessary.

When this is done, we, the Committees responsible for agricultural legislation, will do everything we can to secure prompt passage of emergency legislation.

In addition, we call on the food retailers of the nation to cut meat prices and once again feature meat as weekend specials. We feel that when the consumer is given the full price break that the drop in farm livestock prices justifies, he will purchase more meat.

Further, we call on the Secretary of Agriculture to assert the leadership of his office and to marshal his farm experts to come forward to the Committees on Agriculture with positive solutions which will alleviate the current prices.

We do not have any pat solutions to the current crisis. We are looking for answers. Therefore, it behooves all of us, the leaders of the livestock industry, food retailers, the Secretary of Agriculture and the Congress to work together toward positive solutions which will prevent the liquidation of the livestock industry as we know it.

VIETNAM VETERANS

Mr. BIDEN. Mr. President, about the time I became a Senator in January 1973, America's longest war, which had required the military services of millions of men and women, came to a close.

The succeeding months, however, has borne little fruit in terms of successfully reuniting Vietnam war veterans with American society. No sooner had the last American troops—prisoners of war—been flown home than the Federal Office of Management and Budget sought unsuccessfully to save $160 million, by revising the disability rating system so as to exclude recently wounded amputees from the benefits granted by a grateful nation to purple heart victims of previous wars.

Mr. President, this episode is illustrative of the official public neglect of Vietnam veterans. It seems, as someone has commented, as if the victims of war have come home from harm's way only to surrender as prisoners of peace.

In 1972, the veterans' unemployment rate peaked out at 11 percent. The administration announced formation of a Jobs-for-Veterans program. A year after its inception, Jobs-for-Veterans did for veterans joblessness what three Presidents had failed to accomplish in Vietnam. On January 29 of this year, the Labor Department, citing the program as a great success, declared victory over the unemployment problem, and withdrew by abolishing the Jobs-for-Veterans project.

This must have been especially heartening to 288,000 veterans for whom shoeleather pounding the pavements in search of work was the only alternative to the dole. The number of idle veterans between 20 and 24 still exceeds 10 percent of the number of able-bodied candidates.

The last 6 months has also seen the virtual collapse of the Veterans' Administration Department of Medicine and Surgery, a $3 billion, 171-hospital program responsible for the health and well-being of the Nation's 29.1 million retired servicemen and women.

The President refused to spend the facilities and staff of the independent VA hospital system.

Concerned person, including our distinguished colleague, Senator CRANSTON, chairman of the Veterans' Affairs Subcommittee on Health and Hospitals, protested the Veterans' Administration's negativeness in the administration of the agency's health care system. In early April, the then Chief Medical Director of the Veterans' Administration, Dr. Marc Musser, and his deputy, resigned, claiming that Administrator Donald Johnson, who has since resigned, "had undermined his effectiveness," through a series of unpleasant circumstances.

The departure of Dr. Musser symbolizes the leaderless existence of the VA, which, as presently constituted, holds little hope for effective response to the VA's mandate, cast in bronze above its building's main entrance, "To Care For Him Who Shall Have Borne the Battle, and His Widow and His Orphan."

There are 193,570 persons employed by the VA, constituting the Federal bureaucracy's second largest. Its annual budget is in excess of $14 billion. There are presently, or have been in the past year, at least 13 former members of the Committee To Re-Elect the President placed in positions of responsibility at the VA. Most of them lacked any experience in the field. Some replaced dedicated career employees in what columnists Rowland Evans and Robert Novak described on April 8 as "a radical effort to give the White House total control of all major bureaus and departments, whose outcome at the VA is utter disaster."

Representative OLIN TEAGUE of Texas, a highly decorated combat infantryman who retired last year as chairman of the House Veterans' Affairs Committee after 16 years' tenure, said in an address on the House floor last month:

> In the 25 years I have served on the Veterans' Affairs Committee, I have never seen morale in the Veterans' Administration at a lower state. This is the direct result of political manipulations by the Administrator, and is the root cause of most of the Agency's problems.

The VA benefits are currently at a level so low that only 1 veteran in 5 has been able to attend an institution of higher learning. This is unfortunate. After all, the original "GI Bill of Rights" enacted to benefit veterans of World War II, is one of the most productive pieces of legislation ever enacted by the Congress. The beneficiaries—18 million veterans who increased their skills and earning power through federally assisted postservice training—have, through increased tax revenues and contributed services, returned to the Federal Government $6 for every $1 invested in them. For this reason I applaud a reform of the existing Vietnam veterans benefit program, which Senator HARTKE and his able Committee on Veterans' Affairs, has ordered reported favorably. Let us hope the climate has changed for the benefit of Vietnam veterans.

In late May, two articles about the inadequacies of the VA were published in the Washington Post. The writer was Tim O'Brien. The headlines themselves placed over the two articles illustrated the problems—"VA Hobbled by Its Massive Size" and "Veterans: A Waiting Game."

I ask unanimous consent that these articles be printed in the RECORD.

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

VA HOBBLED BY ITS MASSIVE SIZE

(By Tim O'Brien)

"The simple, obvious fact about the Veterans' Administration is its size," says a VA staffer. "It is a giant, and it's a giant in almost every conceivable way. For all the specific analysis you can give the place, the single most telling point is raw size."

The VA's downtown Washington headquarters tells a visual tale: massive, gray, tons of cement and granite, labyrinthine, put together with the architectural imagination of a World War II pillbox.

All the numbers are big. The VA is the federal government's second largest employer—some 184,000 people. Its budget is the government's third largest—more than $13 billion this year. Its constituency, after five full-fledged wars since 1898, exceeds that of most national governments—nearly 99 million veterans, dependents, widows and orphans.

The VA's job, inscribed as a motto near its front door, is to care for all those people: "To care for him who shall have borne the battle, and for his widow and his orphan."

This broad mandate, as weighty and amorphous as the building itself, has created a menu of VA programs and functions that runs 48 pages in a booklet designed to compress and summarize them. Caring means running the nation's largest health care and educational scholarship programs, an $87 billion home loan program, a $5.8 billion-a-year pension and compensation program, and two life insurance programs valued at $83 billion. Caring means everything from drug addiction treatment to burial to clothing allowances to job counseling. It means, as a recent Ralph Nader study puts it, "the most highly elaborate form the welfare state has taken in America."

"You can't really run this place," the VA staffer said. "You can try to ride it a while."

Running it or riding it, Administrator Donald E. Johnson has headed the VA since 1969. A one-time seed and fertilizer dealer from West BRANCH, IOWA, Johnson came to the agency as a former national commander of the American Legion and as a losing Republican candidate for the governorship of his native state.

Last month the massive edifice caved in on him. Simultaneous criticism came from young veterans, powerful congressmen, the press and even some VA insiders, charging Johnson and his agency with a spate of administrative and political shortcomings: indifference to the plight of young Vietnam veterans, bureaucratic rigidity and ingrowth, politicization of a once-independent agency, budget-cutting at the expense of VA hospitals and education programs, inept leadership, misuse of taxpayers' dollars . . .

After a brief defense, Johnson resigned. Though he will stay on until June to become eligible for a government pension, the search is on for his successor.

But in the bustle of lobbying and jockeying for Johnson's replacement, some VA observers and staffers wonder whether it will make much difference who ultimately is chosen to head the agency.

What Johnson's departure means, more than anything, is to "give a focus for asking

hard questions about the VA as an institution," says a VA observer. "All the agency's problems can't be attributed to one man, any more than a creaking rusty old ship can be entirely blamed on its captain."

Sen. Vance Hartke (D-Ind.), chairman of the Senate Veterans' Affairs Committee, says, "We are not interested in a change of personnel alone. We want a change of policy. . . .

If leadership means anything in an agency as entrenched and massive as the VA, it probably bears most on the ambience, motivation and spirit of the place.

"What new leadership can do is change the dominant attitude downtown, which is a combination of familiar, comfortable routines, an unwillingness to fight the OMB (President's Office of Management and Budget) for proper funding, and an atmosphere of fear and parochial defenses," says a Senate staff worker.

The VA's critics cite numerous examples of what they see as a "don't-rock-the-boat" attitude.

Most frequently, they point to the agency's unwillingness to battle OMB and the White House in behalf of increased veterans' benefits. While claiming credit for recent increases in GI Bill payments to veterans attending school, Johnson and the VA have never in the past five years supported congressional efforts to substantially beef up funding.

A recent report by the prestigious Educational Testing Service of Princeton, N.J., concludes that the "real value" of educational benefits for Vietnam vets is less than that available to veterans of World War II.

But while the study was commissioned by the VA itself, the agency immediately disclaimed it, refusing to use the findings as a lever to try to pry increased benefits out of Congress and the OMB. This prompted James Mayer, president of the National Association of Concerned Veterans, to declare that "the VA is no longer the advocate for adequate veterans benefits."

A recent House Appropriations Committee report found the same budget-conscious attitude with respect to the VA's hospital program. In general, the report buttresses the popular theory that the OMB and White House, more than the VA itself, are responsible for the agency's deficiencies, and that Donald Johnson's culpability is one of weak-kneed acquiesence and uninspired leadership. The report says:

"There are strong indications that the average daily patient census (in VA hospitals) is being controlled through Veterans' Administration central office channels as a result of OMB guidelines, and are not based on the actual needs of qualified veterans requiring hospital care."

The report charges that $54.6 million appropriated for the VA in 1973 to add 3,725 more hospital employees "was not allotted to the VA by the Office of Management and Budget," and that the extra staffers were not hired. "It appears that arbitrary patient census limitations (expected patient loads set in advance) imposed by VA and OMB play a large role in determining admission of patients rather than medical facts of the case."

The OMB-budget-cutting theory is also applied by critics to explain a failure by the Department of Labor to hire an extra 68 officials to oversee a job preference system for veterans. The following exchange between Sen. Hartke and William H. Kolberg, assistant secretary of labor for manpower, illustrates:

Hartke: When you were first faced with this, did you go to the OMB and ask for additional funds to employ these people?

Kolberg: Yes, we did.

Hartke: What did they say?

Kolberg: They did not give us additional funds.

Hartke: Did they answer you at all?

Kolberg: They told us to go ahead within our current ceilings, both in personnel and money . . . I think what they were saying to us [was] within your current resources carry out the law. And then it was put back on my shoulders to figure out how we could best do that under the circumstances we found ourselves in. I understand, Mr. Chairman, this is not an adequate explanation. We were slow, very slow, in carrying out the law.

The OMB-budget-cutting theory has two contrary interpretations: one is that no federal agency can do a proper job under such pressure, so why pick on the VA? The other is that Johnson's leadership was inadequate, that he buckled too quickly and too easily under the pressure.

Advocates of the second interpretation point to a gathering of VA hospital administrators and regional directors in early 1973, at which Johnson said budgetary loyalty was the byword and that, "I expect each and every official in the VA to actively support our budget as requested." He said he didn't "want to find any surprises" on questionnaires the officials were to fill out for congressional committees. And his general counsel, John J. Corcoran, told the gathering:

"The presentation of a bootleg program is the height of irresponsibility. It is advocated by people who do not want to be on the team—who place their judgments above the administrator's and the President's [and] who subordinate the President's decisions to their parochial interests." Corcoran warned of "the possibilities" awaiting employees who might go public with their criticism.

A congressional source says such heavy-handed warnings are symptomatic of a more pervasive "fear inside that agency. People are afraid to talk. People who let information out get canned or shipped off to the hinterlands."

Johnson, however, has his defenders inside and outside the agency, and they portray a man surrounded by a staff more loyal to their own interests and powerful figures on Capitol Hill than to their own administrator.

Dr. Robert Stephens, who spent a year at the VA as an educational consultant and director of several related organizational studies, recalls giving Johnson a controversial proposal to audit the network of state agencies that approve courses for VA educational accreditation.

"We funded the agencies to the tune of some $11 million a year, but we had no control over them," Stephens says. "Well, I put the study proposal on Don's desk and almost immediately—a few days maybe—he got a letter from Rep. Olin E. Teague (D-Tex.) saying keep that damn Stephens away from the state approving agencies."

Stephens speculates that one of Johnson's own staff members leaked the proposal to Teague, former chairman of the House Veterans affairs.

Stephens says he "can't imagine Johnson pulling such strong-arm activities . . . I don't know about all of it, of course, but he's not that kind at all."

An effort to interview Johnson for these articles was unsuccessful. A VA press spokesman said Johnson is "keeping a low profile on things like interviews" in the waning days of his administration.

But in an interview with U.S. News & World Report last month, Johnson defended the administration's record in support of adequate veterans benefits.

"I want to point out that President Nixon has initiated on two occasions increases in the GI Bill allowance, totaling about 70 per cent. He's also asked for a third increase which we hope Congress will enact relatively soon," he said.

On medical care, Johnson said, "We operate the largest medical care system in the free world . . . The quality of care in our hospitals is very high. For example, 90 medical schools are affiliated with the Veterans Administration. Their job, primarily, is to professionally staff our hospitals . . . We have increased the staffing ratios rather dramatically—some 31 per cent in the last five years."

The official VA defense for its position on educational and health care spending is that it is rational and altogether just. Daniel Rosen, director of reports and statistics in the medical division, says congressional charges that the VA has held down hospital spending ignores that increasing emphasis on outpatient treatment.

"The average length of hospital stays has been decreasing by about a day a year for about the last seven years," Rosen says. "We've been moving to a more orderly, rational mode of treatment, which is in tune with changing health delivery systems and technology. It's more efficient . . . VA health care is among the best in the country . . ."

While Rosen acknowledges that there is "some truth" to a House Appropriations Committee charge that an average of 45 per cent of veterans applying for hospital care are rejected. he says that "it is not a simple yes or no rejection. We refer a lot of people to community facilities (which are not free of charge as are VA hospitals) and there are many other aid programs they are eligible for."

The agency defends its educational benefit program in similar terms, arguing that more than 50 per cent of the Vietnam-era veterans have used the GI Bill for education and training and that the benefits, therefore, cannot be as bad as critics allege. More persons have been trained at the college level than under either the World War II or Korean War GI bills, and the $220 monthly payment to the Vietnam veteran is at least as good as that available to his World War II counterpart, the VA argues.

But critics say these justifications gloss over deeper inequities in the modern GI Bill. For example, the agency keeps no statistics on the length of time a veteran uses his benefits. If a veteran went to school one month under the GI Bill and then dropped out because of inadequate funds, the VA treats this as a statistic of success—the person used the GI Bill.

"We don't need such data," says a VA spokesman. "We don't need it to run our program."

"How can they gauge the effectiveness of their program without that kind of information?" asks a Senate staffer.

Other critics, among them Forrest Lindley, a former Green Beret who runs the Vietnam Veterans Center, complain that the VA also glosses over the GI Bill's inadequacy for the married veteran. Based on the current buying power of the dollar, Lindley says, the VA's own data indicate that a married veteran today gets almost $2,000 a year less than his World War II counterpart. "The VA doesn't mention that on Capitol Hill," Lindley says.

The usual explanation for what critics see as a miserly VA attitude is that the White House and OMB simply dominate the agency, and that Administrator Johnson did not exert the leadership to fight back.

But former VA consultant Robert Stephens thinks the cause goes deeper.

"In the first place, the agency takes an incremental view of its job. A little here, a little there. They aren't equipped to identify their information needs because they don't really know the nature of the problem."

"For example, I asked why participation rates must be the main standard of the GI Bill's adequacy. It's one standard, yes, but there's so much it doesn't say about the basic philosophy of the GI Bill—readjustment to civilian life.

"The agency should look at the bill in relation to the disadvantaged, the minority

groups, the married veterans, the educationally disadvantaged. Why don't they get the statistics on dropouts, on how many vets spend less than a year in training? I don't know . . . it's just gross inefficiency, old routines and justifications."

In addition, Stephens argues, it is a matter of "the attitude permeating the VA," which is "basically that they view themselves as a dispenser of benefits, pure and simple.

"The attitude is this: they strictly construe every legislative proposal or mandate. They generally—not always, but generally—tie up with all sorts of constraints the language and intent of legislative packages; then, with implementation, they further reduce Congress' intent.

"They seem to say 'our job is to dispense benefits and not to make social policy.' This explains, I think, some of the strange behavior. It's a rigidity. They don't view themselves as advocates of social improvement but as machines to churn out checks. They're concerned with stopping fraudulent practices, overpaying and so on, much more than with conscious policy to assist the Vietnam veteran."

"Leadership is important," he says, "but there's also got to be a way to control the bureaucracy."

VETERANS—A WAITING GAME

(By Tim O Brien)

James Milton talks about the day he walked into the Veterans Administration office here to apply for some benefits.

"I was thinking about my career—perhaps changing jobs or exploring something new. I wanted to take aptitude tests to help me figure out some career goals. That was about six weeks ago.

"So I filled out the application forms and then I waited. When nothing happened, I called back. The guy said, 'Well, it takes four to six weeks to process it all.'

"So I waited some more. Then, a week ago, I checked again. A girl said, my military records hadn't arrived from St. Louis. So I kept waiting.

"Well, this morning the girl called me and said the file was still in St. Louis. And on top of it they'd lost my original application. I'm back where I was six weeks ago."

The stories are legion. A Senate staffer recalls a spectacular one. "Back in October of 1973 Congress authorized a system for the advance payment of educational allowance checks, to get vets started in school.

"Well, it wasn't until two days before they were supposed to start processing applications that the VA finally sent out instructions to regional offices . . . And then, believe it or not, some examples they provided on how to fill out the applications were wrong. I mean, if you filled out the application by following the examples, the computer would just spit it out at you. And we gave them nine months to get it all ready."

In another case involving advance payments, he tells of a batch of benefit checks mailed without properly coordinated envelope windows and addresses. The result was a flood of return-to-senders.

A sampling of other complaints:

Phones aren't answered. One story, told by a Senate staffer, involves a hot-line phone in a VA regional office that nobody answered. It was finally found in a closet.

Late and lost benefit checks. Said a congressional study: "There have been reports of checks sent out without names; checks sent out with only part of the names; bundles of checks for veterans sent to the wrong school . . . Once the veteran fails to receive his advance pay check on time, it was proven almost impossible in many cases to get his checks back in sequence."

Slothful, insensitive outlying VA offices. Said the California Institute of Technology at Pasadena: "It used to be exceedingly difficult to get answers by the telephone; this year it is impossible because they are not even answering the phone. If we write letters, it requires 1.5 to 2 months to get a reply, or to get some needed forms. Our veterans tell us that they feel they get a runaround when they have to go to the VA office, being shuffled from one person to another."

A congressional report showed nearly identical complaints coming from 14 other schools scattered across the country.

Talking to veterans leaves the impression that the VA commits more than its share of bureaucratic snafus. Certainly for VA Administrator Donald E. Johnson, recently pressured out of his job after the widespread delays in advance payment checks, the fumbles were one too many.

"Stories of bureaucratic foul-ups are always titillating and, as we've seen now, can create real headaches for an agency head," says a Washington observer of veterans' affairs. "But they are necessarily just the tip of an iceberg, symptoms or illustrations. What's interesting is what lies in the cold down below."

Down below are about 184,000 employees, the second largest bureaucracy in the federal government. The VA bureaucrats run programs ranging from health care to scholarships to home loans to life insurance—on a $13 billion budget this year, third biggest in the federal government.

The VA's career employees' average length of agency service, as of 1972, was 13.3 years.

The VA's top career employees are sometimes called the "class of '46"—a year when many World War II vets first went to work there. The phrase can mean rigidity, parochialism and insensitivity to changing times. But older employees may think it carries a sense of wisdom, experience, professionalism and strength.

At any rate, of 44,276 career employees in 1972, 11.1 per cent where eligible for retirement between 1973 and 1977. In certain key fields, the figure was considerably higher. The adjudication branch, which passes on applications for VA benefits and which is subject to some criticism for an allegedly plodding attitude toward the job, had 19 per cent of its career workers soon ready to retire.

In the agency's central office in 1972, almost 38 per cent of the career bureaucrats were 55 years of age or older.

As the VA notes, these figures mean little more than that a good number of the career bureaucrats are getting old and that they've been with the VA a long time. "An older guy can be a young thinker," says a VA spokesman.

But VA's critics say "young thinking" is often not the case; that long tenure has tied top-level career men to parochial internal interests, to static policies, to established and sometimes outmoded routines, and even to outside interests such as the House Veterans' Affairs Committee.

"What is desperately needed at the VA, more than just about anything, is an independent staff in the administrator's office, fresh and untied to any special interest, internal or external," says Dr. Robert Stephens, who spent a year at the agency as an educational and organizational consultant.

"The staff should be professional and competent—an economist, a planner, an operations-research man. They should have two loyalties—one, to the administrator and, two to the VA's mission to serve veterans."

Stephens recalls examples of bureaucratic in-fighting aimed, he charges, at obstructing fresh thinking and new directions. One story involves an internal effort to block a symposium on education and the Vietnam-era veteran. "The idea was to have new thinking and ideas, and we lined up papers to be presented by both non-VA people and some VA people," he recalls.

"Well, it was like the world had come to an end. I was fought by nearly everyone in the agency. 'It'll give a platform to everybody in the country to beef,' they said. I said 'you're damn right, that's the idea, new thinking'."

Stephens says Administrator Johnson, who came under bitter attack for allegedly encouraging a don't-rock-the-boat attitude, "Actually fought tooth-and-nail to protect the symposium idea, and he supported me the whole way against the rest of the agency. That's not the only time he stood up."

While Stephens' analysis cannot be tested against anything other than contrary opinions and recollections, it is often argued in the bureaucracy's defense that the maintenance of jurisdictional interests is not only inevitable but positively essential in the internal tug-of-war for funds and attention.

And an often critical report prepared for the VA by the Educational Testing Service of Princeton, N.J., concludes that, "In general, the Veterans Administration has administered the educational benefits programs effectively and responsibly over the three conflict periods"—World War II, Korea and Vietnam.

The VA's $3 billion-a-year, 170-hospital health care program—largest in the nation—is another frequent target for those who see an aging, backward-looking agency. A report by Ralph Nader's Center for Study of Responsive Law says the VA is "utterly incapable" of delivering services to Vietnam-era veterans because the system is mainly aimed at caring for chronically ill old men, not the war-wounded or psychologically scarred veterans of Vietnam.

As for the Vietnam veteran's drug problem, the Nader study says, "The VA did not move rapidly against drug abuse, and when it finally moved, it had to be pushed. It was not until 1971 that the agency developed any programs specifically for drug patients."

Coupled with such outside criticism was a recent blast directed against Administrator Johnson by Dr. Maro Musser, chief of the VA's medical division. Musser quit in a huff last month, saying he was "forced by a variety of unpleasant circumstances to conclude that my effectiveness . . . had been sufficiently compromised and undermined as to make untenable any consideration of acceptance of a reappointment."

He said Johnson had become "an antagonistic and uncooperative administrator" and that "imposition of tighter and tighter management controls and surveillance have deprived the Department (of Medicine and Surgery) of the flexibility it once had, thereby seriously limiting its ability to deal quickly with new and unexpected needs and problems."

Sen. Alan Cranston (D-Calif.) and Rep. Olin Teague (D-Tex) joined in heaping blame on Johnson.

Teague said Johnson's "incompetence" brought morale in the VA "to the lowest point that I have seen it in 25 years."

Others, however, argue that Johnson's own position was undermined by men like Musser. "The people surrounding Johnson often ran to the Hill, especially to Teague, with everything they had," says a former VA official.

Teague, a Medal of Honor winner and stalwart of the House Veterans Affairs Committee for decades, is known in the agency itself as "Mr. VA." Having stepped down from the committee chairmanship, he remains its most powerful member.

"There's very little that goes through the VA that's not tested, reviewed, critiqued by the House Veterans Committee and Rep. Teague," says former VA consultant Robert Stephens.

"And since Teague has been around so long—and of course because he's so knowledgable about VA affairs—he has a lot of friends in the agency," Stephens says.

The VA and the House committee seem to view the Senate Veterans Affairs Com-

mittee chaired by Sen. Vance Hartke (D-Ind.) as spendthrifts and Johnnycome latelies to veterans affairs. Many in the Senate, in turn, see Teague and his powerful staff director, Oliver Meadows, as knowledgeable but autocratic and somewhat behind the times.

In a harrowing experience for the VA back in the 1950s, Teague uncovered a national scandal, and its implications continue to influence the VA bureaucracy. What Teague found was a lot of schools and colleges getting rich on VA tuition payments, jacking up tuition rates to collect more from the federal treasury.

That has helped contribute to the VA's continuing fear of fraud and overpayment. It may help explain, also, the cautious procedures for adjudicating benefit applications and the agency's elaborate system of computer "bars" to stop benefit payments unless each procedure is properly completed.

"We don't want to see overpayments either," said a Senate staffer, "but it's worth a few risks, we think, to make sure that payments get made in time and vets aren't made to suffer."

More than mere caution, however, the old scandal may have contributed to what Robert Stephens sees as a bureaucratic tendency to "strictly construe every legislative proposal or mandate . . . (to) tie up with all sorts of constraints the language and intent of legislative packages, then, with implementation, they further reduce Congress' intent."

Teague, too, remembers the scandal and does not shy from dredging it up to keep the VA or maverick members of the other house in line. He has used it as a primary argument in opposition to a proposal by Sen. George McGovern (D-S.D.) to federally finance direct tuition payments, up to $1,000, for veterans attending certain higher-cost schools.

At a hearing a few months ago, when the direct tuition scheme was mentioned, Teague held aloft a volume of hearings from the old investigation. "It's all right here," he said.

But 24 years after Teague's reputation-making inquiry, another investigation is now in progress, ordered by President Nixon in the wake of a flood of complaints from young veterans. The target of the investigation by a "crack management team" is at least in part, the VA bureaucracy itself—its procedures, efficiency and performance. Simultaneously, a Twentieth Century Fund task force has been detailed to examine the effectiveness of programs for veterans.

Blake E. Turner, deputy chief benefits director in the VA, said the "crack management team" has already come up with some answers. Where computers previously stopped payments to a veteran whose school failed to file certificates of enrollment, the procedure will now let the checks continue while informing the school that the certificate must be filed.

Turner said benefit application forms are being simplified and that special "hardship payments" will be authorized for veterans whose paperwork is not in perfect order. In addition, he said, advance payments will become automatic, provided applications are filed in time.

The "crack management team" is staffed by VA and OMB officials, including Turner. Critics say this is another example of an agency investigating itself.

"Perhaps what the place needs is new blood, top to bottom. With those huge medical and scholarship programs, there is no reason the VA shouldn't become a real innovator, making . . . breakthroughs in social policy," says a veterans' lobbyist.

"As it is now," says a Senate staffer, "the VA is just not a glamorous institution in the great constellation of federal agencies. Therefore it doesn't attract new, fresh young talent. And that makes the place all the more unglamorous, and the cycle continues, spinning faster."

KANSAN TO HEAD MEDICAL SOCIETY

Mr. PEARSON. Mr. President, I am proud to call attention to the fact that one of my constituents, John P. Smith, of Wichita, Kans., will be installed as president of the American Society for Medical Technology (ASMT) at the close of its 1974 annual meeting in New Orleans, La.

Currently the society's president-elect, Mr. Smith, has been extremely active during the many years he has served his profession. He has held positions in the society's board of directors, the research committee, and various task forces. He has also chaired the ad hoc committee on the immunology section, the nominations committee of the microbiology section of the society's scientific assembly. He has been a prominent and active member of the Kansas Society for Medical Technology.

Besides being supervisor of the laboratory's microbiology section and education coordinator of the schools of laboratory science at Wesley Medical Center, Wichita, Kans., Mr. Smith has been an active participant in numerous medical technology workshops, seminars, and conferences and has had papers published in many medical and scientific journals.

He is a certified microbiologist and received his A.B. degree in 1962 from Kansas State Teachers College, Emporia, and his MT (ASCP) certification that same year. Smith holds a commission in the Naval Reserve Medical Service Corp.; is a member of the Naval Air Reserve Division at Olathe, Kans.; and is committee chairman and position adviser for the Explorer Scouts.

RAILCAR SHORTAGES

Mr. HUMPHREY. Mr. President, I would like to point out a very timely article, "Rail-Car Shortage Clogs Canadian Wheat," in the June 6 edition of the Christian Science Monitor.

We need to note these Canadian transportation problems because we are likely to be affected by them. Wheat shipments in Canada have been seriously delayed as a result of the boxcar shortages.

This article also reminds us of our own railcar shortage. On March 14, I wrote to the Chairman of the Interstate Commerce Commission, Mr. George Stafford, urging him to supply an additional 4,000 railcars to assure that fertilizer was delivered to farmers in time to be used in the spring planting. An additional 1,100 railcars were actually provided.

Mr. President, this situation again points up the very serious need to take steps to arrest the deterioration of our rail system. Last year we had severe bottlenecks affecting our own wheat shipments which could very well be worse this year.

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

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

RAILCAR SHORTAGE CLOGS CANADIAN WHEAT

TORONTO.—A chronic shortage of rail cars in Canada has drastically slowed movement of wheat to ports for export.

Canada is the world's second biggest exporter of wheat, after the United States, and its supplies are regarded as essential to world markets this year, with world wheat reserves already down to about four weeks' supply and considered likely to run downhill still further.

The number of rail cars available to carry wheat in Canada has been steadily decreasing, mainly because railways do not find transporting wheat economical at freight rates kept low and controlled by the government.

The railways have not been buying enough new cars, nor repairing older cars to keep pace with demand, and they now have only half the number of cars, strictly for carrying wheat, they had 10 years ago.

READY TO MOVE

The shortage hit particularly hard this spring, when it was discovered that Canada had shipped only 190 million bushels of wheat overseas since the crop year ended in August, compared with 340 million bushels in the same period a year earlier. The year's crop was 629 million bushels.

By April, when the ice breaks and shipping resumes on Canada's Great Lakes, about 22 million bushels of wheat is normally already loaded on ships which have wintered there, ready to move. But this year most of the wheat carriers were still empty, because wheat had not yet reached the Lakehead ports.

The position was almost as bad on Canada's West Coast, where ports are open year round. Deliveries were running 8 million bushels behind the capacity of waiting vessels, wasting valuable time and running up costly port bills.

And on the prairies, where the wheat is grown, every available elevator and barn is jammed with grain, waiting mostly to be carried to the ports for export.

The Canadian Wheat Board, which organizes wheat exporting for the farmers and the government, says that by the time the next crop of wheat starts being harvested in August, Canada could have 300 million bushels of the previous year's crop still sitting in elevators or on farms.

REPUTATION THREATENED

The situation is so critical that Canada's reputation as a wheat exporter is threatened, the Wheat Board says. Farmers also stand to lose if they fail to get wheat to market, and to lose at particularly high prices—wheat is now selling at around five dollars a bushel.

But the situation is much more serious for the many countries which rely on wheat from Canada. Canada has been a major supplier of wheat to Britain and parts of Africa and Asia, including the Soviet Union. The United States has overexported its own wheat and is looking for supplies this year from Canada, which it may not get.

Brazil and Poland are among those who placed major new orders from Canada this year. Japan, which normally buys on a week-to-week basis, has become worried about prospective tighter world wheat supplies and international currency uncertainties, and has already placed an order for 36 million bushels of wheat from Canada to be delivered between May and September, to cover itself until autumn.

VIRGINIA UNIVERSITY PRESIDENT RETIRING

Mr. HUGH SCOTT. Mr. President, a perceptive and penetrating article on the University of Virginia's retiring President, Edgard F. Shannon, appeared in Sunday's Washington Post. Not only does it highlight the recent growth of the University under Dr. Shannon's leadership and guidance, but details the academic philosophy which he has bequeathed to the school. I ask unanimous consent that this excellent article be printed in the RECORD.

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

UNIVERSITY OF VIRGINIA HEAD IS RETIRING

(By Helen Dewar)

CHARLOTTESVILLE, Va., June 8.—It is no longer quaintly referred to as the "country club of the South," a comfortable haven where sons of the wealthy and prominent pursued pleasure and the "gentleman's C" in the manner of young Virginia squires.

The University of Virginia is bigger, tougher and better regarded now than it was then—a serious academic institution. some say, that is finally approaching the goals set a century-and-a-half ago by its founder, Thomas Jefferson.

One chief reason for the advance is Edgar Finley Shannon Jr., a relatively obscure young Tennyson scholar when he was plucked from the English faculty in 1959 to spearhead the university's academic resurgence.

Now Shannon. at 56, is retiring as president to return to the classroom, to 19th century literature. While few speak of Charlottesville and Cambridge in the same breath, he leaves behind a record that many of his colleagues say is unprecedented in the university's long history.

Shannon will be succeeded in August by Frank L. Hereford Jr., 50, a physics professor and former provost at the university, who, with some modifications dictated by changing circumstances and differing styles, is expected to continue Shannon's emphasis on academic excellence.

Said a student leader: "The prognosis is good."

A casual visitor to the handsome "academical village" that Jefferson laid out might conclude that little has changed over the years, outside of the new buildings that decorate every college campus in the country.

There are still the long shadows cast by the Blue Ridge, the towering magnolias and the legacy of "Mr. Jefferson" himself. It is still "The University," spoken often with a slight bow of the head. And a brown bag filled with empty beer cans, left by a departing student, could even be found last month outside a room on Mr. Jefferson's "lawn."

The difference can be felt but not seen, faculty and students say.

"He (Shannon) brought a better faculty and a better faculty brought better students," said Larry Sabato, the 1973-74 student body president.

"He set exceedingly high sights for the university; like Jefferson he wanted it to be a national university," said Frank Berkeley, university archivist for 26 years and Shannon's executive assistant.

Set off from the great metropolitan centers, dominated by Jefferson's spirit and dedicated to its own somewhat eccentric ways, the University of Virginia has long been proud to be different.

A state university, it has fiercely resisted what it derisively calls "state-U-ism." It is the quintessence of Virginia and yet has aspired from the start to be a national university; its alumni includes Sens. Harry F. Byrd Jr. (Ind.-Va.) and Edward M. Kennedy (D-Mass.).

With campus dress shifting from the traditional coats and ties to combat fatigues in a matter of months, the unrest of the late '60s came late but dramatically to Charlottesville. Yet the university survived with less upheaval than most colleges and its soft-spoken, conservative-appearing president emerged as one of the era's few establishment campus heroes.

"A certain calmness has returned," said William Fishback, the university public information officer, "but it isn't returning to a sleepy Southern college."

During Shannon's 15 years as president, enrollment jumped from less than 5,000 to nearly 14,000 and about $100 million in public and private funds have been invested in, or earmarked for, physical expansion.

The university became fully coeducational in 1970 and women now constitute 35 per cent of its student body. Blacks still comprise less than 4 per cent of the enrollment, but the total number has risen from a handful to nearly 500, partly because of a university-sponsored recruitment program.

But neither faculty nor students cite physical expansion as the hallmark of Shannon's presidency, saying that this was largely attributed to the groundwork laid by his predecessor, former Gov. Colgate W. Darden.

"In a very real sense, Darden and Shannon complemented each other," said Weldon Cooper, retired director of the university's Institute of Government, who served in both teaching and administrative capacities during the Darden-Shannon years.

"By the time Shannon took over, the university was a going concern, with buildings in hand or in sight and a growing faculty and student body," Cooper said. "Shannon's contribution was to grasp the opportunity and go and get good people."

"I had a sound foundation from which to build," Shannon observed recently. "You could say that he (Darden) built a platform from which I could take off."

By "taking off," Shannon meant attracting the kind of faculty that in turn, would attract the kind of students who would respond to an increasingly challenging academic program.

Under Shannon, faculty salaries rose to the point where they are now competitive with most top-flight universities in the country. Programs were established to augument salaries through specially endowed positions; other programs provided supplemental research opportunities.

He did much of the faculty recruiting himself, appealing to prospective recruits as one scholar to another.

"Let's face it, he got some good people through out-and-out raids, said a university colleague.

Cooper recalls that Shannon got a top Edgar Allen Poe scholar by offering him a specially endowed Edgar Allen Poe chair, a game of academic one-up-manship that the other college president couldn't match.

Meanwhile, college board scores of entering freshmen rose dramatically, and now roughly 80 per cent of them are in the top fifth of their high school graduating class, more than 5 per cent from the top tenth. The number of top students nearly doubled in 10 years.

By 1972, 45 percent of undergraduates were on the deans list for top students and the figure now exceeds 50 per cent. "Ten years ago, you probably couldn't find 45 per cent of the students who knew what the deans list was, a 1963 graduate wrote in the universitys Alumni News last year.

At a time when college applications are declining nationally, the University of Virginia's continuing to rise—up 1 per cent this year as opposed to a national decline of 9 per cent, according to officials.

One reason for the university's mounting popularity, they concede, is its dwindling, relatively, tuition—near the top for major state universities when Shannon took over, only slightly above average now. But this has also been a major factor in attracting a broader cross-section of students and breaking down the old country-club image, a Darden goal that was also pursued by Shannon.

While the university used to ride on the reputation of its law school. four of the universitys other graduate programs received the highest rating given in a 1969 national survey by the American Council on Education and 14 others were ranked as average or better. This was double the university's ranking five years before, but, as Shannon has noted, other universities still did better, among them the University of North Carolina.

"What he did was draw a nationally prominent faculty," said student body president Sabato. "You could really feel the impact. You were studying somebody's book and then suddenly he would be there teaching."

While Shannon is a man of reserve and formal bearing, Sabato says he had an extraordinary degree of student trust and rapport.

"Everyone could trust Mr. Shannon, and you can't say this about everyone these days," said Sabato.

According to Sabato's elders, it is a trust developed slowly over the years but forged in 1970, when the Cambodia invasion and Kent State deaths brought intense ferment even to the normally placid "coat and tie" Charlottesville campus.

A number of students boycotted classes, occupied an ROTC building, set fires, blocked town traffic in a "honk for peace" and were carted off in a moving van to jail—stopping just short of creating the kind of situation that forced closure of many other major universities in the country.

Deeply troubled by the Cambodia invasion as well as the unrest, Shannon chose to address the student body on the Jefferson lawn. The jeering of previous days turned to cheering as Shannon—who is normally no great orator—denounced the war and led the students in signing a telegram of protest to Virginia's United States senators.

There were cries of outrage from alumni, newspaper editors and politicians, and for a time it seemed that the university's board of visitors might seek to fire him.

But Shannon's action had defused the situation and the seething campus subsided. Less than a month later, "We had one of the most unifying and gratifying graduation exercises we've ever had," Shannon recalls.

In less dramatic fashion, Shannon has continued teaching an English literature course, which students say is highly regarded, and has involved students on all major university committees, including those that help choose professors and administrators. He wasn't more than a telephone call away from any student leader, Sabato recalls.

Shannon—son of an English professor and Chaucer scholar and himself a former Rhodes scholar—says he is looking forward to returning to the classroom, although some associates say he seems to have mixed feelings about leaving the president's office.

He has a wife and five daughters to think about, he says, and besides there is work in his specialty, abandoned 15 years ago, still to be done.

"I feel it's important not to stay too long in any undertaking," he explained, "and I wanted to make sure I stopped while I was strong and the university was strong."

DISCRIMINATION OF THE HANDICAPPED

Mr. BENTSEN. Mr. President, it has recently come to my attention that over the course of the past few years certain

U.S. airlines have on occasion treated the handicapped as second-class citizens by refusing them passage because of their disability. Under existing Federal Aviation Administration and Civil Aeronautics Board regulations, airline passenger carriers may restrict or prohibit the travel of handicapped persons on their flights for reasons of safety.

Mr. President, certainly there are valid safety requirements that must be taken into consideration to ensure the welfare not only of the handicapped but also of other passengers. However, I think it is important that those with physical afflictions should be permitted, assisted, and encouraged to reach their full potential as useful, productive citizens. This concept is not consistent with a restrictive, patronizing attitude that unjustifiedly excludes the handicapped from using air travel for recreational as well as professional reasons.

The handicapped themselves have received training in methods of caring for themselves as part of their rehabilitation. In fact, a recent study reported that evacuation of handicapped passengers required at most 7 seconds more than evacuation of a nonhandicapped person.

The handicapped have made extensive efforts on their own and are proud of their accomplishments, as well they should be. I suggest that we not allow those efforts to be frustrated to the point that these citizens are prevented from leading the fullest and most productive of lives.

I am encouraged by the review now underway by the FAA to consider changes in its regulations regarding this matter. I urge expeditious action by this Agency to assure the same rights for the handicapped to which all our citizens are entitled.

GENOCIDE CONVENTION AND PROBLEM OF CONCURRENT JURISDICTION OVER ACCUSED PERSONS

Mr. PROXMIRE. Mr. President, article VI of the Genocide Convention deals with the trial of persons accused of the crime of genocide. It allows for the trial of persons charged with genocide or any of the other acts enumerated in article III in the territory where the act was committed or by any international tribunal which may have jurisdiction with respect to those contracting parties which shall have accepted its jurisdiction. The Foreign Relations Committee has recommended to the Senate that the treaty be adopted with an understanding that will put the United States on record as willing to exercise the right to try its own citizens for alleged acts of genocide that occur in other countries.

Some critics of the treaty, Mr. President, have expressed doubts that the other nations of the world will respect this understanding. However, it should be obvious that these understandings will be respected since other nations have the same understanding of article VI. In fact, in December 1948, the Legal Committee of the United Nations General Assembly enacted the following resolution:

The first part of article VI contemplates the obligation of the State in whose territory acts of genocide have been committed. Thus, in particular, it does not affect the right of any State to bring to trial before its own tribunals any of its nationals for acts committed outside the State.

Thus, Mr. President, the problem of concurrent jurisdiction with respect to the crimes defined by the Genocide Convention is really not a problem and I call upon the Senate to ratify the treaty as soon as possible.

LEGISLATIVE INFORMATION RETRIEVAL SYSTEM

Mr. BIDEN. Mr. President, the duties of today's State legislators is a far cry from those of legislators in the early 1800's. Those men only had to concern themselves with a few major issues each session. Then came the trip back to their homes in time for the plowing season, so to speak.

Today, this situation no longer governs.

I would like to bring to the attention of my colleagues an informative article concerning ways to achieve more efficient State legislatures. The article was published in Government Executive magazine, and written by Robert L. Chartrand, specialist information sciences with the Congressional Research Services, Library of Congress.

I refer specifically to information retrieval systems—"information banks" that promptly provide information which becomes the basis for policy judgment. Legislators would have at their fingertips relevant and current information on a specific topic. This information would include facts, data, and analytical commentary. As a result of this, legislative decisions would bound to be more soundly made.

Several State governments have set up systems. New York has created a legislative data processing system. The Commonwealth of Massachusetts has established a special commission on legislative procedures which makes recommendations for legislative efficiency. In Pennsylvania, too, a commission has been established for legislative modernization.

Mr. President, I ask unanimous consent to have the entire article printed in the RECORD.

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

LEGISLATIVE INFORMATION RETRIEVAL SYSTEM

The state legislatures in the U.S. today are faced with unprecedented problems and opportunities. Created at a time when stress was placed on insuring individual flexibility and freedom, while still rendering a few critical collective services, the legislatures traditionally met for relatively brief sessions, concerning themselves with but a handful of lawmaking and overseer problems.

The situation in the 1970 decade is quite different. Members must be knowledgeable about dozens of issues, some quite complex, of regional, statewide and local significance. The crux of the problem is seen increasingly as one of information—relevant, accurate, current—and the time on the part of legislative members and staff to absorb and assess that information.

The pressures of modern times are causing legislative bodies to explore every possible means of effecting legislative revitalization. The search goes on with a full cognizance that some problems inherent to the structure and functioning of the legislature will remain:

Brevity of legislative sessions (in many states) when compared to legislative load.

Too many committee and subcommittee assignments for each legislator.

Turnover among members, resulting in one-third to one-half "freshmen'" every two years.

Strong pressures to tend first to local or individual matters, rather than statewide concerns.

And finally, limited library and research support for Members and committees.

When considering those legislative services which must provide requisite information, it must be remembered that three distinct elements within the legislature require support: the legislative leadership, standing and *ad hoc* committees, and the individual legislators.

Over the years, the various states have established Legislative Reference Bureaus, Legislative Councils, and state libraries to meet the needs of the legislature for better information and analytical services.

More recently, commencing in the early 1960s, the states' leaders began investigating the ways in which modern technology might support selected legislative functions. In particular, careful consideration was given to the potential of automatic data processing (ADP), microfilm, and systems analysis tools and techniques. Oftentimes, it has been possible to adapt the new devices and man-machine techniques developed by private industry.

RECENT TREND

Concomitant with the focus on the role of computer technology and systems methodology has been a movement within the states to improve their planning operations. While fiscal and budgetary planning have received an understandable top priority, a more systematic approach also has been used in delineating information systems' development.

As the states, one-by-one, took the initiative in introducing mechanization into the areas of drafting and amending bills and statutes, performing statutory retrieval, indexing pending legislation (by sponsor, bill number, subject), legislative printing, and fiscal-budgetary data handling, several key decision points emerged which had to be dealt with by *every* state:

Should the data processing facility supporting the legislature be within the legislative branch, with all of the advantages of having a "dedicated" capability?

If the legislature should choose to rely upon the executive branch facility, could acceptable priorities be established and a satisfactory level of responsible service be realized?

Could the security of legislative information, often of critical importance to the leadership or committees, be guaranteed by the custodians of the data processing facility?

Would it be desirable to contract with outside firms to perform certain tasks (e.g., legislative printing) in order to insure timely service and forego the necessity of maintaining a large, expensive in-house staff?

Could it be determined *objectively* whether legislators' information needs justified having a quick-access ("on-line") system, or if a less costly service with a longer turn around time would suffice?

Although many of the studies conducted by and for the states have not faced these critical matters directly, the necessity for making these decisions has arisen inexorably.

There is a trend recently toward preparing

long-range plans; Wyoming, Montana and Idaho reportedly are developing five-year plans. Other states have established advisory agencies to look ahead, coordinate activities, establish standards for information support, and generally serve as a point of contact for those societal groups interested in the more effective functioning of the legislatures.

While state development of computer supported information systems has been somewhat haphazard, there have been attempts to exchange information about these experiences.

In addition to the state-to-state contacts, the use of ADP has been monitored through the use of questionnaires and direct (visit or telephone) contacts with key state personnel by such organizations as The Council of State Governments, the University of Georgia (Institute of Government), the Special Subcommittee on the Utilization of Scientific Manpower of the Senate Committee on Labor and Public Welfare (U.S. Congress), and the Congressional Research Service of the Library of Congress.

The findings from these and related studies of state legislative informative systems are contained in a report entitled "Modern Information Technology in the State Legislatures" prepared in 1972 for the Joint Committee on Congressional Operations.

In considering the diverse applications of computer technology to the activities of the State legislature, it should be recalled that all such bodies share a need:

To have salient facts assembled, such data being accurate, as complete as possible, of maximum currency, and above all, *relevant*.

For assistance on policy problems which may range from major issues to those of relative triviality, but each requiring certain factual and analytical information and counsel.

And to conduct an *effective* review of governmental operations, based on access to and an understanding of requisite planning, budgeting and program performance data.

From the early days when the various legislative services were being developed—Wisconsin, for example, is credited with establishing the first Legislative Reference Bureau in 1901, and Kansas created the initial Legislative Council in 1933—members and administrators of the legislative branch activities have sought to better understand the role of such "services."

OVERSIGHT GROUPS

For the most part, State legislatures in adapting computer technology to their needs broke with the traditional pattern found in industry and the state executive branches of first automating such functions as payroll and inventory control.

In exhibiting a willingness to undertake the development of more complex capabilities, a score of states have created computer-supported statutory retrieval systems, 25 operate bill status reporting systems (which sometime include providing the digests of and indexes to pending legislation), and a dozen boast bill drafting and statutory revision systems.

In their search for enhanced services, some legislatures followed a course of action featuring the creation of an innovative in-house staff, which performed virtually every aspect of systems' improvement. Others preferred to hire consulting firms which could deliver a one-time product or continuing service responsive to the needs of a legislative chamber or committee.

Yet another alternative approach was to obtain analytical and systems design support from the executive branch ADP element, and depend upon the computer facility situated outside the legislative branch.

Over the past decade, regardless of the type of systems development effort undertaken, 10 major legislative applications have emerged that now receive the bulk of computer support activity:

Bill drafting and statutory revision.
Statutory retrieval.
Status of pending legislation.
Legislative histories.
Index of pending legislation.
Digest of bill contents.
Fiscal-budgetary information.
Legislative printing.
Reapportionment and redistricting.
Electro-magnetic voting.

In addition, ADP equipment and techniques are being used in the handling of such sundry administrative data as personnel and pay records. Interestingly, member biographical data was mechanized as early as 1938!

At present, statistics reflecting the computerization of State legislature applications now operating, under development, or planned, show:

Several types of oversight mechanisms within State Legislatures have been established so that an orderly development and subsequent efficient management of ADP-centered information systems could occur.

In Florida, for example, a Joint Legislative Management Committee was formed in 1964; comprised of three Senate and three House members, it meets about four times a year to oversee and direct all computerized activities.

The State of New York has created a Legislative Data Processing Committee including key leadership from the Senate and Assembly, seven members in all.

Other oversight groups charged with the responsibility for developing legislative information systems:

The State of Washington has placed its legislative information system under the aegis of the Permanent Statute Law Committee.

In Massachusetts, the legislature established in 1965 a Special Commission on Legislative Procedures which in turn commissioned the Massachusetts Taxpayers Foundation to recommend steps for improving legislative procedures, with emphasis on the use of information processing techniques.

In Pennsylvania, a Commission for Legislative Modernization, made up of private sector representatives, undertook a study resulting in the publication of recommendations "designed to make the individual legislator more effective and to improve the operation of [the] General Assembly."

The placement of the responsibility for and direct control of data processing services varies from state to state, with the final determination usually based on nontechnical factors.

The State of Georgia, for instance, established a State Computer Service Center in 1966 with "the mission and objective of service outreach to smaller state agencies and commissions which, because of their relative size, are not able to justify economically . . . a data processing facility for themselves."

Another price responsibility of the Center is the design and development of a legislative information system.

In Massachusetts, ADP support is furnished by the State Comptroller while in Florida the legislature, until recently, has shared with eight other users a "third generation" computer located in the State capital.

Pennsylvania is noteworthy because it pioneered the concept of having a separate computer for its legislature (in 1967).

It should be noted that not all states have acted to establish a computer-supported legislative information system. Some, like Oregon, developed comprehensive plans and demonstrated the potential of ADP to the members, but then were constrained by budgetary limitations. Others, such as South Dakota, have had implementing legislation vetoed or otherwise stalled.

STATE SPENDING

And there is a group of states where the need simply could not be justified—as in Alabama, Arkansas and Alaska—or only preliminary studies have been authorized. In short, the experience of the State legislatures over the last 10 years has been that the new tools and techniques are welcomed and adopted when the *needs* of the members forces positive action.

Security of information in legislative files is a matter of unflagging concern on the part of the members. Traditional controls over information requisite to the fulfillment of leadership committee, or individual office duties may well be affected by the computerization of both narrative and statistical data.

Many questions have been raised by committees, looking into the potential of computers for upgrading legislative performance, concerning controls which may be imposed on accessing legislative files. Privileged information in machineable form may be susceptible to unauthorized exposure under three conditions:

First, if the magnetic tape belonging to a committee (or member) is not securely stored, whether in an office safe or in the central ADP facility repository.

Secondly, if unauthorized personnel acquire the "address" (a unique set of numbers and/or letters) allowing exploitation via a computer terminal of certain files.

And thirdly, if unauthorized personnel gain access to the computer room and actually obtain key data by mounting the tapes or retrieving data from the disk or drum on-line storage units.

Unintentional disclosure can take place, of course, as the result of operator error or a mistake in a computer program. In the end, it is the management acumen and discipline of the system which will in large part determine its security and under what conditions the various users can gain access to privileged information.

Early in any exploration of the potential of ADP this question is raised: "How much will it cost?"

Those experienced in building advanced information systems are cautious about stressing the savings to be achieved, usually concentrating on the higher level of service which may be rendered.

There have been times when the mere availability of ADP support has allowed a change in handling procedures which led to significant savings.

In the State of New York, Secretary of the Senate Albert J. Abrams reported that under a new set of procedures, and based on the use of the computer in storing, modifying and retrieving key data on pending legislation, 4,050 bills were carried over from the 1969 to the 1970 session, resulting in a saving of nearly $1 million (at $12.83 per page) in printing costs alone.

Ascertaining exactly how much a state is spending to provide computerized support for its legislature often is quite difficult. Figures available sometimes do not include the rental of computers (elsewhere in government or in industry), the cost of operating personnel, consultants' fees, printing rates, or the cost of research and development.

Both initial developmental and annual operating costs must be considered by those who determine whether ADP services are to be undertaken, expanded or retained. Obviously the length of legislative sessions will affect the cost, when this is related to the variety and frequency of services performed.

Illustrative of reported state costs:

Connecticut. $95,000 paid to the IBM Corporation for the development of an automated capability to produce calendars, bulletins, journals, indexes, and other output.

Mississippi. $746,750 for the Lawyers Cooperative Publishing Company to update and recodify the State's 30-year-old statute sys-

tem, to result in an ADP-supported capability allowing selective retrieval of statutes, court decisions, and other legal material, ease bill drafting, and expedite legislative printing.

There *is* a role for computer technology to play within the legislative scenario, but its scope and substance must be determined by the legislators themselves.

NUCLEAR TESTING—TIME FOR A HALT

Mr. CRANSTON. Mr. President, our distinguished colleague from Massachusetts, Senator KENNEDY, has presented a convincing case on an issue soon to come before the Senate: The need for a total ban on nuclear testing.

In an article published in the May issue of Arms Control Today, Senator KENNEDY argues persuasively that the timing of a comprehensive test-ban treaty—CTB—is particularly appropriate now.

He points out that a CTB would complement the SALT I agreements by making major, qualitative improvements in nuclear weaponry more difficult. It would demonstrate that both the United States and the U.S.S.R. are committed to meaningful arms limitations.

Furthermore, a CTB would reinforce the nuclear nonproliferation treaty, which is to be reviewed next year. Many nonnuclear countries now feel that it is unfair for them to give up nuclear weapons while the superpowers forge ahead.

Finally, of course, a CTB would both save money and reduce environmental damage.

Mr. President, I urge all Senators to read Senator KENNEDY'S thoughtful article before making up their minds on this important issue.

I ask unanimous consent that Senator KENNEDY'S article be printed in the RECORD.

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

NUCLEAR TESTING: TIME FOR A HALT

(By Senator EDWARD M. KENNEDY)

On May 17, India exploded a nuclear device, the sixth country to do so. And even if India does not make a true bomb—as it has promised not to do—we must now face with greater urgency the critical issue of a "world of many nuclear powers." For that reason among others, I strongly support the negotiation now of a comprehensive ban on all nuclear testing.

The Partial Test Ban Treaty of 1963 is now almost 11 years old. Since then, there has been little progress in extending the ban on testing that was then agreed for the atmosphere, space, and underwater. In the intervening years, the pace of underground testing was actually stepped up periodically by both the United States and the Soviet Union.

Now interest has been revived in further limits on nuclear testing. I believe a Comprehensive Test Ban treaty is particularly important and attractive at this time, when the immediate prospects for revising the 1972 Interim Agreement on offensive strategic weapons are so bleak.

CTB ADVANTAGES

CTB has several attractions. First, a Comprehensive Test Ban Treaty would complement the agreements reached at SALT I, by making it more difficult for either superpower to make major qualitative improvements in their nuclear arsenals. If all testing were stopped, at least this would dampen fears on either side that the other would gain a high degree of confidence in some new generation of first-strike weapons.

Second, there is the matter of political will itself. The atmosphere surrounding both détente and the possibilities for arms control would be helped if there were some agreement at the forthcoming Moscow summit. I believe that promoting that atmosphere, so hard won, is particularly important at this time, when there is widespread questioning in the United States (and apparently in the Soviet Union, as well) about the real basis for improved Soviet-American relations. In addition to its own merits, therefore, a CTB would demonstrate that the United States and the Soviet Union are both still committed to real limits on arms. In fact, it might then be easier to break the log-jam at SALT II on revising the Interim Agreement.

This reasoning may explain the strong support for a CTB which Soviet leaders expressed to me during my recent trip to Moscow—about which I will say more later.

Third, a Comprehensive Test Ban would reinforce the Non-Proliferation Treaty, which is due for review next year. Many non-nuclear nations have branded the NPT as unfair to them. They have given up nuclear weapons, along with whatever political and military benefits these weapons seem to confer, while the superpowers forge ahead in their own arms race.

A CTB would be a major indicator of the good faith of the major powers, if they are determined to prevent the spread of nuclear weapons. Such a demonstration of good faith is particularly important now that India has become the sixth power to explode a nuclear device. Will there be more? In part, the answer to this question will depend on what the superpowers do to show restraint—whether or not India, China, or other countries continue to test.

The continuation of underground testing also weakens the efforts of the United States and Soviet Union to bring France and China into real discussions on arms control. A CTB on its own would not prevent proliferation or lead to broader arms control talks; but it could be a significant step on the way.

Finally, a CTB would permit some savings in the nuclear weapons programs of both superpowers, to be applied to other uses, and end the remaining environmental hazards from underground testing. While such hazards are not the overriding reason for banning all tests, about one-fifth of our tests have vented, sending radioactive particles into the air. In addition, the side effects of massive explosions deep within the earth's crust are still not fully known—as concluded by the Pitzer Panel, appointed by the President's Office of Science and Technology.

Many of these arguments for a Comprehensive Test Ban treaty were reflected in talks I had with Soviet leaders in Moscow during April. In these talks, they shifted their position on an important point. They are no longer insisting that France and China join a CTB at the outset. Rather they are prepared to reach agreement with us now, and then seek the support of other nations. To be sure, Soviet leaders told me they want an escape clause, in the event that France and China do not respond. (Such clauses have become standard in most arms control agreements.) And it is important for us not to allow a CTB to be used as a weapon in the diplomatic conflict between the Soviet Union and China. But Soviet leaders also agreed that a CTB could be an important step forward, symbolizing our shared concern to limit the race in nuclear arms.

VERIFICATION CAPABILITIES IMPROVE

Yet what assurance is there that the Soviet Union would not test nuclear weapons in secret? To begin with, our ability to detect nuclear weapons tests underground has improved considerably during the past decade (and the Soviet Union has frequently expressed a willingness to rely on national means of verification). In fact, testimony before the Senate Arms Control Subcommittee—from a variety of sources—has supported the conclusion that we have a greater capacity now to detect and identify nuclear explosions through national means alone than we would have had in 1963, even with the seven on-site inspections a year that we then demanded. There is widespread belief that current developments in seismology alone would enable us to detect and identify explosions having a yield of only a few kilotons. And this does not take into account satellite reconnaissance and other techniques to gather information.

In addition, the Soviet Union would always be uncertain of our capabilities. And, being uncertain, Soviet leaders would have to calculate the risks—and the consequences—of being caught cheating. With so much else at stake in arms control and in our bilateral relations, these risks and consequences would weigh heavily on them. This would be especially so since the benefits to be gained from cheating—some improvements in low-yield weapons—are most unlikely to bring any marked advantage in the nuclear arms balance.

I believe, therefore, that the issue of verification no longer need stand in the way of further limits on nuclear testing by the superpowers. Consequently, I have introduced a Senate resolution calling for a mutual moratorium on all nuclear testing by the United States and the Soviet Union, followed by a conclusion of a Comprehensive Test Ban Treaty, hopefully to be negotiated in time for the Moscow summit this summer. At time of writing, this resolution has 36 co-sponsors, and has been cleared for Senate action by the Foreign Relations Committee.

"THRESHOLD" TEXT BAN INADEQUATE

Press reports on preparations for the forthcoming summit, however, indicate that the Administration is seeking only a "threshold" test ban—that is, a limit on tests producing a seismic signal above a given magnitude. Of course, for the political and psychological reasons I have advanced above, even a threshold treaty which genuinely ruled out major changes in strategic weaponry could still be valuable.

But even a threshold treaty set at a lower level would be less desirable than a complete ban on testing by the superpowers. First, it is not clear that a threshold treaty would be enough to demonstrate the commitment of the superpowers to end their arms race. Would India have tested a nuclear device if Washington and Moscow had signed a CTB? We cannot know, although India long demanded this progress as the price of its own forebearance. Its recent action, therefore, should increase our desire to regulate the superpower arms race—with a comprehensive, rather than another partial, test ban agreement.

Second, a threshold treaty would be even more difficult to monitor than a CTB, since it would require a precision in seismic detection that is not needed when the issue is one of verifying whether or not there has been a nuclear explosion of any size at all. Disagreements on such technicalities could very well lead to more political tension, not less.

Third, the level of the threshold would tend to be set by arms developers rather than by arms controllers. As long as some level of testing is permitted, there will be strong pressures to test up to the limits (as

happened with the Partial Test Ban Treaty)—even if quotas were imposed on the number of tests each power could make each year. There would also be a tendency to refine nuclear weapons arsenals even further—especially in the area of tactical weapons. This could lead to a blurring of the distinction between nuclear and non-nuclear weapons.

Finally, will the Soviet Union accept a threshold ban that would be a real improvement on the present Partial Test-Ban Treaty? Since the Soviet Union generally tests weapons larger than ours, a threshold ban would tend to favor U.S. weapons developments, and could raise doubts in Soviet minds about our sincerity in wanting to advance mutual interests in this area.

For all these reasons, I believe that a threshold ban would be far from the best answer in the area of controlling nuclear testing. I have urged the Administration to pursue a Comprehensive Test Ban to the limits of negotiation, before turning to a less desirable alternative. And I believe that CTB can be negotiated this year.

AGE DISCRIMINATION

Mr. BENTSEN. Mr. President, the Washington Star-News of June 10 carried a lucid and thoughtful study of the question of age discrimination by Leonard Curry. As Mr. Curry notes:

When a business executive over the age of 40 is passed for promotion or loses his job, chances are 50–50 he is the victim of age discrimination, although it would be hard to prove.

Mr. Curry catalogs the subtleties and the characteristics of age discrimination, which has, in my view, become an issue of considerable social significance. With medical science working to unlock the secrets of aging, with longevity steadily increasing, it has long seemed to me that it is unwise in human and economic terms to pressure older workers to retire or to refuse to consider them on an equal basis when making hiring decisions.

In March of 1972, I introduced a bill to bring local, State, and Federal employees under the protection of the Age Discrimination in Employment Act, a measure I introduced on three occasions before it was finally signed into law by the President as part of the recent minimum wage bill. The passage of that measure insures that the Government will have to live up to the same standards it sets for private enterprise.

One of the problems Mr. Curry points to in his article is the difficulty of finding and enforcing cases of age discrimination. When I first investigated the problem in early 1972, I found the primary reasons for lax enforcement of the law. The Labor Department had only 69 persons working nationwide on the issue, and in Washington there were but four professional staff members and two clerical workers. There was a substantial backlog of complaints.

When I introduced my bill to broaden coverage, I also stipulated that I wanted an increase in funds to enforce the act. The level of funding in my bill, $5 million, represents a 66⅔-percent increase in available funds. I will be monitoring the enforcement of the new law carefully to see if the Labor Department is following its mandate from the Congress.

I ask unanimous consent to have Mr. Curry's article printed in the RECORD.

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

[From the Washington Star News, June 10, 1974]

HARD TO DETECT: AGE BIAS POSES A BIG PROBLEM

(By Leonard Curry)

When a business executive over the age of 40 is passed for promotion or loses his job, chances are 50–50 he is the victim of age discrimination, although it would be hard to prove.

"Age discrimination is the most illusive and damaging type of discrimination," says Carin Ann Clauss, associated solicitor of the U.S. Fair Labor Standards Division. "It cuts down workers in their prime."

Ms. Clauss, a Labor Department expert on age bias, says it is more difficult to prove than race or sex discrimination because most of its victims are in positions that are difficult to assess for productivity.

A short order cook can be checked to determine whether 40 hamburgers still are coming off the grill every hour. But how is the output of a manager measured, especially under the recession conditions of today? If auto sales fall, is it the quality control manager's fault or the energy crisis?

Since Congress passed the age discrimination law in 1968, nearly 7,000 Labor Department investigations reveal that white collar workers, especially middle and upper management, are the most frequent victims. Next are unskilled laborers. Least affected are employes with valuable mechanical skills and union protection.

The reason for these patterns is readily apparent, whether the guilty company is the giant Standard Oil of California, which had to repay $2 million in salaries and rehire 120 senior employes, or the Friendly Ice Cream Co. of Massachusetts whose hiring policies were judged age discriminatory.

An economy move is most effective when you can eliminate executives over the age of 40. These older managers and executives usually are paid more than younger men in similar posts, the opening up of their jobs stimulates younger men with the prospect of promotion and, by turning out a senior executive before retirement age, the company avoids paying full pension benefits.

With unskilled labor, the financial benefits are not so great on a per capita basis. But releasing scores of older workers whose longevity has brought them higher pay and replacing them with younger people at starting wages is beneficial to the balance sheet.

Skilled labor is least affected by age discrimination because persons in these jobs usually are in production and companies trying to curb expenses eliminate production workers last. In addition, the shrinking number of skilled workers in many industries enhances their value regardless of age.

There are three major categories in which age discrimination falls, according to Labor Department investigators. They are a youth bias in recruiting, massive layoffs in which older employes go first and forced retirement.

Of the three, recruiting and hiring practices are the easiest for investigators to spot. Classified ads for "junior executives" or "junior accountants," and recruiting aimed almost exclusively at college campuses are the signals.

This was the case with Friendly Ice Cream, whose counter personnel were young and whose want ads were designed to attract youthful workers.

A more oblique type of recruiting bias also was found in New England—although it is by no means confined to that region—where companies listed a high school diploma as a requirement. Since 8 of 10 younger Americans are high school graduates compared with 4 of 10 older Americans, the effect was a significant reduction in job openings for workers over 45.

An even more subtle form of hiring discrimination has been found in regard to middle-aged women, many of whom are returning to the workforce after raising families.

"Fearing they won't get a job, these older women sell themselves cheap," says Ms. Clauss. "When they agree to work for less than the prevailing market rate, the effect is to depress income for themselves and for other workers."

Although not as widespread, it was a pattern that also turned up for older men who had lost jobs.

Forced retirement is the second area where age bias is prevalent and relatively easy to uncover. Usually the worker is asked to retire before age 65 for economy reasons.

"We take the position you cannot be forced out and have been successful in pressing it," Ms. Clauss says.

"Stereotypes play a major role in forced retirement. The owners worry that the average age of employes is too high, especially in top management. Older employes, this reasoning goes, mean a company must be less productive. There is the fear the older worker's memory is not as good. A youth movement usually begins."

The reasons for forced retirement are subjective when age bias is discovered, much the same as for the third category—massive layoffs in which older employes go first and in higher numbers.

Anaconda Copper was going through a period of slumping income and rising expenses. Anaconda cut the workforce, apparently across the board. Investigation by the Fair Labor Standards Division disclosed, however, that 40 per cent of the reduction was concentrated among workers over 50.

"In the massive layoff, it is possible to hide age discrimination," says Ms. Clauss. "We found the pattern in Anaconda in hundreds of hours of examining their books. It is also an example of how age discrimination is hidden.

"In race and sex discrimination, the investigator can just look around for black faces and women to determine quickly whether to look further. When age is involved, the factors are not so apparent."

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 10 a.m. tomorrow. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Senators JAVITS, HUMPHREY, and ROBERT C. BYRD.

There will then ensue a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 5 minutes each, at the conclusion of which period the Senate will proceed to the consideration of H.R. 11221, under a time agreement. Yea and nay votes will occur thereon.

Upon the disposition of that bill, the Senate will take up S. 585, and there is a time agreement on that bill. A yea and nay vote or votes could occur.

On the disposition of that bill, the Senate will proceed to take up S. 1485, under a time limitation; and upon the disposition of that bill the Senate will take up S. 1486, under a time limitation.

Rollcall votes are expected on tomorrow, and it is hoped we will have a good

day, a busy day, and a very productive day.

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

Mr. ROBERT C. BYRD. I yield.

Mr. TOWER. If the business outlined by the distinguished majority whip is disposed of by tomorrow evening, could he give us some enlightenment as to Friday?

Mr. ROBERT C. BYRD. I would hope that I could say this off the record. [Laughter.]

The PRESIDING OFFICER. Would the Senator like unanimous consent to do that?

Mr. ROBERT C. BYRD. Let me say this to the Senator sincerely. I think the Senator asked a pertinent question. If the Senate has a productive day tomorrow and is able to dispatch its business with its usual effectiveness, I would say that——

Mr. TOWER. Let us hope with better than usual effectiveness.

Mr. ROBERT C. BYRD. Well, I will say if it does it with effectiveness as usual, there is a fairly good chance that committees may be able to work on Friday without interruption.

Mr. TOWER. I thank the distinguished Senator.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 10 a.m. tomorrow.

The motion was agreed to; and at 4:40 p.m. the Senate adjourned until tomorrow, Thursday, June 13, 1974, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 12, 1974:

DEPARTMENT OF STATE

David E. Mark, of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

Robert P. Smith, of Texas, a Foreign Service officer of class 2, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malta.

UNIFORMED SERVICE UNIVERSITY OF THE HEALTH SCIENCES

Philip O'Bryan Montgomery, Jr., of Texas, to be a member of the Board of Regents of the Uniformed Services University of the Health Sciences for the remainder of the term expiring May 1, 1977, vice Anthony R. Curreri, resigned.

D.C. PUBLIC SERVICE COMMISSION

H. Mason Neely, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia for a term of 3 years expiring June 30, 1977 (reappointment).

CONFIRMATIONS

Executive nominations confirmed by the Senate June 12, 1974:

DEPARTMENT OF STATE

Deane R. Hinton, of Illinois, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zaire.

William D. Wolle, of Iowa, a Foreign Service officer of class 3, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Sultanate of Oman.

Robert P. Paganelli, of New York, a Foreign Service officer of class 4, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar.

Pierre R. Graham, of Illinois, a Foreign Service officer of class 2, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Upper Volta.

Robert A. Stevenson, of New York, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malawi.

Seymour Weiss, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of the Bahamas.

OVERSEAS PRIVATE INVESTMENT CORPORATION

The following-named persons to be members of the Board of Directors of the Overseas Private Investment Corporation for terms expiring December 17, 1976:

Gustave M. Hauser, of New York.

James A. Suffridge, of Florida.

INTERNATIONAL BANK OFFICES

William E. Simon, of New Jersey, for appointment to the offices indicated:

U.S. Governor of the International Monetary Fund for a term of 5 years and U.S. Governor of the International Bank for Reconstruction and Development for a term of 5 years;

A Governor of the Inter-American Development Bank for a term of 5 years; and

U.S. Governor of the Asian Development Bank.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

The following-named persons to be members of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency:

Harold Melvin Agnew, of New Mexico.
Gordon Allott, of Colorado.
Edward Clark, of Texas.
Lane Kirkland, of Maryland.
Carl M. Marcy, of Virginia.
Joseph Martin, Jr., of California.
John A. McCone, of California.
Gerard C. Smith, of the District of Columbia.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

IN THE DIPLOMATIC AND FOREIGN SERVICE

Diplomatic and Foreign Service nominations beginning James E. Akins, to be a Foreign Service officer of class 1, and ending Annette L. Veler, to be a Foreign Service officer of class 7, which nominations were received by the Senate and appeared in the Congressional Record on May 7, 1974.

Diplomatic and Foreign Service nominations beginning William K. Payeff, to be a Foreign Service information officer of class 1, and ending E. Ashley Wills, to be a Foreign Service information officer of class 7, which nominations were received by the Senate and appeared in the Congressional Record on May 7, 1974.

EXTENSIONS OF REMARKS

PAPERWORK TYRANNY

HON. JESSE A. HELMS

OF NORTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 12, 1974

Mr. HELMS. Mr. President, stations WBT and WBTV of Charlotte, N.C., recently broadcast an editorial that commands our attention.

It sometimes occurs that the least conspicuous forms of government tyranny are the most obnoxious. This is certainly true of the faceless paperwork tyranny that lurks in the offices of the Federal bureaucracy.

We are all familiar, too familiar, with the subtle way in which this tyranny operates. It begins right here on the floors of Congress with well-intentioned legislators, who persuade themselves that the Federal Government needs to control yet another aspect of American life. To maintain this control, records must be kept, orders must be dispatched, questionnaires must be answered, compliance must be secured. Anonymous forms and letters must be sent from anonymous sources to unsuspecting individuals.

The upshot of this is an unremitting flow of paper from Federal offices into the homes and businesses of America. Probably the hardest hit victims of this flood are the small businessmen, who can be observed at almost any hour of the day or night swimming in a sea of Federal forms.

Mr. President, much of this paperwork to which we subject our fellow countrymen is not only time consuming, but petty, duplicative, and silly—to say nothing of the invasions of privacy.

The Paperwork Burden Relief Act is a step in the right direction toward a return to sanity. I ask unanimous consent that the timely WBT/WBTV editorial on this proposal be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the Extensions of Remarks, as follows:

[A WBT/WBTV Editorial]

THE PAPERWORK BURDEN RELIEF ACT

If you find filling out income tax forms a wearying, time consuming task, how'd you like to have to make out equally or more complex forms every 15 days?

That, says the National Association of Public Accountants, is how often the business community has to file some federal report or other. Estimates are that these report forms add up to 10 billion sheets of paper a year and cost business $18 billion to complete. How many more billions it costs us taxpayers for the various agencies of government to process these forms is anybody's guess. Maybe it's better we don't know.

The chore of gathering and reporting all the information required by government forms—usually under threat of fine or prosecution if you don't do it right and on time—

is especially hard on the small businessman or farmer, who can't afford a computer or accountant to do the job. And it's mainly with them in mind that legislation has been introduced in both houses of Congress appropriately titled "The Paperwork Burden Relief Act."

The legislation would direct the General Accounting Office to make a survey of the approximately 9,000 government report forms to determine which ones are outmoded, duplicative, unnecessary or place too much of a burden on the small businessman. There's obviously a wide field for cutting down. One government agency—the Small Business Administration, as it happens—recently found it could make 22 forms do the work that 66 had been doing. A mere one third.

To this station it appears plain that the Paperwork Burden Relief Act would relieve a big burden not only on small business and business in general but on all us taxpayers who have to finance the paper shuffling at bureaucratic levels. We hope you'll lose no opportunity to urge your Senators and Congressman to make this proposed legislation a working reality.

AMERICA: CHANGE IT OR LOSE IT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1974

Mr. FRASER. Mr. Speaker, most of us in Washington know how the national print and electronic media feel about Watergate. We get mail from our constituents and some of us hear about Watergate when we return to our districts. There is no lack of opinion about Watergate. Some sense a "tiredness" with the ever-continuing Watergate revelations because of this tidal-wave of Watergate opinion.

It is with some trepidation that I today add to this plethora of Watergate material by placing in the RECORD "A Sermon for Memorial Day Sunday" preached May 26, 1974, by the Reverend Raymond Shaheen, D.D., Pastor of Saint Luke Lutheran Church, Silver Spring, Md.

The sermon was brought to my attention by a staff member who attends Reverend Shaheen's church, heard the sermon delivered, and was impressed by it.

The importance to me of Reverend Shaheen's sermon is that it rebuts the idea that Watergate is a creation of the national media and that Watergate will go away if national attention is diverted elsewhere. The national media can alert the American people to an issue, but if there is no substance to the issue, the media cannot sustain interest in it.

As Reverend Shaheen's remarks illustrate, America senses that all is not well with this country. And Reverend Shaheen senses that America's moral leaders have an obligation to address themselves to this malaise.

Reverend Shaheen's prescription is not the only one possible. But it is one moral leader's attempt to wrestle with Watergate. And it is the wrestling that is necessary if we are to change America. What Watergate represents will not go away if we ignore it. We need moral leadership. We do not have it in the White House and this makes it all the more important that we receive our moral leadership on public issues elsewhere. Reverend Shaheen's effort to provide moral leadership is admirable. And I think this sort of moral leadership is being provided in many places and in many organizations, religious and otherwise, throughout this country.

The United States can again become what its people want it to be—a moral force in the world.

Reverend Shaheen's sermon follows:

A SERMON FOR MEMORIAL DAY SUNDAY

(By Rev. Raymond Shaheen)

Text: " . . . choose life that you and your descendants may live, loving the Lord your God, obeying His voice, and cleaving to Him: for that means life to you and length of days . . ." (Deuteronomy 30:19–20).

This is not the sermon that I had originally planned to preach to you today. As you know, the sermons to be preached from this Saint Luke pulpit are ordinarily projected about a year in advance. What, however, with the change in calendar dates for legal holidays, suddenly this Memorial Day 1974 is before us. And as I come to this sacred desk this morning, I am made mindful of the fact that some word specifically related to this particular holiday is in order. Hence this sermon which will address an ancient Biblical injunction to the current mood and manner of America.

Oddly enough, let me begin with some commentary on bumper stickers. They are quite the thing these days. In company with many of you, they irritate me. That's a generalization, of course. As you might promise, there are some that constitute an exception. That yellow and black one which has almost become a trade-mark around our parish is easily tolerated. Folks who are members of this congregation usually show a measure of pride when they recognize the bumper sticker that parades before the community our crisis intervention telephone number. It reads like this:

SOMEBODY CARES—TEEN HELP—585–5440

But by and large, any number of other stickers fail to enthuse me. To the contrary, frequently I find their arrogances obnoxious and their sad humor offensive.

The other day I heard of another preacher who apparently is a kindred spirit where bumper stickers are concerned. He was annoyed, so I've been told, by a star-spangled one that reads:

AMERICA: LOVE IT OR LEAVE IT

And his critical assessment of its sentiment has triggered all kinds of thoughts in my mind. He maintained, my friend reported, that the tersely put slogan borders on dangerous over-simplification. And he is right. What a terrible plight would be ours if no one dared to raise his voice in criticism of the land we cherish! Any correct reading of our past can make the point that we have benefitted by those who raised their concerned voices boldly and honestly. It is foolhardy to think that all who would criticize America have less than love for her, and that only the disciples of Decatur are worthy of citizenship!

As you might suspect, preachers are wont to write their own versions of what they read. And so, I'm told, it's been suggested that "America, Love it or Leave It" should be rewritten so as to read:

AMERICA, CHANGE IT OR LEAVE IT

All that follows now has been inspired by the possibility of such rewording.

Usually when one speaks of change, he means a change to something new. I would suggest this morning—change to something old!

Let us change back to the notion that we are meant to be a nation dependent, as over against being a nation independent—independent of God. Once it was so—at the very beginning. Remember how it was back in the summer of 1776 at the old Statehouse in Philadelphia? Some thirteen colonies had sent delegates to chart their future course. It was not easily done. In the face of subsequent confusion, the wisest and the oldest among their number was asked to speak. Benjamin Franklin rather reluctantly rose to his feet. Only finally did he speak a few words inspired by a passage from Holy Writ—Psalm 127. What he said provided the "spiritual foundation" of the United States of America. Here is what he is reported to have said: "I have lived a long time; and the longer I live, the more convincing proofs I see of this truth, that God governs the affairs of men. And if a sparrow cannot fall to the ground without His will, is it possible for an empire to rise without His notice? We have been assured in the sacred writing that except the Lord build the house, they labor in vain that build it. I firmly believe this, and I also believe that without His concurring aid, we shall succeed in this political building no better than the builders of Babel!"

As the founding fathers were driven to recognize dependen e upon Almighty God, so must we discover anew in our day the need to build upon such foundation.

In the second place let us change back to the nation that's intended to run by rules. John Steinbeck as far back as 1966 put his finger on a sensitive spot when he advised us of a national weakness. He considered it our most serious problem—both as a people and as individuals. He did not settle easily for it as "immorality," "dishonesty" or "lack of integrity." He reviewed the gamut of our ills: "racial unrest, the emotional crazy quilt that drives our people to the psychiatrists, the fall out, the drop out, the copout insurgency of our children and young people, the rush to stimulants as well as to hypnotic drugs, the rise of narrow, ugly and vengeful cults of all kinds." He saw all of these as the manifestation of one single cause: our disregard for rules. According to the celebrated author, our fathers lived by the rule—"rules concerning life, limb and property—rules defining dishonesty, dishonor, misconduct and crime. The rules were not always obeyed, but they were believed in, and a breaking of them was savagely punished."

America's hope may well lie in our earnest endeavor to appreciate all over again the absolute necessity to place a high value upon rules—upon principles of decency and honor.

Let us change back to being a nation that can face the future without fear.

Robert Heilbroner in a new book, "An Inquiry into the Human Prospect," raises the question: "Is there hope for man?" He answers with little, if any, encouragement. Much to the reader's dismay, he even goes so far as to suggest that "the freedom of man must be sacrificed on the altar of the survival of mankind."

Our founding fathers, facing well-nigh insurmountable odds, forged ahead with confidence. Perchance they honestly believed that they had fashioned an instrument of democratic design that would enable them to handle whatever problem would loom upon the horizon. And that is what we must remember. Dr. Daniel Boorstin, senior his-

torian of the Smithsonian Institution, is correct when he takes us to task for putting too much stock in solutions as such. It would seem to him that democracy advances the process by which problems are dealt with.

Look at it this way: democracy means people and people mean problems. We will never be free of problems. Let us, therefore, be unafraid since we do have the instrument by which we can deal with the people-problems!

Let us change back to the nation that places a high value upon private morality.

Clare Boothe Luce has observed that "Watergate is the great liberal illusion that you can have public virtue without private morality." Small wonder that some of us acclaim Adlai Stevenson as one of the finest statesmen our generation has produced. When it came to basic morality it seemed to us that he stood head and shoulders above so many. He, too, was trying to say something to us when he referred to a politician of "particularly rancid practices." Of him he lamented: "If he were a bad man, I wouldn't be so afraid of him. But this man has no principles. He doesn't know the difference."

Increasingly it becomes plain to us that "image-making" in our day can become a reckless thing. It has been reported that a certain speech writer for Richard M. Nixon in the 1967 presidential campaign counseled him in a memo: "Potential presidents are measured against an ideal that's a combination of leading man, God, father, hero, pope, king, with maybe a touch of the Furies thrown in." This same person is quoted as having further advised Mr. Nixon: "We have to be very clear on this point: that the response is to the image, not to the man, since 99 percent of the voters have no contact with the man. It's not what's there that counts, it's what is projected."

All of this, of course, brings us up short since we immediately recognize how dangerous such a thought pattern can be. And not a few of us think at once in terms of the ambitious and arrogant ones who exploited such advice. What grief we might have been spared by the President, his aides, and the Committee To Re-Elect the President!

The image is one thing. The true character of a person is another thing—basically it is the only thing that ultimately really matters.

Some of you may recall how a short while ago from this very pulpit. I reminded you of the quote that a friend wrote in my autograph book years ago. It was the wise counsel of Polonius in Shakespeare's *Hamlet:* "To thine own self be true, And it must follow, as the night the day, Thou canst not then be false to any man."

Let us change back to the idea that democracy has its price which must be paid in patience and persistence. A free translation here presumably would be: let the system work!

We must have done with the idea that justice is best served by short-cuts. Those who clamor today for immediate resignation of the President may be ill-advised. James Reston wrote a well-deserved tribute to Senator Mike Mansfield in a recent issue of the New York Times. He gave the Montana senator credit for insisting that pressuring the President to resign would be unfair since it would "evade rather than resolve the moral and legal issues." The man in the White House is entitled to presumption of innocence, and should have every opportunity to have his case presented. Little do we realize that in a certain sense we are all on trial in one degree or another . . . not only the President and his aides, but the Congress and the Constitution as well.

Let us change back to the nation that America was meant to be—where the system can be trusted. We can afford to give it time to be tested.

There are some of you who would be very happy if I came to the sacred desk and denounced the President of the United States of America. There would be some of you who would think that I was brave and forthright. You might even think I was very honest by telling you that he's a liar and a crook and guilty of criminal offense. This I cannot do.

Some of you would be very happy if I came to the sacred desk and placed a halo upon his head, and called him God's great gift not only to us but to the entire world, and to portray him for you as one who is absolutely faultless. This I cannot do.

I don't know whether he is telling the truth or not. With all my heart I would wish it so. But as a citizen of this land we must give him time. We must give our Constitution time. We must give our Congress time. We must pay the price to find the truth. In company with some of you I am tired, and that is one reason why Sunday after Sunday you have not come to this place to find me dragging Watergate into this pulpit. But I also know the risk of becoming ostrich-like and pretending that a cancer does not appear upon the body politic.

Which leads me now to suggest to you in the final moments of this sermon: Let us change back to the concept of democracy where each man assumes the responsibility of pulling his own weight. Many of us have a tendency to cop-out—to suffer despair in the face of the present crisis. But democracy itself is never the solution. It simply provides the process by which things are resolved. Edmund Burke's rebuke remains: "All that is necessary for the victory of evil is that good men do nothing." And the easiest thing for us as so-called good men would be to say that, "I'm tired—let's walk away from the problem."

In the comic strip Peanuts, Linus tells Charlie Brown, 'I don't like to face problems head on. I think the best way to solve problems is to avoid them. This is a distinct philosophy of mine. No problem is so big or so complicated that it can't be run away from.' Charlie with characteristic naivety asks, 'What if everyone was like you? What if everyone in the whole world suddenly decided to run away from his problems?' Replies Linus, 'Well, at least we'd all be running in the same direction.' And one wonders whether we are not witnessing just that—a mass retreat from involvement.

Or I would add quickly, involvement for the wrong reasons. And the acid test which God always applies is: Why do you say what you say? Why do you do what you do? Why do you believe what you believe?

"Four score and seven years ago our fathers brought forth, upon this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.

"Now we are engaged in a great civil war, testing whether that nation, or any nation, so conceived, and so dedicated, can long endure . . . ."

Said a member of this congregation to me, whose judgment I highly regard, "This could well be the greatest moral crisis that we have ever had to face." I beg you, my friend, as your Pastor, as a care-taker of the Gospel that's preached from this pulpit—

AMERICA—CHANGE IT OR LOSE IT

In this instance, let's go back and take a good hard look at the ways that have been proven before and the most basic of all is to recognize our dependence upon God, and not our independence of all that's morally pure and true.

The Biblical injunction as laid down in that book of Deuteronomy makes it perfectly plain. It's a matter of choice, and no man can escape the responsibility of involvement in the decision.

TRIBUTE TO MRS. ETHEL CLAIBORNE DAMERON

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. LONG of Louisiana. Mr. Speaker, it is my privilege to offer my colleagues three newspaper articles about Mrs. Ethel Claiborne Dameron of Port Allen, La. Mrs. Dameron is one of my constituents and has long been a leading citizen of Louisiana. Her most recent achievement is the construction of a museum for West Baton Rouge Parish. The museum has been named the Ethel Claiborne Dameron Museum in her honor.

Mrs. Dameron is not only one of the most outstanding civic leaders Louisiana has ever known, but she is also the aunt of another gracious Louisianian, our colleague the Honorable LINDY BOGGS. I believe these articles, like these ladies, show Louisiana at her best, and it is in tribute to both Mrs. Dameron and Mrs. BOGGS that I ask they be printed in the CONGRESSIONAL RECORD.

The articles follow:

[From the Plaquemine Post]

WEST BATON ROUGE HAS A "SPECIAL LADY"

Sunday, April 21, has been proclaimed Ethel Claiborne Dameron Day in Port Allen, and there's a very good reason for this special day.

Mrs. Dameron has been instrumental in getting a library and a museum in West Baton Rouge Parish. She also got the bronze statue of Henry Watkins Allen, a confederate general and Louisiana governor.

Her efforts led to the establishment of a rest area in the parish under the Lobdell overpass. She helped get the Brusly live oak tree accepted as a member of the Live Oak Society. Its age was judged to be about 364 years.

The West Baton Rouge Historical Association's museum will be dedicated Sunday, April 21, at 3:30 p.m.

The building will be called the "Ethel Claiborne Dameron Museum." The new wing will be the "Paul Perkins Wing."

Perkins gave the museum some land which was sold. The proceeds were used for the new wing.

Port Allen Mayor William C. LeBlanc has proclaimed Sunday "Ethel Claiborne Dameron Day" in honor of Mrs. Irving "Puffy" Dameron.

Mrs. Dameron, known as "Puffy," is the daughter of the late Judge and Mrs. L. B. Claiborne. She was raised at Claiborne Villa in Pointe Coupee Parish. She attended Harris College for Young Ladies in Roanoke, Va.

After her marriage to C. Irving Dameron, they resided in Baton Rouge for a time before moving to Sandbar Plantation in West Baton Rouge.

Mrs. Dameron's memory of her father's frequent stories and his admiration for Allen led to her interest in the confederate governor when she came to live in the city named for him. She went before the Finance

Committee of the legislature and got $15,000 to have Angela Gregory sculpt the statue which stands on the courthouse grounds.

After her mother-in-law suggested that the area needed a library, Mrs. Dameron, Mrs. Frank Whitehead and Mrs. Ben C. Devall were appointed as a committee by the West Baton Rouge Garden and Civic Club to begin the library in 1933. Going door to door in the parish asking for books led to people looking in their attics for books, some of which were first editions. The library began in 1933.

She went before the West Baton Rouge Policy Jury to get the library made a parish library. She persuaded the jury to save the records vault of the old courthouse. It became the library. Today the same building is the West Baton Rouge Historical Association's museum.

The museum and its new wing are being dedicated Sunday and the building is being named after Mrs. Dameron. She was the association's first chairman.

Mrs. P. Chauvin Wilkinson, vice president of the association, said, "There isn't a cultural project in West Baton Rouge Parish which Mrs. Dameron hasn't helped."

Mrs. Dameron recalls that at the time she joined the West Baton Rouge Garden and Civic Club, which is 46 years old, there were no Jaycees and no planned beautification or landscaping for the town. "So the club was truly a garden city and truly a civic club."

The club did the landscaping for the schools and the courthouse. "It brought the women of the parish closer together in a concerted effort," she said.

Among the clubs to which Mrs. Dameron belongs are the John James Audubon chapter of the Daughters of the American Revolution (DAR), the National Society of the American Revolution, the Colonial Dames, the Foundational for Historical Louisiana and the Friends of the Anglo-American Art Museum at LSU.

She also belongs to the Landmarks Society of New Orleans and the Friends of the Cabildo in New Orleans.

Mrs. Dameron moved to her house on 6th Street after her husband died in 1934. She is the mother of four children: Charles Hayward Dameron, an attorney who lives in Port Allen; Claiborne Dameron, a retired colonel now associated with a Baton Rouge bank; Mrs. John Manard of New Orleans; and Mrs. Robert W. Blair of Mesa, Ariz.

She has three grandchildren and two great-grandchildren.

[From the West Side Journal]

MUSEUM NAMED BY ASSOCIATION FOR ITS FOUNDER

Mrs. C. Irving "Puffy" Dameron was honored as the founder of the West Baton Rouge Historical Association Sunday as the association's museum was named after her and presented to the parish.

The museum was dedicated and the new wing was named for Paul D. Perkins, whose contribution financed the building of the addition.

Judge Paul B. Landry Jr., master of ceremonies, said it was through Mrs. Dameron's determination and her perseverance that the museum came into being.

Addressing the audience in the new wing, Mrs. Dameron said, "You have made this room that smelled of nothing but concrete, you've made it come alive and Puffy thanks you from the bottom of her heart." She said the presence of so many people brought a heartbeat to the building.

"The thing that makes this little building a little gem are the little things . . ." she said. She recounted instances where a pair of girl's ballet shoes and a carnival doubloon were acquired, the coin from a small black boy who drowned since then.

Mrs. Rawlston Phillips, president of the association presented the building to Frank Cailleteau, who accepted on behalf of the Policy Jury.

Cailleteau said, "We on the Policy Jury hail and praise to the utmost all the many citizens who have made this dedicatior possible today." He called the dedication "a new and additional milestone in our cultural growth."

Juror Barkdull Kahao presented a replica of a plaque which will mark the main museum building named for Mrs. Dameron. He said it was love of beautiful things that motivated Mrs. Dameron to her 40 years of work for the parish library, historical markers and the museum.

Mrs. Dameron was presented with a plaque from Gov. Edwin Edwards in recognition of her service. Mrs. Palma Munson of the Louisiana State Tourist Commission made the presentation. She also presented a state flag to the museum.

Herman "Monday" Lowe said, "As a former legislator, I know Puffy well," adding that she had gone before the legislature "working for antiquity." Lowe presented the plaque which will mark the new wing, dedicated to Perkins.

Among Mrs. Dameron's family present were her son, Claiborne Dameron and his wife; her daughter, Mrs. John P. Manard Sr., of New Orleans; her granddaughters, Mrs. H. Scott Kane III, the former Courtney Manard of Chevy Chase, Md., and Barbara Manard of Boston, Mass.; her grandson, John P. Manard Jr. and his wife; and her great niece, Mrs. Howard Schmalz of New Orleans.

[From the Pointe Coupee Banner]

SUNDAY TO BE ETHEL CLAIBORNE DAMERON DAY IN PORT ALLEN

IS FORMER NEW ROADS RESIDENT

The youngest daughter of the founder of The Pointe Coupee Banner—Mrs. C. Irving Dameron of Port Allen, the former Ethel Claiborne of New Roads, will be honored in Port Allen Sunday at "Ethel Claiborne Dameron Day", so decreed by Port Allen Mayor William LeBlanc.

Mrs. Dameron, daughter of the late Judge and Mrs. L. B. Claiborne, was reared at the historic old Claiborne house on Main St., now owned by Dr. C. E. Hebert. Sister of the late longtime District Attorney Ferd C. Claiborne, the aunt of Cong. Lindy Boggs, she is a granddaughter of Col. F. L. Claiborne, and great-granddaughter of Gen. F. L. Claiborne, a brother of Louisiana's first governor under American rule—William C. C. Claiborne.

The new West Baton Rouge Museum which will be dedicated Sunday and named "The Ethel Claiborne Dameron Building"—was actually born at Mrs. Dameron's home, when she moved from Sand Bar Plantation, following the death of her husband, West Baton Rouge Parish official, C. Irving Dameron.

Mrs. P. Chauvin Wilkinson says "there isn't a cultural project in West Baton Rouge which Mrs. Dameron hasn't helped." She will be presented a certificate of appreciation.

Another native Pointe Coupeean, Mrs. Rawlston D. Phillips, the former Virginia Soulier of New Roads, is president of the West Baton Rouge Historical Association.

Mrs. Dameron cited how the new museum was born. "My children can't use my keepsakes, and I don't know what to do with them."

"So, I called my close friends together and broached the subject of a museum, if the Policy Jury would let us use a building made available after our little library become a state demonstration library. We met in my crackerbox, which is what I call my present home, and decided on it. We received the Policy Jury approval and were chartered in 1968."

"We are a keepsake museum, a keepsake of the Parish also. We are not trying for a Smithsonian, but are serious, not just little old ladies in tennis shoes."

Mrs. Dameron is a member of the West Baton Rouge Historical Association Board, the Foundation for Historical Louisiana, the Landmarks Society of New Orleans, Friends of the Cabildo, Friends of the Anglo-American Art Museum, the Baton Rouge Committee of the Colonial Dames of America in the State of Louisiana, the Board of Trustees of the West Baton Rouge Library. One of her sons, Hayward has for years served as an Asst. District Attorney in this district.

The new wing of the museum building will be christened the Paul Perkins wing in honor of the Baton Rougean who gave funds for its construction.

THE PANOVS ARE FREE

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mrs. GRASSO. Mr. Speaker, at last the Soviet Union has seen fit to release Valery and Galina Panov—freedom loving and intensely creative artists—and to allow this talented man and wife to emigrate to a new life in Israel.

Certainly, all who understand the true meaning of liberty rejoice at the news of this couple's triumph over open and flagrant oppression and harassment by their own government. Their resilient spirit and irrepressible resolve in the face of intense anguish are an inspiration to all men and women throughout the world.

Valery and Galina have been trying for over 2 years to obtain visas to emigrate from the Soviet Union to Israel. Both had come to realize the country in which they lived and the government they served could neither support nor permit a full realization of their creative spirit. Instead, with oppression all around them they could only feel more and more shackled by the society in which they lived.

Until their fateful decision to leave their country, the Panovs were celebrities in the Soviet Union—shining stars of the ballet in a country where ballet is a preeminent art form. Valery was first male dancer in the Kirov Ballet and Galina also belonged to the world renowned company. Upon applying for exit visas to Israel in March 1972, however, Valery, a Jew, was dismissed from the company, while Galina, who is not Jewish, was demoted to the lowest rank. Eventually she also chose to leave the company.

Since that time these two people have not only been cut off from their livelihood and their beloved art, but have also been harassed and treated brutally by the authorities. Numerous attempts to obtain visas failed, and Valery was jailed temporarily for encounters with police.

Last December, to the horror of the

Panovs and the entire free world, the Soviets gave Valery a visa but required his wife to remain in the Soviet Union. Early in February they said that Galina would never be able to leave and that Valery's visa would be revoked unless he left without his wife. Valery steadfastly refused to do this.

Freedom-loving people in the world took up the cause of the Panovs, urging the Soviet Government to release them. It was my honor to join my colleagues in the House in signing a letter earlier this year calling on the Soviet Government to allow Galina to emigrate with her husband. The letter was sent to Leonid I. Brezhnev, General Secretary of the Communist Party of the Soviet Union.

Now the Soviets have decided to allow both Valery and Galina to leave for a better life in Israel. All of us rejoice at this victory of the spirit. We are happy for the Panovs, yet their success—coming after so many months of travail—should strengthen our commitment toward insuring that Jews in the Soviet Union are afforded the freedom to emigrate to other countries if they so desire. Indeed, the victory of the Panovs inspires us to work harder for freedom of emigration throughout the world.

The plight of the Panovs mirrored that of many Jews and other people in the Soviet Union and elsewhere who are the victims of oppression and cruel bondage. Let us resolve on this happy occasion to continue our efforts to make human decency and kindness a rule for the treatment of all mankind.

ENCOURAGE MORE DOMESTIC OIL

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. COLLINS of Texas. Mr. Speaker, the fair pricing of oil and gas is having immediate results in achieving greatly increased production. I just heard from Sherman Hunt, who is president of Texas Mid-Continent Oil & Gas Association. He reports drilling showed a tremendous increase during the first quarter of this year. Sherman went on to say that the search for oil and gas has reached boom proportions and that it is all a direct result of better prices paid to producers.

There are no Texas drilling rigs idle at this time. If more rigs were available there would be more drilling. There is also a shortage of drilling pipe as well as other oil well field equipment. This tends to limit further drilling until these supplies become more plentiful.

Nationally, we note the same developments. It is now estimated that $8.7 billion will be invested by the oil companies in capital and exploration in 1974. This compares with only $5 billion in 1973.

Oil companies continue to invest much more than their profits. America is proud of the record of 30 big oil companies who invested $34 billion in the United States in the last 5 years while their domestic profits were only $19 billion. This meant that oil companies were putting twice as much back in the business as they were making in profits.

Basically, the oil business is only an average business as far as return on investment. Misleading analysts have pointed to 1973 which was an unusual year, because of Arab oil complications. Taking 1972, which presents a fairer picture, the oil industry had a return of 8.7 percent of profitability on shareholders investment which compares to 10.6 percent as the average for all manufacturing businesses.

Stripper oil wells are important in Texas. There are 83,000 marginal wells run by stripper well operators which average only 3.8 barrels a day. But they have a total production of 116 million barrels a year. To show you what this total means in energy, this is twice as much energy per year as is produced by the federally operated Tennessee Valley Authority.

Oilmen in Texas believe that if the depletion allowance is removed by Congress from oil and gas, exploration would immediately drop to a low level.

Oil and the gas men are keenly responsive to the needs of America. Oil industry leaders are expanding efforts to make America self-sufficient in energy within 5 years.

Many politicians today are using an oversimplified explanation of inflation. They blame inflation on food and fuel. But a study of the Consumer Price Index—CPI—shows food makes up 25 percent of the CPI. Today, food's effect on inflation, if other prices were constant, would be 5 percent since the beginning of 1973. But the more interesting figure is on fuel which makes up only 4 percent of the index. Fuel has effected only 1.3 percent on the increase in the price index during the past year.

For those who get all of their news from headlines in newspapers, they would believe that all inflation is tied to the price of gasoline. It is well to emphasize that only 1.3 percentage points was the total net effect by petroleum of the increase in the Consumer Price Index.

IMPROVING SSI

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. BINGHAM. Mr. Speaker, I would like to commend the distinguished chairman of the Ways and Means Committee, Mr. MILLS, for his decision to withdraw H.R. 15124 from consideration on June 11.

This bill is designed to extend temporarily the present availability of food stamps or their cashed-out value to supplemental security income participants. Along with many other Members of Congress, I was deeply disappointed to learn that this bill represents the only action the Committee on Ways and Means intends to bring before the full House this year.

It was even more disturbing to realize that this bill does not address a major problem that has created injustice and hardship for SSI participants in the States of California, Massachusetts, Nevada, New York, and Wisconsin. In these five States, tens of thousands of aged, blind, and disabled people who had been receiving welfare and food stamps under the old State programs lost those stamps when they were transferred on to the SSI rolls.

Because of complicated requirements and technical oversights, these people did not receive the compensating bonus value of food stamps in cash as part of their SSI payments, and were therefore worse off than they had been before. At least 40,000 people in New York State suffered these losses, with comparable numbers in other States. I understand that Chairman MILLS has agreed to include a provision in this bill which will eliminate this inequity when the bill is considered again on June 17.

I hope the chairman will be just as responsive to the need for other equally important changes which the New York congressional delegation and others have been urging for several months. The SSI program suffers from a wide range of failings and oversights. No provision was made in the original legislation to compensate for increases in the cost of living, or to guarantee that SSI recipients will get the benefit of social security benefit increases, or for providing emergency funds for participants who do not receive their checks or encounter other unexpected financial calamities. The food stamp problem, the subject of yesterday's bill, is also inadequately handled in SSI legislation, especially in the five States which provide the bonus value of food stamps in cash rather than the stamps themselves. SSI participants in these States are getting far less benefit from this cash-out than recipients in other States which provide food stamps.

These and many other problems deserve the urgent attention of the Congress. The SSI program provides income to some of the most helpless and poorest citizens of this country. It is incredible that many of these people are able to survive on the meager benefits SSI provides, and the inadequacies of this program should be corrected promptly.

LITHUANIA

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. BROOMFIELD. Mr. Speaker, June 15 marks the 34th anniversary of the forcible Soviet annexation of Lithu-

ania. For 34 years the people of this small country have been denied the freedom they enjoyed briefly after establishing their independence in 1918.

Since that fateful day in 1940 the people of Lithuania have suffered continual religious and political persecution, and have been denied their basic human rights.

But despite the brutal efforts of the Soviet Union to suppress it, the flame of freedom still burns brightly in the hearts of these courageous people. Many have given their lives over the past 34 years so that their fellow countrymen could once again be free. Their bravery and courage, however, have been no match for the cold and calculating totalitarian machine they are up against.

It is essential that we of the free world convey to these brave Lithuanians that they are not alone in their struggle; that we stand firm in our support for them and the other Captive Nations of Europe.

East and West relationships have become increasingly harmonious in recent years, and now we stand on the threshold of historic détente with the Soviet Union. Against the backdrop of continued Soviet oppression in Lithuania and the other Captive Nations, however, détente has a hollow ring.

The Soviets must learn that détente cannot be built on a framework of words alone. The oppressive inhumane treatment of the Captive Nations people must cease if détente is to be meaningful and successful.

I join with those Lithuanians around the world in commemorating the bitter memories of June 15, 1940, and hope that the future will return that most cherished of human rights, freedom, to the brave people of Lithuania.

NEW VIRGINIA BISHOP

HON. STANFORD E. PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. PARRIS. Mr. Speaker, the Commonwealth of Virginia has a new Catholic diocese—the Diocese of Arlington—together with a new bishop: Bishop Thomas J. Welsh. I would like to take this opportunity to welcome Bishop Welsh to our community and acquaint my constituents and colleagues with the bishop by sharing the following article which recently appeared in the Washington Star News:

NEW VIRGINIA BISHOP: A MAN WHO LOVES PEOPLE

(By William Willoughby)

Thomas Welsh used to brag about how well he played first base—at least his brother says he did. But today Thomas Welsh is thankful that he decided to go into the priesthood rather than jump into a career playing baseball.

"I would have starved to death," Bishop Thomas J. Welsh said yesterday in a telephone interview. "They always told me I never could hit a curve ball too well."

As the first bishop of the newly formed Diocese of Arlington, and faced with a rapidly growing Catholic population, Welsh realizes he's going to be thrown a lot of curves of a different nature in the next few years. But he figures his varied experience in the ministry as a pastor, educator, administrator and as auxiliary bishop of Philadelphia will help him.

Welsh's career as an educator and administrator is illustrious. While he was rector of the highly touted St. Charles Borrommeo Seminary in Philadelphia for the last eight years the school produced record numbers of candidates for the priesthood at a time when there was a graphic decline in men going into the Catholic ministry.

Welsh came from an Irish family in upstate Pennsylvania which was very close physically and spiritually, he said, and the impact of this type of background will be reflected in his principal emphasis among the Diocese of Arlington's Catholics.

"I am particularly interested in the family situation and will place emphasis on encouraging my priests in the parish community life for the families. I want the liturgical life and family-related programs of the parishes to be as strong and as central as they can be," he said.

He said that aside from that he does not have any prime priorities. "I think that at first I will be merely the supervisor of a lot of things that are already going on . . . I know Bishop Walter Sullivan of Richmond quite well and will count on his friendship and help to move us along," he said.

While known in official Catholic circles for his administrative and educational expertise, Welsh is known by the people and priests of Philadelphia as a person who genuinely loves and relates freely with people. Invariably they speak of his quick wit and easy-going, non-protective manner.

He came from a family of second-generation Irishmen who made their home in Weatherly, Pa., a village between the anthracite coal mining region and the Poconos. His father worked for 50 years on the Lehigh Valley Railroad. His mother was from Brooklyn.

Welsh credited the example of the family's parish priest—"his sacrificial and sacramental approach to his work with his people"—as being the deciding thing that turned his attention toward the priesthood.

After only two years of high school, the youth of 15 entered the seminary he was later to lead in Philadelphia. From 1946 through 1949 he studied at Catholic University, taking a doctorate in canon law.

Pope Paul IV named him auxiliary bishop of the Archdiocese of Philadelphia in 1970. He had been rector of the seminary prior to becoming the auxiliary bishop and continued in that capacity until the appointment yesterday.

The new bishop is of athletic build, standing more than 6 feet tall, and besides baseball used to play basketball and football in school. Now 52, and gray-haired, he says he prefers swimming and walking.

One of his brothers, William J. Welsh of Bethesda, came to the Library of Congress as a fledging clerk during Thomas' days at CU and now is director of the processing department at the Library. He chuckled when told his brother was described as being a "warm, quiet type of person." Warm, he was in full agreement with.

"Quiet!" he exclaimed. "I wouldn't exactly described him that way. Everywhere he goes there's always a host of friends around him. The outstanding thing about him is how well he relates to other people."

The bishop has another brother, Edward, who works with United Air Lines in Redwood City, Calif., and a married sister, Mary, in St. Clair, Pa. Both his parents are dead. The announcement of his appointment came on what would have been his mother's birthday.

Bishop Welsh said it will be hard for him to leave Philadelphia. "After all, I have been associated with that seminary and with Philadelphia since I was 15. It will be difficult. But already I am getting the good wishes of so many nuns and priests and laymen in my new diocese that I am looking forward to coming."

The diocese, carved out of the Diocese of Richmond, has 136,000 Catholics out of a total population of 1,201,222, and covers 6,541 square miles. It has 49 parishes and seven missions, 60 diocesan priests and 33 religious. The new diocese embraces Northern Virginia, the northern reaches of the Shenandoah Valley and the Northern Neck.

TRIBUTE TO ELLIS A. ROTHER, SR.

HON. LEO J. RYAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. RYAN. Mr. Speaker, it is not often that we get an opportunity to pay tribute to people such as Ellis Rother, people who give generously of their time and talents to their community in hopes of making it a better community. The city of San Carlos is a better community for having had Ellis Rother as its councilman and mayor.

Ellis is being honored by his fellow citizens on June 13, 1974, on the occasion of his retirement from active service as mayor and councilman. I want to aline myself with those who are paying tribute to Ellis on that occasion.

He has served his community well and in many capacities:

Appointed to San Carlos City Council, 1969; elected to San Carlos City Council, 1970; mayor, city of San Carlos, April 1972–April 1973; chairman, water quality administration commission, 1972–74; regional planning committee; airport land-use committee; director, tourist and convention bureau; Association of Bay Area Governments; San Mateo County Council of Mayors; San Carlos Planning Commission chairman; San Carlos Planning Commission member, 1963–69; chairman, central business district committee; past president, Santa Clara Chamber of Commerce; founded Santa Clara Symphony Association.

Unlike many of us who are first- or second-generation Californians, Ellis Rother is a descendant of one of the early pioneer families who settled in California in 1848. The Rothers have been in service to their communities and the State ever since. Ellis has carried on that fine tradition of excellence.

A graduate of San Jose, Ellis is in business in San Carlos, where he and his charming wife, Margaret, have raised three fine children: Diane, Ellis, Jr., and Brook.

The city of San Carlos may be losing the formal services of Ellis Rother, but his dedication to his community will manifest itself, I am sure, in many ways, because Ellis is an active participant in

community affairs. A few of his current activities include:

Board of directors, San Carlos Chamber of Commerce; Sierra Club—conservation programs and leading trips to Mexico and Grand Canyon, and a new scouting trip to Belgium, Germany, and Holland; Kiwanis Club of San Carlos.

In short, Ellis is the model citizen whom we all hope that future generations of Californians will emulate.

LAND-USE LEGISLATION

HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. WALSH. Mr. Speaker, there is no doubt the United States is in serious need of effective land-use legislation—legislation that will help bring some balance and priorities to the development of our country.

What we are not in need of is a land-use bill that, in essence, starts us on the road to more public control over private property and stifles private ownership.

Yesterday, the House of Representatives refused to consider such a measure and sent it back to committee. I applaud that action. The Udall land-use bill never made it to the floor of the House for a vote because the floor of the House is not the place to write legislation affecting every property owner in the country.

It never made it to the floor because its authors were lined up to introduce 21 amendments to their own bill. These amendments should have been worked out and a final bill produced by the committee after extensive public hearings. Hopefully, the Committee on Interior and Insular Affairs will now follow that course of action.

It is interesting to note the range and variety of opposition to the legislation. Groups like the National Association of Manufacturers, the International Brotherhood of Electrical Workers, the American Farm Bureau, and the Association of General Contractors were vehement in their feelings against the measure.

In my judgment, this bill would have been a complete violation of the strong home rule tradition in New York State because it would shift traditional responsibilities from local and State governments to the Federal Government. Government works best when governments at the local level have the final determination and local prerogatives are preserved.

The legislation ignores this theory and refutes the well established fact that local government and individuals are more concerned and better able to make judgments about land use than Federal and State governments.

Another reason I voted against House consideration of the bill, H.R. 10294, was the $800 million appropriation it contained. If we are ever going to curb inflation, we must start to curb Government spending.

The legislation has other dangers. Historically, the marketplace determines the best use for a piece of land. The bill undermines this tradition. In addition, it places the physical environment in a dominant position and ignores the needs for economic development, energy, and housing, among others.

What we need is land-use legislation which makes such planning consistent with the framework of our Federal system and the guarantees of our Constitution.

THE NATIONAL COMMISSION ON DOMESTIC NEEDS AND ECONOMIC FORESIGHT ASSESSMENT ACT OF 1974

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr RHODES. Mr. Speaker, I am joining with the Democratic leadership in cosponsoring a resolution which would promote a uniform approach among the leadership of Government and private industry to monitor our Nation's progress and to work to head off potential futures crises.

It has been said that "Foresight is better than hindsight—by a damned sight." I think that all of us are aware that we spend a lot of time and taxpayer money trying to make repairs after untoward events have occurred. I believe that this legislation, if enacted, would be a step toward exercising the responsibility of leadership expected of the legislative and executive branches, together with top figures in the private economy.

I am hopeful that the bill's actions will be more crisp than its necessarily long title: "The National Commission on Domestic Needs and Economic Foresight Assessment Act of 1974."

Why is this bill needed? We simply have not had much coordination in planning our economic course. The Federal Government, State governments, local governments, and private enterprise have, more or less, gone their own separate ways. This has led to poor legislation, poor planning, economic dislocations, misunderstandings and misjudgments of the capacities and capabilities of both Government and industry.

The act would establish a national commission of 13 members to detect the existence or possibility of long- or short-range shortages or market adversities affecting the supply of natural resources, raw agricultural products, materials, manufactured products, or impairment of productive capacity due to shortages of materials.

It would recommend actions to be taken to correct shortages and adversities or to head off threatened shortfalls of needed materials or downturns in productive capacity.

The commission would be appointed by the President, after consultation with House and Senate leaders. There would be five members from the private sector, four senior officials of the executive branch, and two Members from each House of Congress.

I am not one generally to push a new layer of Government. I am hopeful, however, that this commission can, at minimum cost, give us a valuable overview of our American scene. I am hopeful that it would be balanced in its viewpoints, that it would take an objective look at the relationships between various branches and levels of Government, and the regulation and economic planning being done—or not done.

In my view, this commission would not be intended to regulate, but to investigate and recommend. I feel it has merit. I hope that my colleagues in the House will support this bill.

TRAFFIC SAFETY

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. PATTEN. Mr. Speaker, one of the most dedicated persons I know in the field of traffic safety, Mr. Allan A. Bass, has once again come up with an important message regarding traffic safety. This time, it is about something we all are greatly concerned with—our children, traffic, and accidents.

Mr. Bass, Traffic Safety Coordinator of Middlesex County, N.J., has long been noted for his strong and active leadership in this area, and his "To Whom It May Concern:" is well worth the consideration of my colleagues:

TRAFFIC SAFETY TRAINING IN SCHOOLS

To Whom It May Concern:

Across our Nation, thousands of dedicated police officers meet periodically with millions of young children in the classroom to better understand and review traffic safety.

A trained traffic officer accents pedestrian safety, modern traffic signs, their new colors and symbols, crosswalks and the significance of safety seat belts. He understands better than most, the exposure of the young and the old to serious accidents involving motor vehicles and bicycles.

More children between the ages of 5 and 14 die each year in traffic accidents in the United States than by any other single cause. The National Safety Council reports about 5,100 young people under age 16 were killed in auto crashes, according to the most recent annual statistics. These facts, and there are many other imposing reasons underscore the onerous responsibilities of the traffic officer.

Every parent, especially those with young children should find out more about traffic safety training in the classroom; ask your school principal about these programs. You might pick up a few pointers about defensive driving yourself.

Above all, tell your mayor, your police department and other public officials how much your family appreciates traffic safety training in schools. And, please do all you can to bring this safety message to others.

Sincerely,

ALLAN A. BASS,
Traffic Safety Bureau.
Middlesex County, New Brunswick, N.J.

WEALTH FROM WASTE

HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. HUDNUT. Mr. Speaker, this past February I had the honor of attending and participating in the "Wealth from Waste" luncheon sponsored by the Indianapolis Garden Club. Through the theme and program of the luncheon, "resource recovery from solid waste," the garden club members expressed their deep commitment to the protection and preservation of the environment. Mr. Wade St. Clair, director of information for the National Center for Resource Recovery, Inc., spoke to the group about the efforts his organization is making to solve the solid waste disposal problem presently threatening our American environment. The National Center is a nonprofit organization which has conducted research in the area of resource recovery from waste.

The Indianapolis Garden Club, which is associated with the Garden Club of America, is comprised of a group of women dedicated to the protection of the environment. They felt it would be helpful to bring Mr. St. Clair to speak about the efforts of the NCRR as they relate to the solid waste disposal dilemma to the attention of the community and business leaders. The members of the garden club are to be commended for their dedication to the protection of our environment.

The concerns and actions of the Indianapolis Garden Club relating to environmental protection along with efforts of other citizen groups, private industry, and governmental programs, recognize the crucial solid waste disposal problem currently facing us. It threatens to overwhelm our capacity to deal with it unless we take innovative and far-reaching steps to alleviate the problem.

Presently, solid waste disposal costs this country billions of dollars each year. The cost of disposing of municipal waste alone is expected to reach $7.8 billion by 1976. The cities and towns of this country are constantly burdened with this problem—not only does it constitute one of the largest financial burdens for localities, but over one-half of these expect to exhaust their disposal capacity within the next 5 years. Mayors and councilmen across the country have cited this as their No. 1 problem.

Not only are we threatened by the possibility of a surfeit of waste, but we are also unnecessarily depleting our natural resources by failing to extract the estimated $2 billion worth of recoverable materials in our waste. EPA has published facts stating that there are $1 billion worth of recoverable inorganics—iron, steel, aluminum, zinc and glass—which can be recycled. The cost of processing these recycled materials requires 90 percent less energy than recycling virgin materials. Inorganics contained in waste are also estimated to be worth $1 billion. Paper pulp, compost material, and fuel to generate electricity can all be recovered. EPA estimates the recoverable fuel in our waste could generate energy equal to 5 percent of our current oil consumption or 6 percent of our total annual energy production. These figures cannot be ignored.

The Indianapolis Garden Club and other groups like it are giving good leadership by attempting to bring before the attention of the leaders of business and the community the need to protect our environment and preserve our natural resources by making use of the materials recoverable from our solid waste.

Recycling resources from waste is yet a new, expensive process. Consequently, its cost is too high for most municipalities and industries to make use of it. Some element needs to provide a push to get this process into wider use and that incentive could be provided by the Federal Government.

In 1965, the Federal Government enacted the Federal Solid Waste Disposal Act (Public Law 89-272, title II) which constituted its first move in recognition of this problem. The act mainly pushed for the study of and experimentation with new and better methods of solid waste disposal. The act was amended in 1970 by the Resource Recovery Act (Public Law 91-512) which redirected the emphasis from solid waste disposal to resource recovery and recycling. Many demonstration grants have been authorized under this amendment which have shown waste recovery efforts to be profitable and economically feasible and efficient. Presently, a resource recovery plant is being constructed in the Town of Hempstead, Long Island, with the help of one such EPA grant. The town is receiving a Federal grant of $2.1 million to aid in the financing of the $44.6 million resource recovery system. The philosophy behind funding such individual projects is to develop systems that can be copied elsewhere at no cost to the Federal Government.

The National Center for Resource Recovery, whose representative, Mr. St. Clair, spoke to the garden club luncheon I attended, has developed a program similar to that envisioned by the Solid Waste Disposal Act. Their efforts are embodied in the National Resource Recovery Network which coordinates a group of resource recovery systems around the country. Their goal also coincides with that of the Federal Government—they plan to help establish these plants across the country and make them self-sufficient within 5 years.

The efforts of the EPA through the Solid Waste Disposal Act and those of the NCRR do take a step in the right direction, but something more is needed. Planning needs to be made more extensive and more systems need to be built.

Right now, H.R. 13176, of which I am a cosponsor, the Comprehensive Waste Management and Resource Recovery Act which further amends the Solid Waste Disposal Act of 1965, is pending final markup by the Committee on Interstate and Foreign Commerce. This bill, if enacted, will provide the needed incentive for the further development of resource recovery systems. It envisions a 5-year self-liquidating grant program which will make grants available to those States which adopt, administer, and enforce comprehensive waste management and recovery systems. With increased numbers of localities and industries encouraged to take advantage of the resource recovery systems, the various methods would be perfected and concurrently made less expensive to build and operate. Figures from existing systems show that these plants do become self-sufficient after 5 years and even turn a profit from the sale of the recovered resources.

The incentive provided by H.R. 13176 will enable more elements in the private and public sectors to expand and utilize resource recovery systems and at the same time, alleviate the strain on our environment.

As we find ourselves in the mid 1970's in a situation where natural fuel sources are rapidly being exhausted, where we are fast falling behind in our capacity to dispose of our solid waste thus posing a significant threat to our environment, we need to provide an incentive to urge the construction and use of resource recovery systems. For these reasons of urgency, I ask the H.R. 13176, the Comprehensive Waste Management and Resource Recovery Act, be reported out of committee as soon as possible. Once before the Members of Congress, I urge that my distinguished colleagues join me in seeking the enactment of this vitally important bill.

HOUSE JUDICIARY COMMITTEE COUNSEL RETIRES TO AMERICAN BAR ASSOCIATION

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. KASTENMEIER. Mr. Speaker, I first came to know Herb Hoffman when he was Chief of Legislation for the Department of Justice, and was delighted when he joined the House Judiciary Committee staff 3 years ago this month.

Along with the many friends that Herb has made in his distinguished career as an attorney in both the civil and military service of the United States, I wish him much success and happiness. The job he has undertaken as Director of the American Bar Association's Governmental Relations Office poses challenges which I am sure Herb will attack as conscientiously and effectively as he has the challenges of the last 30 years.

As a Member of Congress who has worked closely with Herb in the past, I look forward to an even closer association in the future. Though no longer on the public payroll, I have no doubt his efforts

will continue to further the public interest.

PRESERVING THE CHESAPEAKE BAY—TIME IS RUNNING OUT (PART II)

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. BAUMAN. Mr. Speaker, Monday, I inserted an article in the RECORD by Washington Star-News staff writer Woody West. The article was the first in a four-part series on the Chesapeake Bay, and today I am inserting the second part of that series.

In this article, Mr. West examines the problems presented by sewage effluents, even when it is treated, to the bay's ecology. The treated effluent, which has a high content of nutrients, can choke "subestuaries" by encouraging rapid growth of aquatic plants. Much of the problem comes from tributaries of the bay, Mr. West notes, and these rivers may draw from several States.

Problems such as these can be dealt with effectively only through organized interstate cooperation, and I am among those who are anxious to encourage this sort of common effort. To provide this encouragement, I have introduced House Joint Resolution 979, allowing the creation of a Chesapeake Bay compact to foster interstate efforts to preserve and protect the bay. As Mr. West's article shows so well, the time for implementing a cooperative plan is fast running out, and none of us can really be sure how much time is left.

I hope that this series of articles will help induce action on this bill by the Judiciary Committee, where it has been referred. And I am grateful to Woody West and to the Star-News for presenting this series, which presents so well an examination of the problems and potential future for one of America's most important bodies of water.

The article follows:

[Part II]

IT'S TIME FOR DECISIONS IF BAY IS TO BE SAVED

(By Woody West)

Decade after decade, man has plumbed and fished, mined and farmed, used and consumed from the Chesapeake Bay and its lands with hardly a hint that, at some distant day, a piper would require his wage.

Why has it been that only in the last few years that ecology and environmental integrity have become common topics for public discussion and debate? Dr. L. Eugene Cronin, director of the University of Maryland's Natural Resources Institute and a respected Bay scientist, offered a perspective.

"Only within decades, increasingly since World War II with the coming of big industry, big population, occurring almost simultaneously," he said, "have people started coming to the realization of the necessity of weighing costs and benefits."

"Until the 1940s, the general English base of law was dominant—you were permitted to use air and water quite freely to dispose of waste unless it directly harmed others' health. Only in a short time, have we begun to say, 'Wait a minute, you've gone beyond your own backyard when you dump waste.'"

Even this limited consciousness, however, did not become conspicuous until the mid- to late 1960s when ecology became a symbol and rallying cry.

"The rhetorical surge was helpful in initially raising interest," Cronin said. "But beyond this, it can be harmful. I think the future of the Bay has to leave the realm of careless overstatement very quickly and there must be a bringing toegther of science, management and legislation—with the important addition that a very broad base of people retain interest and concern."

Dr. Donald W. Pritchard, for a quarter of a century the head of Johns Hopkins University's Chesapeake Bay Institute and now its senior scientist, said:

"We've lived in an age when we've had our cake and been able to eat it, too. We won't have that in the future. We've got to make some hard choices. To keep the Bay within some acceptable state—that's the decision and the time is now. At present, I think, 'acceptable' would certainly mean that it become no worse than it is now and, hopefully, a lot better."

The ruggedness of the Bay, its tenacious ability to sustain man's intrusions, has given those of us dependent upon it a grace period. If correct choices based on sufficient information and adequate compromise are made, these scientists feel, the Bay will continue to function with its historic richness. The Smithsonian's Dr. Frank S. L. Williamson hazards an estimate of this grace period at from "10 to 20 years, as a ballpark estimate."

Why, it may be asked, if the Chesapeake has been so immune to man for centuries, should there be a developing sense of urgency now?

The Back River is today regarded as little more than a "holding lagoon" for much of the treated effluent from Baltimore. The river is a shallow body almost choked with seasonal growths of exotic plants that no other form of life grazes on.

The Back River, even if reduced to little more than an appendaga to a sewage plant, serves to prevent much of the enriched effluent from immediately flowing into the Bay proper and increasing the level of nutrient. But, at the same time, the water has lost much of its aesthetic and recreational utility.

"Who is going to make the decisions concerning the number of sub-estuaries we should preserve?" Williamson has asked. "These are vital parts of the Bay, remarks concerning the usefulness of the Back River as a nutrient trap that protects 'the Bay' notwithstanding."

"Who is going to make the decision about the upper level of nutrients that the entire system can tolerate?" he asked. "Perhaps we can only wait and see. It should not take very long."

Other major tributaries, if not in so advanced a state of deterioration as Back River, are in trouble. The Rappahannock, particularly around Fredericksburg, is showing significant pollution problems. The York, though now in comparatively good shape, is worsening, according to Dr. William J. Hargis, Jr., director of the Virginia Institute of Marine Science. Pressures also are increasing in the lower reaches of the York due both to population growth and industrial concentration.

The James River, Hargis said, probably is under more of these pressures than any tributary except the Susquehanna. Industry is a prime contributor. Yet portions of the James are in appreciably better condition now than a decade ago Hargis said.

The Potomac, from Washington downstream to Quantico, is also under enormous pressures, and water quality remains a problem. However, intensive efforts to upgrade the technology of handling human waste—the Potomac's main pollutant—and a broad array of scientific energy offers hope for significant gains.

Dr. Donald Lear, a biologist with the federal Environmental Protection Agency, sees the possibility for reversal of the eutrophication—aging of a body of water in a process not unlike senility in the human being—that is "fairly pronounced" in the river around Washington now.

The current expansion of the Blue Plains treatment plant with the addition of some of the most advanced technology now available, he said, will offer the prospect of "a major reversal of eutrophication by control, which may be the first time this has been done by control, rather than by diverting the pollutants into another channel.

It's well under way now," he said, with completion anticipated for the sophisticated system in three years.

Most scientists agree that the efforts to control waste disposal into the upper Potomac estuary look, indeed, promising. But there is another unknown for the Potomac and other tributaries where intense efforts are under way to upgrade technology and control techniques: Can the scientific efforts and technology keep pace with the demands that ever-growing population will create?

"The population increase has been faster than the increase in treatment systems," Dr. Cronin said, "so we don't even catch up to where we were. That's always a problem."

Another extensive set of potential problems is just now becoming conspicuous—the imminent use of the offshore areas for intensive exploitation. Recommendations already have been made to the federal government to permit drilling for oil and exploration for other valuable minerals along the Eastern Seaboard.

A new generation of electrical generating plants may be sited in coastal waters. Huge offshore mooring points for ocean-going freighters also are being discussed widely.

The ramifications that such development could have for the Chesapeake Bay area are obvious.

"Maryland happens to own a very neat little cross-section off the coast and, if you extend it, it goes out to include the Baltimore Canyon, which is one of the sites for possible oil exploration" Cronin said. "But the uses we make of this area for intensive recreation, for very intensive preservation, for fisheries, for navigation, all need to be carefully assured."

"The scientific knowledge of the coastal region here is really primitive," he added. "We know general circulation, we know something about the commercial species because fishermen have been out there and we have data on what they've caught. The rest of the system is very, very poorly understood."

As scientists and administrators discuss the problems and pressures the Bay system faces, an inevitable term is "exponential"—increases by leaps and bounds, rather than a steady and consistent pace. It can be an intimidating process as graphically illustrated by Dr. Theodore Chamberlain of the Chesapeake Research Consortium.

"Take a lily pond," he says. "If you decided to increase the lilies, exponentially, it would take 30 days for the pond to be fully covered with lilies.

"But you might begin to ask what would be too many lilies for that pond. And this thought might occur to you on the day when the pond already has become half covered with lilies but that day on which it is half filled would, exponentially, be on the 29th day. In just one more day that pond would be totally covered. That's what exponential means," he says.

In many areas, such as waste-water treatment and population, that is the magnitude of the pressures on the Chesapeake. That "half-filled-with-lilies" point of decision is not clear but it is approaching.

CURBING INFLATION MAY REQUIRE CONTROLS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. BINGHAM. Mr. Speaker, on a recently broadcast television program Federal Reserve Governor Andrew Brimmer warned that economic controls may be needed to cope with inflation.

Mr. Brimmer is the first administration spokesman to abandon the President's pie-in-the-sky forecast of a revitalized economic picture by year's end, and I commend him for his honesty.

Inflation is the gravest problem facing America today, notwithstanding Watergate. If we are to come to grips with our runaway economy we must embark upon a new economic policy response to the needs of the middle-income consumer, the poor, and the elderly—rather than big business.

Prior to the expiration of controls in April, I proposed a new approach to combat inflation as well as the abuses of the existing controls program. In light of the continuing decline in the state of the economy, I again urge my colleageus to reconsider the controls question in detail.

The Brimmer article which appeared in the June 4 edition of the Wall Street Journal follows:

FED'S BRIMMER WARNS THAT CURBING INFLATION MAY REQUIRE CONTROLS

WASHINGTON.—A Federal Reserve Board member, Andrew Brimmer, warned the U.S. may have to impose some sort of wage-price controls again this year or next to cope with inflation.

"I don't think we can resolve the inflation problem facing this country by exclusive reliance on monetary and fiscal policy," Mr. Brimmer said. He said that "by the end of this year and into next year, when we get back into what I believe will be the old traditional kind of cost-push inflation, we may very well have to give attention again to some kind of supplements" such as controls.

The Fed governor is one of the first top-level government economic officials to suggest a possible return to controls. The Nixon administration's Phase 4 controls program expired April 30 and administration officials are opposed to any return to wage-price curbs.

In an interview on the Public Broadcasting Service's television program, "Washington Straight Talk," Mr. Brimmer stressed that winding down the current inflation spiral will take a long time. Forecasting that the inflation rate will be running at an annual rate of at least 7% at year-end, he said it would be impossible to reduce it to 4% by mid-1975.

"By the end of 1975," he said, "there is a reasonable possibility of reaching a 4% grade of inflation, but to do that would require having the unemployment rate well beyond 6%," compared with 5% at last count. Controlling inflation "is going to take much longer than generally realized", he asserted.

IN COLORADO, BAD DAYS FOR A CATTLEMAN

HON. JAMES P. (JIM) JOHNSON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. JOHNSON of Colorado. Mr. Speaker, I would like to bring to the attention of my colleagues an article from the June 4, 1974, issue of the Fort Collins Coloradoan. It is a short article, but in its few paragraphs it explains the dire predicament of those who supply our Nation with beef.

The writer, Bill Hosokawa of the Denver Post, analyzes the amazing loss of $125 on one steer from the Monfort Feedlots of Greeley, Colo. Yet Monfort's, as the world's largest producer of grain-fattened cattle can withstand such losses, at least for a time. But what of the hundreds of small producers without the financial reserves to survive.

A forboding message is conveyed, and it is simple. If something is not done immediately, America need not worry about sending beef abroad, for there will not be enough to put on our own tables here at home.

I commend this article to the scrutiny of every Member of the House:

IN COLORADO, BAD DAYS FOR A CATTLEMAN

(By Bill Hosokawa)

DENVER.—Ken Monfort, whose Colorado-based company is the world's largest producer of grain-fattened cattle, sold a steer one day recently and instead of making a profit he lost $125.

What worries Mr. Monfort is that he has 180,000 head of cattle in his feedlots and he's going to have to market most of them at a loss—probably not as much as $125 apiece—if conditions don't change. Meanwhile, every one of these animals is munching about a dollar's worth of grain every 24 hours. It costs Mr. Monfort $180,000 a day just to feed his cattle.

In the most recent quarter of his fiscal year, Mr. Monfort's cattle-feeding operations, around the town of Greeley, Colo., lost nearly $9.2 million. Profits from the company's other divisions and a substantial tax break trimmed the loss to $3.8 million.

Even so, it is not the kind of situation conducive to sound sleep at night. It also demonstrates how sensitively one remote segment of the United States economy, the beef industry, is linked to the world-wide economy.

The steer on which Mr. Monfort lost $125 was purchased half a year ago from a Texas rancher for 53 cents a pound on the hoof. Since it weighted 700 pounds, the cost was $371. Last fall, after the beef boycott ended, the future looked bright for the cattle business and an investment of $371 for this calf appeared to be sound.

By the time the calf gained 400 pounds to reach ideal marketing weight, Mr. Monfort's computers told him it has cost $216 in feed, wages, interest and other outlays. That averages out at 54 cents for each pound of growth.

Adding the original investment to the cost of fattening the steer, Mr. Monfort had spent $587 to produce this 1,100-pound animal for market.

But when he sold the steer the market had weakened so badly that he was paid only 42 cents a pound or $462. Instead of realizing a profit for his work, time and investment, he has lost $125.

It is not unusual for cattlemen to buy high and sell low. That's part of the risk of a highly volatile business.

"We've taken beatings before, but this is the biggest loss in my experience," says Mr. Monfort, a former Colorado state legislator. "Our situation is typical of the entire industry. We just happen to be the biggest."

What caused the trouble? Many things.

For one, there was that grain deal that sent United States surpluses to the Soviet Union. Suddenly American reserves had vanished. Buyers began to bid up the price, and the cost of feed nearly doubled.

Then there was the Arab oil embargo and the sudden rise in retail gasoline prices. Americans reduced their traveling. That meant they didn't eat steaks in restaurants the way they used to.

Auto workers were laid off. Their wives fed their families chicken or canned tuna rather than sirloins.

Britain used to buy nearly all of Mr. Monfort's beef kidneys. But British foreign-currency reserves had to be diverted to pay for expensive petroleum. The kidneys are now sold to pet-food manufacturers for one-third the former price.

Many smaller cattle feeders, less soundly financed than Mr. Monfort, are cutting back or going out of business. They cannot afford the risks on top of paying as much as 14 per cent interest on their loans.

At Brush, Colorado., Irvin "Whitey" Welsbart is shutting down the feedlot his father opened 40 years ago. "We were going to close it anyway," he says, "But the current situation speeded up our plans."

Cattlemen are retrenching all along the line. What the public doesn't realize is that it takes 28 to 30 months for beef to move from breeding farm to retailer. The calves that aren't being conceived today won't be on the meat counters two and a half years from now.

PERSONAL EXPLANATION

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. MOAKLEY. Mr. Speaker, due to official business in Boston on Tuesday, June 4, 1974, I was unable to cast my vote on the three bills considered by the House that day under suspension of the rules. I would like the RECORD to show at this point how I would have voted had I been able to be present.

For the bill Senate Joint Resolution 40, to allow for a White House Conference on Library and Information Services, which unfortunately failed, I would have voted "aye."

To the bill H.R. 13595, authorizing appropriations for the Coast Guard for fiscal year 1975, I would have voted "aye."

On the bill S. 2844, to provide for collection of special recreation use fees at additional national campgrounds, I would have cast an "aye" vote.

In addition, the House considered two conference reports, relating to funding measures for fiscal year 1974.

To the conference report to accompany the bill H.R. 12565, the Supplemental Authorization for the Department of Defense, had I been present, I would have certainly cast an "aye" vote.

And finally, on the conference report to accompany the bill H.R. 14013, making Supplemental Appropriations for fiscal year 1974, I would also have voted "aye."

I regret that I was unable to be present for each of these votes, but I would like the RECORD to show at this point how I would have acted had I been able to be here.

PLIGHT OF THE NATION'S LIVESTOCK PRODUCERS

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. ABDNOR. Mr. Speaker, I am not satisfied with the amount of public attention devoted to the serious plight of the Nation's livestock producers. While this subject has not been entirely ignored by the consuming public, much of what has been said about this disastrous situation relates to the industry as a whole and the financial community which supports it. Untold are the thousands of stories of bankruptcy and failure now threatened throughout mid-America because of existing livestock prices caused by the excessive importation of meat into this country and the failure of retail meat outlets to pass the reduced cost of meat on to the consumers.

Farmers and ranchers throughout South Dakota are flooding my office with letters and calls which tell one story—unless there is an immediate increase in market prices for livestock, there will be wholesale liquidation of breeding herds and endless foreclosures of ranches and farms. In many of these cases, those wiped out will be families that have been in the livestock business for generations.

The following letter from Mrs. Vernon Randall of Chamberlain, S. Dak., expresses very well what families on farms and ranches all over rural America are now faced with. I am hopeful that my colleagues will join me in finding the solution to the problem of low livestock prices which threaten individuals and families as well as an entire industry.

The letter follows:

CHAMBERLAIN, S. DAK.,
June 4, 1974.

DEAR CONGRESSMAN: We shipped hogs to Sioux Falls today.

That is usually a highlight on the farm, but not this time. Usually when we get the check from our sales, we can pay off the debt we made when we bought them, but not this time. We also used to pay the bills for feed, medicine and gas used to raise these hogs. But not this time. We always hope to have some left over for living expenses and other expenses such as insurance, payment of the farm, repairs and equipment, but not this time.

If the market isn't down today, we might get 25 cents a pound for the hogs. In order to break even we have to get between 35 and 40 cents. How can we keep our heads above water with prices like that? Where is the money going to come from to meet our debts and expenses? All of us farmers are in the same boat. The farmers are the backbone of our nation, and the United States Government is letting them down.

Something can and must be done about it. Why does the U.S. let Canada ship billions of pounds of pork into the U.S. and they won't let us export a pound of meat into their country? If we weren't importing so much, maybe we could have a fair price for our products. Why should we import from them, it just doesn't make sense.

Our son is just beginning to farm with us, but what incentive does he have (or anyone else for that matter) when he loses money every day, just because our government thinks they have to keep on the good side of every country by importing their products. Those countries are all laughing at us for being such suckers. These young boys are soon going to give up and go searching for a better way to make a living. When they all go to the city to find a job, what is going to happen to our food supply then? You had better look ahead at this situation and do something about it.

Our expenses have more than doubled since last year. Gas, feed, fertilizer, parts, machinery and everything that we must have is going up beyond reason, and yet the price of every one of our products has gone down—eggs down 43%, beef down 38%, pork down 35%, poultry down, wheat and corn down.

It is ridiculous, in a prosperous nation such as the United States, that the farmers are going bankrupt while everyone else is prospering.

It would seem that there are enough Congressmen in Washington who represent farmers that something could be done about this dangerous situation. Let's see some action.

Yours truly,

MRS. VERNON RANDALL.

IF YOU LIKE BROWNOUTS, YOU WILL LOVE H.R. 11500

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. HOSMER. Mr. Speaker, the first hot day of the summer has resulted in the first of many voltage reductions that will soon be commonplace if we do not get serious about developing our domestic energy supplies. On Monday, most east coast electric utilities found it necessary to use a "brownout" to meet the demands of 95° weather on electrical consumption.

The problem locally was not that the utilities lacked the generating equipment to produce enough electricity. Instead, the problem is one of fuel, as the article following my remarks points out.

Soon the House will take up H.R. 11500, the Interior Committee's bill to limit strip mining. No reasonable man can dispute the need to end the abuses which too often have characterized the extraction of coal. At the same time, no reasonable person can question the need for surface mined coal to meet demands for power production. H.R. 11500 simply goes too far.

According to Federal Energy Office Administrator John Sawhill, enactment of H.R. 11500 could cut coal output by up to 187 million tons of coal annually at the precise moment it is so desperately needed. This would be tantamount to scuttling the Navy the day after Pearl Harbor.

If and when H.R. 11500 gets to the floor, I plan to offer H.R. 12898 as a substitute. H.R. 12898 will end the environmental abuses that H.R. 11500 seeks to end.

More importantly, it will also permit us to mine the coal we need to avoid the shutdowns and power reductions that are inevitable if H.R. 11500 becomes law.

LITHUANIA STILL DOMINATED BY THE U.S.S.R.

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. COTTER. Mr. Speaker, we have witnessed in the recent past many positive moves in the direction of worldwide freedom. However, even in this era of détente, we are sadly reminded of the strength of the Iron Curtain behind which the tiny nation of Lithuania is still dominated by the U.S.S.R. This sovereign nation was forcibly annexed into the Soviet Union 34 years ago. I join with my colleagues in commemorating this tragic event.

After the Communist occupation of Lithuania, nearly one-sixth of the population was driven from their homeland in one of the most inhumane chapters in world history. However, their quest for a free and independent existence could not be suppressed. Indeed, even within the last 5 years, insurrections against Communist domination were staged, and unhappily resulted in the self-immolation of three brave citizens. And, of course, we must not forget the valiant attempt of Seaman Simas Kudirka who, back in 1970, unsuccessfully sought sanctuary aboard the U.S. Coast Guard ship the *Vigilant*.

This same drive and determination which was present in the spirit of the Lithuanian people back in 1940 still lives today, and I join with all Americans of Lithuanian descent in the fervent prayer that this Baltic Nation will be free once again.

THE SOVIET UNION PLANS NEW HARASSMENT FOR SOVIET JEWS BEFORE AND DURING THE VISIT OF PRESIDENT NIXON TO RUSSIA

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. DRINAN. Mr. Speaker, I was distressed and depressed by news that the Soviet Union is once again planning intimidation and harassment of Soviet Jews prior to and during the forthcoming visit of President Nixon to the U.S.S.R.

I append herewith an account from the Washington Post of June 12, 1974, of plans by Russian leaders to cut off phone service of all Jewish activists in the U.S.S.R.

I attach herewith also, Mr. Speaker, an address which I was honored to give at a rally on behalf of Soviet Jewry in Baltimore on Friday, June 7, 1974.

I was pleased that our colleagues, Congressman CLARENCE LONG and Congressman PAUL SARBANES also spoke at this event expressing their deep concern over the problems and plight of the 3 million Soviet Jews.

Mr. Speaker, these two items follow.

[From the Washington Post, June 12, 1974]

SOVIETS CUT PHONE TIES OF JEWS

(By William R. MacKaye)

The Soviet government has shut off the telephone of virtually every Jewish activist in the U.S.S.R., American groups concerned about Soviet Jews have reported.

The maneuver is apparently designed to thwart any effort by Soviet Jews to dramatize to President Nixon their campaign for freedom to emigrate to Israel during the President's visit to the Soviet Union later this month, representatives of the groups said.

Jerry Goodman, executive director of the National Conference on Soviet Jewry in New York, estimated that 98 per cent of the activists' phones had been disconnected, most of them in the last two weeks.

Karen Kravette, Washington representative of the somewhat more militant Union of Councils for Soviet Jews, who also reported the massive telephone disconnection, speculated that the Soviet authorities also hoped to block news of other repressive moves against Jews by cutting their telephone ties to the West.

Activist Jews, however, have used other contingency lines of communication to alert Western friends of an increase in secret police surveillance of leading activists and of growing fears among male Jews that they will be called up for military service, she said.

Before President Nixon's Moscow trip two years ago, a number of key activists, many of them over 40, were drafted for up to 90 days of military service, effectively removing them from Moscow during the presidential visit. A similar wave of telephone disconnections also preceded the 1972 Nixon trip.

Agencies involved in the cause of Soviet Jewry are particularly edgy about the possible impact on Soviet Jews of President Nixon's speech in Annapolis last week in which he pledged a U.S. "hands off" policy regarding internal Soviet affairs and urged defeat of the Jackson-Vanik amendment to the pending trade bill.

The proposed amendment, which has the vigorous backing of the agencies and the American Jewish community generally, would tie liberalized U.S. trade policies toward the Soviet Union to Soviet government easing of the emigration restrictions.

Goodman noted that Stanley Lowell, the new chairman of this agency, which is funded by a broad coalition of Jewish groups, issued a statement shortly after the President's speech expressing the hope that Soviet Jews would not suffer as a result of Mr. Nixon's assurances to the Soviet government.

ADDRESS OF CONGRESSMAN ROBERT F. DRINAN AT THE NATIONAL SOLIDARITY DAY FOR SOVIET JEWRY, JUNE 7, 1974, AT BALTIMORE

Both the Kremlin and the Nixon administration are demonstrating that they prefer free trade between the United States and the USSR to the free emigration of Jews from the Soviet Union.

Soviet Jewish emigration to Israel ran at 3000 a month in 1973—a figure slightly better than 1972.

In 1974, however, Soviet Jews going to Israel have declined in number every single month. The number was 1720 in March, 1600 in April and 1226 in May, 1974—the lowest figure in almost three years.

In June, 1973 Brezhnev made the claim to U.S. Senators on the occasion of his visit to Washington that 95% of all of those applying for exit visas were receiving permission to emigrate from the USSR. At that time about 100,000 Jews were still awaiting visa exists in Russia. Now that figure has risen to more than 135,000.

In addition to the withdrawal or denial of permission the Soviets have increased the harassment and intimidation of those who desire to leave the USSR. In Moscow and Kiev, for example, persons wishing to apply for emigration must now get application forms from the police station rather than from the immigration office. In Leningrad, moreover, the post office has blocked delivery of invitations from relatives in Israel—the invitation which is essential to the Soviet citizen before he can even begin his visa application process.

In the twenty months of the existence of the Jackson-Vanik amendment we have seen the fantastic impact of this humanitarian measure. Both in Russia and in Israel the words Jackson-Vanik are almost magic. They give faith and hope to three million Jews in the Soviet Union.

The Russians, however, appear to be taking a hard line at this time in order to try to demonstrate that they can be as tough as the proponents of the Jackson-Vanik amendment. Unfortunately President Nixon is joining those in the Kremlin who prefer to have trade for Russia rather than freedom for Soviet Jews. At Annapolis on June 5, 1974 the President stated that the United States "cannot gear our foreign policy to the transformation of other societies." The President went on to practically bless the anti-emigration policy of the Kremlin. The President stated "we would not welcome the intervention of other countries in our domestic affairs and we cannot expect them to be cooperative when we seek to intervene directly in theirs". The President is wrong on every count in this sentence. The Jackson-Vanik amendment is not an "intervention" in the domestic affairs of Russia; it is merely a device by which we can insist that those nations who desire preferential treatment from the United States observe those guarantees to which they and we have subscribed in the United Nations declaration on human rights.

The Nixon administration is calling for a "compromise" on the Jackson-Vanik amendment. Dr. Kissinger is said to have received assurances about freedom of Soviet Jews to emigrate in a meeting with Mr. Gromyko on Cyprus on May 5. We have been told that Mr. Gromyko amplified upon his alleged assurances on May 28 in a brief meeting in Damascus with Dr. Kissinger.

Even the Washington Post today, June 7, 1974, editorializes that "the time for compromise on the Jackson-Vanik amendment is now." The Washington Post states that the President understandably "does not wish to sit down in the Kremlin with his hands trussed by the Senate." The Washington Post alleges that the pressure of the Jackson-Vanik amendment is "backfiring."

The Nixon administration also takes this position by claiming that they will seek the objectives of the Jackson-Vanik amendment by diplomatic means. In advancing this claim the Nixon administration is urging the Congress to delete from the trade bill the restrictions placed on credit to the U.S.S.R. unless it allows free emigration of Soviet Jews. No matter how this proposition is phrased it is a basic erosion if not an elimination of the entire thrust of the Jackson-Vanik amendment. This amendment would mean that the President must certify at regular intervals that the U.S.S.R. is in fact observing the right of every human being to emigrate from one nation to another. If the evidence does not support Russia's implementation of this right, then the Jackson-Vanik amendment requires that the very beneficial credits to the Export-Import Bank (Eximbank) will be withdrawn. But the President wants to use diplomatic pressure rather than a law of the Congress.

I find this particular type of compromise unacceptable. It was the adamant position of the Congress in insisting upon Jackson-Vanik which brought about the trickle of emigration which is now possible from the U.S.S.R. to Israel. A withdrawal of that pressure in the name of some vague diplomatic negotiations will do nothing except to allow the three million Soviet Jews to be returned to the state of oppression with which they have been afflicted since the days of the czars and particularly since the era of Stalin.

Now therefore, as never before, is the time when those who believe in the basic moral and spiritual principles underlining the Jackson-Vanik amendment must be firm and unyielding. The Jackson-Vanik amendment is a continuation of that policy adopted in 1892 when the House of Representatives refused to allocate funds for food transport to Russia on the grounds that the czarist regime, by its treatment of Jews, had shocked the moral sensibilities of the Christian world. The Jackson-Vanik amendment is comparable to the legislative effort in 1911 to abrogate an 80 year old Russian-American trade treaty. At that time Secretary of State Knox urged "quiet and persistent endeavors in a diplomatic way rather than treaty abrogation in attempts to change czarist policies". The State Department continued to echo the theme now familiar to the effect that America's commercial and industrial interests would allegedly be harmed by abrogating the commercial treaty with Russia. State Department voices stated that anti-Semitism would fall on Russian Jews. In December, 1911, however, the House of Representatives, having heard countless members condemn the practices of czarist Russia, voted to abrogate the treaty by an overwhelming vote of 301–1.

The pressure to compromise on the rights of Soviet Jews will be more pervasive, more subtle, and, yet, more "persuasive" in the immediate future. The contention will be made that those who want to deny Russia the benefits of the Export-Import Bank are the enemies of detente and thereby the enemies of a lasting peace. It is now being hinted that the Export-Import Bank may run into serious financial difficulties if it is not allowed to do business with Russia. The USSR may play the game itself by sharply increasing for a brief period the number of Russian Jews allowed to go to Israel. In short, all types of deception, rationalizations, and bad arguments will be used to persuade the House and the Senate to cut the heart out of the Jackson-Vanik amendment.

All of us must be more vigilant than ever before. Christians as well as Jews—perhaps I should say Christians more than Jews—must recognize that there is a basic moral question confronting the Congress and the country. The basic question confronting all of us comes to this: Will we allow those people whose immoral attitudes brought us

Watergate and the greatest political scandal in the history of our country to persuade this nation to abdicate its moral responsibilities to the three million Soviet Jews who desire to exercise one of the most fundamental rights given to all men everywhere?

I appeal particularly to Christians to rally at this dark hour of crisis. Christians must recognize as never before what Reinhold Niebuhr, the great Protestant theologian, once said: "No one can be a good Christian until first he is a good Jew."

REPRESENTATIVE ADAMS' SPEECH ON THE PURPOSE OF THE REGIONAL RAIL REORGANIZATION ACT

HON. DICK SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. SHOUP. Mr. Speaker, one of the most significant pieces of legislation enacted by this Congress was the Regional Rail Reorganization Act, which I coauthored with Representative BROCK ADAMS. This act creates a planning process whereby the bankrupt railroads in the Northeast can be reorganized into a viable and profitable rail system, and provides Federal financial backing for the creation of a new, private enterprise, railroad corporation to operate the system.

As we expected the act has generated a slew of lawsuits from disgruntled creditors challenging its constitutionality; they are demanding compensation far beyond that provided in the act. I believe that the provisions of the act are fair and equitable in their treatment of the creditors' rights and that the constitutionality of the act will ultimately be upheld by the Supreme Court.

In a speech today to the Food Industry Transportation Conference in Washington, D.C., my colleague, Representative ADAMS, gave a clear and succinct statement of the intent of Congress in passing the Regional Reorganization Act. For the benefit of my colleagues who are following the progress of the act with great interest. I am placing the full text of Representative ADAMS' speech in the RECORD. I want to emphasize that I am in complete agreement with the statements made in his speech regarding the Regional Rail Reorganization Act.

The speech follows:

A NEW CRISIS FOR THE INVISIBLE SERVICE

(By Congressman Brock Adams)

THE TRANSPORTATION SYSTEM, A NEW CRISIS AND THE INVISIBLE SERVICE: I. THE NORTHEAST RAILROADS: CREATORS, CREDITORS, CONSUMERS AND COURTS

I was very pleased to be invited to be a speaker at the Food Industry Transportation Conference. This is a knowledgeable audience with a distinguished group of speakers on transportation problems. My remarks this morning are intended to give you, as people vitally concerned with transportation and the food distribution system, a status report on legislation, both pending and already enacted, which will affect the day to day conduct of your business.

Over the past few years, I have given many speeches to transportation groups—to shippers, railroaders, the airline industry, to truckers, and to the men and women union members who make the various transportation modes work. To me, transportation is a fascinating enterprise. It is not always glamorous and it is not often in the news. But it is the central nervous system of our national economy. It only makes the news when something goes wrong with it. Last Saturday, a disastrous train wreck in a tunnel on the Penn Central's West Shore Line up the Hudson made the front page of the New York Times. News of the crisis which has faced the rail transportation system in the Northeast for the past year and a half has too often appeared on the back pages, the financial pages, or more ominously, on the obituary page.

The transportation of goods and people from place to place—by land, air, or sea—is something most Americans take for granted. Tomorrow the sun will rise in the East, the trains will move, the planes will fly, the trucks will roll. But you who work with transportation every day know the incredible complexity of this task of distribution. Everyone worries about the price of a can of tomatoes or a sirloin steak but few wonder how the item they are buying in the supermarket got there in the first place. Some miraculous genie has put in front of the consumer that incredible array of food and goods from which he or she can choose. I know to you it is commonplace, but in the perspective of history it is astonishing. Vegetables of almost every type—fresh, canned or frozen—the year round. Meat of every variety at the butcher's counter. Chicken, eggs, and cheese. The list could go on. The shopper of 1974 is free from the chain of seasons. Almost everything is available almost all of the time. Why? Because of transportation the Florida corn or the Arizona tomato or the Washington apple can go anyplace, from Seattle to New York, at almost anytime of the year.

For some this task of distribution may seem a miracle. For you who know the complex details of bringing those goods from the fields in which they grew to the markets in which they are sold, it is not miraculous—it is just a very complicated and difficult job. A very fragile miracle indeed. But for most people the goods for purchase in the store are there by right—just as much a certainty as the sun rising every morning. For them transportation is the invisible service. When it becomes visible, is when it stops or threatens to stop.

Before discussing the national programs necessary to maintain, let alone, improve, the nation's transportation system, I want to talk with you about the continuing crisis of the Northeast railroad system.

As many of you know, last year Congressman Shoup and I authored legislation which was a result of months of hearings and meetings with every group affected by transportation. This legislation became the Regional Rail Reorganization Act; it was a truly bipartisan measure.

We listened to all of the interested groups, and they were ably represented by good spokesmen. In the final analysis, however, it is our job as elected representatives to speak for the public interest and to make basic policy decisions on the content of the legislation.

This law became effective on January 2, 1974. In greatly simplified terms, it provides for:

1. a planning process to determine the system necessary to provide adequate, efficient, profitable rail transportation service in the Northeast;

2. the creation of an independent United States Railway Association (USRA), with a broad-based Board of Directors representing the public interest, to finalize the plans and providing financing for a new rail system;

3. the creation of a new, for-profit, privately owned corporation that would act as a buyer or reorganization partner with the bankrupt railroads of the Northeast;

4. a broad range of government assistance for interim operating payments, plant improvement, payment of labor displacement costs and help for local communities to retain vital transportation services;

5. expedited court proceeding so that all parties could have their rights determined under the statute and

6. a specific limit on the amount of the taxpayers' money to be committed to the project.

II. THE COURTS AND THE CRISIS

On Monday, June 3, 1974, a special three-Judge court in Philadelphia heard arguments by the creditors of the bankrupt railroads that the Act should be declared unconstitutional.

These creditors want nationalization or a government taking so they will be paid 100 cents on the dollar. The trustees for the Penn Central Railroad argue the statute was constitutional, but only if the creditors could obtain more taxpayer money for the assets they transfer to the new corporation than was provided in the statute.

The Government attorneys' position is a difficult one. They are torn between carrying out the intent of Congress that taxpayer liability should be limited, maintaining the statute against the creditors who want the Government to take over, and accepting the position of the Penn Central Trustees that the statute should be carried out by allowing a large contingent liability against the Government.

III. INTENT AND INTEGRITY

On Thursday, June 6, 1974, I felt it necessary to write a letter to the Court hearing this matter. In the letter, I indicated that the Congress had intended the Federal government's financial commitment be limited to the sums authorized in the Act. Congress did not intend that there be a deficiency judgment against the Federal Treasury.

I am well aware from my experience as a private attorney and as a U.S. District Attorney, that the Congress having passed a statute must rely on the Government attorneys to maintain the Government position. The Congress cannot administer laws. It must rely on Government attorneys to defend them (though I think this practice is going to change perhaps).

I was deeply distressed when the Government attorneys did not, despite the request of the Members of the House Transportation Subcommittee, inform us that, contrary to the views of the Subcommittee, they might have to concede the possibility of a contingency liability at the 3-Judge District Court level. The procedural problem was that the matter of a contingent liability against the government could be decided by concession at the lower court level and thus never be presented to the Supreme Court for final decision.

I have indicated to the Government attorneys and others that I and other Members of the Subcommittee were prepared to file an *amicus curiae* brief in the Supreme Court outlining in detail the manner in which this statute was created and what the Congressional intent was. My fear was that this presentation could be foreclosed by action of the lower court.

I realize that any statements filed with the Court by Members of Congress may seem

to be of advantage to one party or another, and I have carefully indicated to the Court that I do not intend to argue the merits of the case. However, I believe it is essential that the Court and the Government attorneys know that the basic integrity of a Congressional Act is involved. If the statute does not meet constitutional standards by the manner in which it was drawn, then the Congress must change it. Major changes, such as granting the potential of large additional payments to creditors, should not be grafted onto the Act by judicial fiat.

I am also concerned that the DOT might revert to its original position by letting the statute fail and by forcing these railroads into liquidation and onto the auction block. I am worried that the statute will not be given a fair chance and that the government will be faced with the prospect of nationalizing the system as the only way to maintain rail service.

One of the reasons the present problem developed was that the Administration failed to appoint the Board of Directors of USRA by March 15, 1974. This Board of Directors was to be composed of people independent of the Executive Branch who had the knowledge and the interest to make the reorganization process work. The timely appointment of this Board would have created an independent agency with its own general counsel to help develop its legal position.

The President did not submit the names to the Congress until the end of May and the nominees are still awaiting confirmation. The result is that the Government position in Court has been basically developed by the Departments of Transportation and Justice, and the new Agency will be bound by these decisions. This shows what can happen when the provisions of a complex and carefully drawn statute are not carried out by those who are supposed to administer it, no matter how good their intentions may be. It also places those of us who made specific representations to our colleagues through legislative history in the position of having to speak out.

The Regional Rail Reorganization Act was carefully conceived with the full knowledge and assistance of all appropriate government agencies and with the support of all parties affected by it. It is a good and a proper solution. Those of us who have worked on the Northeast railroad problem for the last three years are standing behind this Act as it was created and we believe the Supreme Court will uphold it.

IV. TRANSPORTATION POLICY—THE ENERGY CRISIS AND INFLATION REQUIRE EFFICIENCY

I have chosen transportation as my area of specialty as a Member of Congress not only because it is important and it interests me, but because it is one of the most basic of consumer interests. The simple fact is that without transportation, there would be nothing there—in the market, at the point of sale—to buy.

Today, I speak to you in a very different context from that of the past. The energy crisis and inflation have given dramatic illustration to the importance of transportation and have made everyone look again at the "invisible service." These two factors throw a new light on the traditional fight between the modes and give new importance to what Congress is trying to do to cure the basic problems confronting the transportation industry. The status quo is over and we must make news and it must be good news.

Inflation and the fuel shortage mean that our transportation system must function at its greatest efficiency. All of us here today know that we have demanded that transportation be stable and available even at higher cost or inefficient use of fuel. Everyone seems to have a special hobgoblin to explain inefficiency—to much regulation, unequal government subsidies for differing modes, poor return on investment. However, most careful observers do not think there is any one factor that can be singled out but a complex of causes. Of all the modes, the railroads are certainly in the poorest shape both in terms of physical plant and in earnings. Yet they are certainly the most efficient in terms of fuel and cost for long distance overland hauls. The trucks are the most efficient for collection and distribution over shorter distances with the flexibility of the highways and ease of loading and unloading working for them. The barges are most efficient in use of fuel and cheapest in total cost. Yet each mode is still trying to compete in all sectors with railroads operating at a loss in switching cars for local deliveries, trucks attempting to find fuel for long haul runs and barges being limited by their access to traffic.

V. THE SURFACE TRANSPORTATION ACT

The legislation which I have sponsored, the Surface Transportation Act, is a legislative package which will meet some of the capital needs of the transportation industry through government guaranteed loans and regulatory reforms. I think the reports I hear of the demise of this legislation are very premature. Despite the heavy agenda of the Transportation Subcommittee of the House Committee on Interstate and Foreign Commerce, I think that like "Little Current" I hope we will be able to find an opening in the pack and move up on the inside rail, and report a bill from the full Committee this Fall.

DOT, partly as a result of the financial collapse of the railroads in the Northeast and the truckers strike for fuel, has recognized that more than regulatory reform alone is needed to restore the transportation system to health. DOT now favors a $2 billion loan guarantee program for railroads as well as the regulatory reforms included in the Transportation Improvement Act. My bill and the DOT are very close in many respects, and I am hopeful that we will reach agreement on two key regulatory issues—greater rate flexibility and in easing the control of rate bureaus over rate proposals. My philosophy on regulation is a follows:

"The nation's regulatory policy should be directed toward creating and maintaining a privately owned and operated intermodal interstate system regulated by the federal government in the public interest. The regulations should be uniform for all modes and the degree of regulation should vary with the degree of monopolization existing at any particular point in the system. The government regulations will thus take into account the importance of both transportation and shipping units in a particular market with competition allowed to set individual prices above cost where neither shippers nor the industry have power to control the market and otherwise the rates will all be set publicly by government regulation. The ICC should be given a period of time to demonstrate whether it can overcome its present regulatory lag and if not then the regulatory system should be restructured so as to produce prompt and fair regulation."

Developing this legislation has been a lengthy and complex task. It deals with basic pocket book issues and requires the balancing of many competing interests. In the past three years I have met repeatedly with representatives of every group affected to pass this legislation.

The members of this audience have a direct stake in the success of the Regional Rail Reorganization and a new transportation law. I wanted you to be aware of my concern, as a drafter of the Northeast railroad legislation and the proposer of the Surface Transportation Act that we need your help in persuading a somewhat reluctant dragon to carry out the will of Congress, and to agree to passage of a new transportation program. The dragon doesn't seem too interested in what Congress has to say—perhaps it will pay more attention to the transportation community. I urge you not to assume that you can sit back, relax, and leave the driving to DOT.

ON INFLATION

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. LONG of Louisiana. Mr. Speaker, inflation in my opinion is the worst problem confronting our Nation today. While inflation affects every American in one way or another, those who are hurt the most are those who can afford it least—people on fixed incomes and people in the middle, and lower, income groups. And while the Federal Government labors arduously to find solutions to inflation, we continue to be subject to inflation's will.

Proposed solutions for inflation have come from all corners—academia, the business community, labor unions, and the Government. Mr. A. W. Clausen, president of the Bank of America, has expressed some interesting ideas on the subject in an article written by Michael Harris of the San Francisco Chronicle. Mr. Clausen has taken a novel approach to the problem by proposing, of all things, a tax increase. While I at this time have no comment one way or another on Mr. Clausen's suggestion, I urge others to follow Mr. Clausen's lead in trying to solve new problems with new approaches. It is obvious that the old solutions are no longer working.

I was given a copy of this excellent analysis by Mr. A. R. Johnson, president of the Guaranty Bank & Trust of Alexandria, La., and I have inserted the article into the RECORD as follows:

INFLATION? HERE'S WHAT BANK OF AMERICA'S HEAD SAYS ARE THE REMEDIES

[EDITOR'S NOTE.—The following article is written by a staff member of the San Francisco Chronicle and was published originally by that newspaper last week.]

(By Michael Harris)

The surge of inflation in the nation has reached a "cancerous" 11.5 per cent rate that leaves the United States with only two painful choices, according to Bank of America president A. W. Clausen.

One is to watch passively while inflation continues raising everybody's prices and stealing into everybody's savings until the process ends in worldwide recession.

The other is to accept a temporary tax increase until prices are back under control and also—in almost revolutionary fashion—to make a permanent change in the way people spend their money.

Clausen said the time has come to quit wasting money on things people don't need, no cars that wear out too soon and on products that are designed to be thrown away after one using.

"We have distorted consumption into an economics of waste," Clausen said.

"And waste itself is inflationary."

Clausen and four other top Bank of America officials discussed the dangers of inflation last week in a lengthy interview.

The tone of the dialogue across a round table in a sunny room on the executives'

floor high in the Bank of America's headquarters were quiet and sometimes technical.

But the message was urgent.

As president of the world's largest bank, Clausen can talk to other bankers, to economists and to government leaders. But all of them, he said, are powerless to wage an effective fight against inflation until the public understands what the problem is all about.

"People want to fight inflation, rather than give in to it," Clausen said.

"If they are aware of what is necessary, they are willing to make some sacrifices."

The nature of the problem can be expressed in everyday terms. Put as simply as possible, if inflation continues at the present rate, the dollar will buy 54 cents worth of food, clothing and housing five years from now—or 29 cents' worth in ten years.

In 19 years, the dollar will be worth a dime.

Clausen described it somewhat differently.

"Inflation itself is a tax," he said. "The people who suffer most from it are low-income people.

"It is a tax that hurts more for those earning $5,000 to $10,000 a year than it does for those making $20,000 to $25,000.

As most people realize, Clausen continued, the process of trying to match higher prices with higher wages cannot continue indefinitely. The pensioners suffer along with the very poor.

"We have worldwide inflation and the specter of worldwide recession," he said.

"The problem has to be fought, and there's not a chance of winning it unless the effort starts here in the United States."

With so much money being spent uselessly in this country on nonessentials, Clausen continued, American industry finds itself stalled in an inflationary trap of high costs accompanied by prohibitively high interest rates.

The result, he said is that industry cannot raise the money needed to build factories that could provide long-term jobs and badly needed products—the very things that are essential for long-term prosperity.

"We don't have enough steel, aluminum, paper or oil refining capacity," Clausen said. "But corporations don't want to borrow for 25 or 30 years for new plants at 9¼ per cent."

Among the changes Clausen proposed for the way American deals with money and credit were:

Automatic increases in income tax rates whenever the rate of inflation gets too high.

Tax laws that encourage people to save money, perhaps by giving tax exemptions on some of the interest paid on savings accounts.

Government assistance for businesses forced to convert from one field to another by changes in government policy.

A top level commission to help chart a new, production-oriented future for the United States.

Clausen said he was advocating a commission that would produce changes as fundamental as the six-year study that led to the creation of the Federal Reserve System following the wholesale bank failures in the Panic of 1907.

He contrasted his anti-inflation program with the suggestions of some senators and congressmen who have pressed for tax cuts to help constituents whose purchasing power has been reduced by inflation.

"That's throwing kerosene on the fire," Clausen argued.

Instead of inflating the economy with still more money, Clausen said, it would be better to call for short-term belt-tightening by raising taxes temporarily whenever inflation rose too rapidly.

Such a tax would have gone into effect, for instance long before the inflation rate reached the dangerous 11.5 per cent stage.

It would have prevented the expensive two-year delay in imposing needed taxes when President Lyndon B. Johnson used deficit spending to finance both the war in Vietname and domestic social legislation.

What is needed. Clausen continued, is a way to have the tax go into effect virtually automatically—in effect, to "depoliticize" the inflation flight.

It might for example, be decided that the country could live safely with an inflation rate of 3½ per cent a year but that taxes should go up whenever that figure was exceeded.

The extra money collected in temporary taxes could be deposited in the government's Social Security reserves, Clausen said.

This would not only help combat present-day inflation but, he added, would reduce the need for future Social Security tax increases.

Clausen explained why he thought a short-term remedy such as a new tax law would not be enough. He told why he thought a more basic study of the nation's economy had to be undertaken.

"The traditional tools—fiscal and monetary policies—don't seem to work today," he observed.

"Maybe we need more tools, or maybe we don't understand enough about the problem. Maybe we ought to go back to the drawing boards."

A group of no more than 15 persons ("We want to build a horse—not a camel") should be drawn from government, business, labor and consumer interests to spend three or four years studying the problem, Clausen said.

"If we tried to put a 90-day or one-year time limit on them," Clausen said in reply to a question, "all we could get would be a knee-jerk or shoot-from-the-hip job."

Clausen said he did not believe unemployment would increase if the committee succeeded in drawing up plans to transform the economy from its present emphasis on consumer spending to a new stress on production.

Clausen gave part of the answer to the question in a speech earlier this month when he said, "The major industrial nations of Europe have never approached our level of consumption, and for the most part they have retained the quality of durability in their durable goods to a greater degree than we have.

"Yet they have consistently kept their unemployment rate below ours."

Despite the dangers, Clausen said he was still optimistic.

"Inflation is our Number One, enemy," he said. "And when it comes to a choice between done something or committing hara-kiri, we're going to do something."

THE NEW DEFENSE POSTURE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include my Washington report entitled "The New Defense Posture":

THE NEW DEFENSE POSTURE

Congress is now debating a military budget which points to major changes in U.S. defense policy. The key issue in considering U.S. global defense responsibilities is whether the U.S. has the arms and the men to fulfill them. A new Secretary of Defense, the lessons of the Middle East war, and a lagging economy have all contributed to the new look in defense. But the most important factor has been, in spite of the spirit of detente, that Soviet nuclear and conventional forces have steadily improved relative to the U.S. To meet these defense responsibilities, the Administration believes that the U.S. requires greater combat capability and forces sufficient to fight one major war and a limited war elsewhere at the same time (the 1½ war strategy).

The new defense position, with its emphasis on increased combat potential, weapon modernization, force readiness, and nuclear weaponry flexibility, also means higher defense spending of about 6 to 9 percent (in addition to the increase for inflation). In judging the appropriate level for defense spending, the probable nature of the next war, if one should come, and the enemy's strategy in that war, are difficult questions. Would it be a conventional or nuclear war? Where would it occur? Military planners have plenty to worry them, with an unfinished war in Southeast Asia, an uneasy peace in the Middle East, intense competition for the world's diminishing resources, exploding populations, and with large NATO and Warsaw Pact armies poised to strike one another.

The Administration is making several changes in the nation's defense posture to meet these challenges. Nuclear weapons development is moving toward greater accuracy for the strategic missiles and with less emphasis on weapons of mass destruction. The emphasis is on expanding the options available to the President in time of crisis, and meeting projected Soviet capabilities. The mass destruction weapons still exist, like the B–52 bombers, but the U.S. is entering a new era of weapons development with "refined" strategic and tactical nuclear weapons which stress accuracy over size. American nuclear power rests today on the triad of 1,054 land-based, intercontinental ballistic missiles, 656 submarine-launched ballistic missiles on 41 nuclear-powered submarines, and the 490 B–52s and F–111s of the Strategic Air Command. The emphasis in the years ahead will be on the nuclear submarines and the bomber forces, with the Navy pushing the development of the Trident submarine and the Air Force pushing the B–1 bomber.

Modernizing their arms on a wide scale, the Navy and the Air Force are also making sweeping and costly changes in their general purpose forces. The Navy wants more nuclear carriers, new sea control ships, several kinds of destroyers and frigates for escort, and anti-submarine ships to help guard against Soviet submarines. The Air Force is seeking, in addition to the B–1 bomber, a new aircraft for the support of ground forces, the A–10.

With rapid advancement in weapons technology apparent in the 1974 Middle East war, the Army has also launched into a major modernization program. The major efforts will be to shift Army manpower from support to combat roles, to increase inventories of equipment, and to improve the sophistication of the weapons. A big question, prompted by the 1973 Middle East war, is whether new missiles used by the infantrymen will make the tank and the whole family or armored vehicles obsolete. While the debate rages among the experts, the policy at present is to balance both the tank and the anti-tank weapons. The Army is developing the TOW (anti-tank missile), a new main battle tank (the XM–1, which has better fire control and armor than the present M–60A1), two more lightly armored vehicles, an attack helicopter, and a combat support helicopter. The Army's most immediate need, according to Defense Secretary Schlesinger, is an effective air defense system where a lag has occurred partly because ground forces in Vietnam were comparatively free of attack from enemy planes. So despite detente and the end of the U.S. combat role in Southeast Asia, the fiscal year 1975 budget is the highest peacetime military budget in history. A $100 billion annual defense budget can be expected within a few years.

Congress has always been reluctant to reduce the defense budget, and usually cuts it no more than 4 or 5 percent each year. This reluctance arises because of the difficulties and the uncertainties of judgments on defense and also because of the high cost of being wrong. I believe that there is plenty of room for efficiency improvements in the defense budget, and that these improvements can be made without diminishing national security. These improvements include reductions in the number of support forces (not, however, a reduction in combat forces), cuts in headquarters personnel, slow-downs in the modernization programs, development of less expensive weapon systems, closer coordination of reserve and active duty units, and better procurement practices (cost over-runs in the billions are unacceptable).

Reductions in defense spending without risk to the national security can also come about if the U.S. proceeds cautiously to define more modestly U.S. objectives abroad.

TRIBUTE TO HERBERT E. HOFFMAN: HOUSE JUDICIARY COUNSEL EMBARKS ON FOURTH CAREER

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. EDWARDS of California. Mr. Speaker, Herbert E. Hoffman, one of the senior counsel of the House Committee on the Judiciary, retires from his third career at the end of this month. I join his many friends in wishing him well.

Herb Hoffman sandwiched 4 years of military service between two 2-year periods of the private practice of law in New York City. Then, in 1948, he moved to Virginia to raise his children on green grass rather than city sidewalks, joining the Justice Department in the Office of the Deputy Attorney General. After serving 10 Attorneys General and 10 Deputy Attorneys General as Chief of Legislation, Herb began a third career—on Capitol Hill.

During his first year with the Committee on the Judiciary, he assisted with the monumental and controversial legislation considered by the subcommittee chaired by your distinguished former colleague, Emanuel Celler. During the 93d Congress, Herb has been majority counsel to the Subcommittee on Criminal Justice, rendering yeoman service on legislation to enact proposed rules of evidence for use in the Federal courts and legislation to provide for the court appointment of a Special Prosecutor.

Those of us on the House Judiciary Committee who have worked with Herb view his leaving with mixed emotions—regret because we will lose the direct benefits of his tremendous talents but also with a feeling of good will as he now embarks on his fourth career.

It is reassuring, however, that in his new position as Director of Governmental Relations for the American Bar Association his talents will still be available to us in Congress and will be in addition more directly available to the organized bar.

SUPERTANKERS AND POLLUTION

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. DE LUGO. Mr. Speaker, I wish to bring to my colleagues' attention an editorial decrying a situation which drastically affects our delicate ecological balance.

This article focuses on the imminent threat to the Virgin Islands environment that would result from the increased flow of unsafe oil tankers if additional oil refineries are built in the Islands. The central issue, however, is that safety considerations have not increased with the size of modern oil tankers. Ships now under construction are up to 70 times the weight of the largest tankers used after World War II. They are being built faster and with less consideration for sufficient safety measures. With increasing worldwide dependence on oil, the producers of this valuable resource are becoming obsessed with the profits available through faster transport of their product. Larger ships, more ships, but no sufficiently trained crews or safety factors to limit the number of jettisoned cargoes, leaks, and sinkings.

This editorial rightly calls for immediate attention to construction practices of the supertankers that enter our coastal waters daily. Is a 100,000-barrel oil shipment that ends up floating in our oceans today more valuable than a 1,000-barrel load that arrives intact tomorrow?

I present this timely editorial comment with special attention to its mention of the detailed New Yorker articles of May 13 and May 20. The article follows:

SUPERTANKERS AND POLLUTION

Those Virgin Islands residents concerned with ecology and those who have been contemplating the construction of a second and possibly a third oil refinery on St. Croix would be well advised to read a pair of articles on supertankers in the May 13 and 20 issues of The New Yorker magazine. In what the New York Times has described as a "brilliantly detailed and powerful account," the magazine describes the recent and rapid increase in the construction of these giant vessels and the unforeseen consequences of their use.

Less than 30 years ago, at the end of World War II, the largest tanker in use was 18,000 tons. About a decade ago the first of the 100,000 ton tankers made their appearance, and with the closing of the Suez Canal during the 1967 Six Day War the supertankers came into their own. Now, there are dozens of tankers in the 200,000 to 250,000 ton range, with vessels up to 1,250,000 tons being built or planned.

The increasing numbers of these enormous ships have caught the world unaware. Many are operated under flags of convenience by crews falling short of American or British standards, and most are built more with an eye for profit than safety. In crowded areas such as the English Channel there have been numerous collisions and supertankers have broken up in storms, sprung leaks, or jettisoned cargo in order to save themselves when hit with mechanical failures far from the few ports in the world that can handle them.

All of this may seem a long way from these sun-bathed seas, yet eventually such uncontrolled pollution will effect us all. Virgin Islanders should have a heightened awareness of this problem, though, for it seems inevitable that, as refineries multiply here, there will be a greater likelihood of supertankers bringing their cargoes here for refining and transshipment to the mainland. Consequently, Virgin Islanders would be well advised to join those urging the major oil importing nations, such as the United States, to demand rigid safety standards and crew training for supertankers calling at their ports, and in particular that their operators be held strictly accountable for every drop of oil that they transport.

The result has been the spillage of tens of thousands of barrels of oil into the ocean, much of it in the heavily travelled tanker route around the Cape of Good Hope, whose stormy winter seas are doubly perilous for with loads suitable for only calmer waters. The New Yorker article ponders the question of the effect of oil killing spills on fish, fish eggs and phtyoplankton in these nutrient rich waters. Millions of people depend for their lives on fish caught in these waters as they are carried along the South American and African coasts by the ocean's currents, and pollution of these waters could become a disaster of the first magnitude.

BILLY MATTHEWS CONTINUES TO RENDER DISTINGUISHED SERVICE

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. FUQUA. Mr. Speaker, few men who have ever served in the U.S. House of Representatives enjoyed as many friendships as our former colleague, D. R. "Billy" Matthews of Gainesville, Fla.

In that regard, I know that those of you who knew Mr. Billy will be interested to know that he was recently elected by the Gainesville Exchange Club to receive its annual Golden Deeds Award. This outstanding civic club annually names one person to receive this award for contributions to the community and "responses to need that go beyond the call of duty."

Returning to Gainesville to make his home after serving in the Congress from 1952 to 1967, he has added to a distinguished service career as a professor of political science and social studies at Santa Fe Community College there. He is one of the most popular of instructors.

I saw him recently and can relate to my colleagues that he is in good health, good spirits, and is enjoying life to the fullest. He continues to make a tremendous and lasting contribution to his fellow man and I wanted to extend my personal best wishes and congratulations on this well-deserved tribute given him by this outstanding club.

BICENTENNIAL CELEBRATION OF HARRODSBURG, KY.

HON. JOHN BRECKINRIDGE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. BRECKINRIDGE. Mr. Speaker, it is with great pride that I congratulate the people of Mercer County and Kentucky, and join with them as they celebrate the bicentennial of the founding of Mercer County's seat, Harrodsburg, during the month of June 1974.

On June 16, 1774, a settlement called Harrodstown—now Harrodsburg—was laid out 3 miles east of what later was to be known as Fort Harrod. However, an Indian uprising caused Daniel Boone to order the return of Kentucky surveyors to Virginia for their safety.

In the early months of 1776, a boy of 16, James Ray, was hunting near Fort Harrod. He had just killed and roasted a blue-wing duck when a "soldierly looking" man stepped from the forest. The boy offered to share his duck.

Ray later revealed:

The man seemed starved and ate all of it.

The stranger asked a great many questions about the settlement and Jimmy offered to lead him to the fort. In this way, according to old accounts, George Rogers Clark was introduced to Harrodstown and to become its leader.

Clark later went on to open up the West by blazing a trail to Louisville, and thence on to Illinois. He left behind him three stockaded forts in that part of Virginia later to become Kentucky—Boonesborough, Logan's Fort, and Fort Harrod.

One of the festivities scheduled during this bicentennial celebration will feature the issuance of the Harrodsburg commerative stamp this Saturday, June 15, followed on June 16 by ceremonies unveiling a historic marker at the site of Fort Harrod.

Because of this historic occasion—a part of the prelude to the opening of the West—I place the following brief history of Harrodsburg and Fort Harrod in today's RECORD:

HARRODSBURG AND FORT HARROD, KY.

Harrodsburg of Mercer County, Kentucky, in the geographical center of the State, has the distinction of being not only the first permanent settlement in the State, but also the first permanent settlement west of the Alleghenies. It was here on Thursday, June the 16th, 1774, that James Harrod, woodsman and veteran of the French and Indian War, and 31 other men—ignoring King George III's Proclamation of 1763 prohibiting settlement west of the Applachians—laid out the settlement called Harrodstown. Each member of the company was assigned a half-acre and a 10-acre lot. By the end of the summer at least five cabins had been built.

From the first Harrodstown contained in microcosm the America to be; for the Harrod's company were English, Irish, Scotch-Irish, Poles, Germans and Welsh. All had certain things in common—a love of independence, an ideal of self-government and a belief in an all-powerful Providence.

During the summer of 1774, however, the settlers received word from Virginia's Governor Dunmore that the Indians were on the warpath and all were urged to return to Virginia until the menace had passed. The bearer of this bad news was Daniel Boone, who was so taken by the activity and promise of Harrodsburg that he built a cabin for himself. However, the danger of Indian attacks did not dissipate and, after the settlement was attacked, Harrod and his company left. They returned the following year (March 1775) to reoccupy the cabins they had deserted and word was pushed forward on a project begun the preceding year—a stout fort to protect the settlers who were now beginning to arrive.

When finished the fort was protected by blockhouses and a palisade of logs 12 feet high, making it the largest enclosure and the heaviest palisade in Kentucky. Within the fort was a spring that furnished the inhabitants a constant supply of water. It was in Fort Harrod that the first schoolhouse in Kentucky was established. In 1776 Mrs. Coomes taught reading and writing to the children of the settlement.

It was also in this fort that Ann McGinty operated the first spinning wheel in the West, making the first linen (from the lint of nettles) ever made in Kentucky, and the first linsey (from this nettle lint and buffalo wool).

It was in the fort that the first clergyman ever in Kentucky, the Rev. John Lythe, preached the Gospel. Rev. Lythe, of the Church of England, came to Harrodsburg in April of 1775. Here also Squire Boone, brother of Daniel and an occasional preacher, walked about with a Bible in his hand.

In the spring of 1776 George Rogers Clark encountered a young settler in the woods near the Fort, introduced himself and after eating the young man's roast duck lunch, was led to the fort. In this manner, according to some accounts, George Rogers Clark introduced himself to Harrodstown (later Harrodsburg) and became its leader.

The settlers soon found themselves embroiled in a legal problem of proving title to their land and in June of 1776, Clark called a meeting of the settlers. As a result of this meeting Clark and Gabriel Jones were authorized to go to Virginia to re-establish the settlers' claims. After a voyage of some hardship and danger Clerk and his companion arrived in Williamsburg, only to find that the assembly had adjourned. Undaunted, Clark went to Governor Patrick Henry who gave him a letter of approval to the Council of state.

Clark asked the Council for protection from a rival land company, Henderson's North Carolina Transylvania company) and for recognition from the Virginia legislature. The Council could only offer to lend Clark 500 pounds of powder, as a friend, but could not give it to the settlers as fellow citizens. Refusing the offer Clark said "that a country which was not worth defending, was not worth claiming," and intimated that he would seek help elsewhere, whereupon the Council changed its mind, gave Clark the powder free of any Virginia conditions, and promised that Virginia would acknowledge Kentucky as a county. This was done in December of 1776 and the Transylvania project broke down.

After another hazardous journey Clark arrived in Harrodsburg with the powder. It was sometime during this period that Clark conceived the idea of attacking the British in the northern territory, and obtained Governor Henry's permission to attack wherever he thought it advisable.

Clark's plan was for an expedition into the Illinois Territory to proceed across the Ohio, attack the English in the heart of the West, wrest military posts from her hands, prevent Indian outrages, and seize the vast domain of the central west for the United States. On April 20, 1777, Clark sent Benn Linn and Samuel Moore of Fort Harrod as spies into Illinois. On June 22 they returned with information on the situation of the British in Kaskaskia.

Three of the four original captains who went with Clark into the Illinois Territory came from Fort Harrod—Joseph Bowman, William Harrod and Leonard Helm. Joseph Bowman was in command at Cahokia, William Harrod was in command in Kaskaskia, and Leonard Helm was in command at Vincennes.

When the English Lt. Col. Hamilton, the "Hair Buyer," surrendered and led his scarlet-clad soldiers between the lines of Clark's men, it was Leonard Helm of old Fort Harrod who hoisted the first American flag to fly over Vincennes and the British West.

Clark accomplished these military wonders with 175 men, 60 of whom came from Fort Harrod. Thus was this vast territory claimed for the United States and the Mississippi River assured as the western boundary of the new Nation.

Throughout the Revolutionary War Harrodsburg was the seat of Kentucky County, which was organized in December of 1776. By September 1777, in the first census in Kentucky, the town had a population of 198 persons, of whom 81 were eligible for military duty.

The first court in Kentucky convened January 16, 1781, in the blockhouse at Harrodsburg. One of the first cases tried was that of Hugh McGary, charged with playing the ponies. Found guilty McGary was proclaimed "an infamous gambler . . . not to be eligible to any office of trust or honor within the state."

Despite the Indian threat, disease and other hardships too numerous to enumerate, the people of Harrodsburg persevered although the year of 1777 was especially tragic; it became known to the settlers as the "year of the bloody sevens," in which the settlement almost perished as the Indians harassed the settlers and destroyed much of the corn, wheat and other crops. Fortunately, a large turnip patch had been planted and it was this food that helped save the settlement.

In 1775 John Harmon raised the first corn in Kentucky in a field at the east end of Harrodsburg. The first woolen mill and the first grist mill in the West operated here. Later the first wooden plow of the West was made by William Pogue at Fort Harrod. The first wheat was sown in the fall of 1776 in a field of four acres west of the fort at Harrodsburg. It was reaped July 14 and 15, 1777.

Harrodsburg can claim other firsts: the first white child in Kentucky was born in Fort Harrod; the first practicing physician was Dr. Hart, who settled in Harrodsburg in May 1775; and the first Baptist sermon was delivered by the Rev. Peter Tinsley in May of 1776 under a great elm at the Big Spring.

Harrodsburg continued to prosper, cultivating flax, hemp, tobacco and other money crops on the adjacent rich farm lands. Later the town developed a thriving tourist trade, largely because of its many sulphur springs but also because of its historic interest.

At one time, Harrodsburg was the summer resort of many of the plantation owners of the Deep South. The 1820–1860 period was one of steady growth as log cabins gave way to more fashionable houses modeled after those in Tidewater, Virginia.

Education was not neglected during this period and many strides were made in this field. Bacon College was moved to Harrodsburg in 1839 and remained there until destroyed by fire in 1864 when it merged with Transylvania College at Lexington, then known as "The Athens of the West."

Greenville Female College, later known as Daughters' College and now Beaumont Inn, opened in 1840. In 1847 there were two female academies, one under the direction of the Christian Church and the other under the auspices of the Presbyterian Church.

During this period, many men of distinction were born or lived in Harrodsburg. Gabriel Slaughter (1818–20), John Adair (1821–24) and Beriah Magoffin (1859–62) became Governors of Kentucky; George S. Houston took the same high office in Georgia. John B. Thompson served as a United States Senator (1853–59) and William Linney (1835–87) was a pioneer Kentucky botanist and geologist.

The Civil War disrupted this era of prosperity. Torn in its sympathies Kentucky again became the "dark and bloody ground" of old. In 1862 the 11th Regiment of the Kentucky Volunteer Cavalry and the 19th Regiment of Kentucky Volunteers, U.S.A., were recruited in Harrodsburg. In the same year, Morgan's Raiders, C.S.A., passed through Harrodsburg. No count was kept of the young men who slipped away quietly to join the Confederate forces.

Rehabilitation and growth were slow in the decade following the conflict, but by 1900 Harrodsburg had regained some of its prosperity. Since that time the town has become a trade center in the Bluegrass agricultural area, producing fine horses, poultry and burley tobacco. Some people still visit the sulphur springs to "take the water," and others visit the historic shrines of the region. Foremost among these shrines is the restored Fort Harrod, complete with replicas of the cabins and the first school. The Pioneer Memorial State Park includes the Taylor Mansion Museum, the Thomas Lincoln Marriage Cabin (moved from its original site in Beech Fork), the pioneer cemetery, and the George Rogers Clark Memorial, the money for which was appropriated by Congress.

In November 16, 1934, President Franklin D. Roosevelt and Gov. Ruby Lafoon joined in dedicating the park. In his address, the President called attention to the fact that Harrodsburg had been "the scene of more historical first things than any spot" he had known. Referring to Clark and his expedition, President Roosevelt reminded the audience that the event being celebrated was "vital in the extension of the new Nation."

Other places of historic interest include the Old Mud Meeting House, the first Dutch Reformed Church west of the Alleghenies, and Morgan Row, once a stagecoach stop and tavern.

Fifty years ago, on the occasion of the 150th anniversary of the founding of Harrodsburg, the Hon. Ralph Waldo Emerson Gilbert, a Representative from Kentucky, delivered a short address to the members of Congress in which he informed them of some Harrodsburg's heroic history. He concluded by saying that there "The horses are swiftest, the women are the prettiest, and welcome is sincerest."

MEMORANDUM TO COLLEAGUES: RESURFACE COAL MINE REGULATION

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. HOSMER. Mr. Speaker, I have today circulated the following memorandum to Members of this body:

MEMORANDUM

To Colleagues.
From CRAIG HOSMER.

Both surface coal mining bills—H.R.11500 and H.R. 12898—will effectively mandate the reclamation of mined land.

But only one, H.R. 12898, will also allow the needed amount of coal to be dug.

The other bill, H.R. 11500, is so arbitrary and restrictive that it would seriously abet the energy deficit.

CAN THERE BE "NUCLEAR SAFEGUARDS"?

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Ms. ABZUG. Mr. Speaker, the House will soon be debating various methods of protecting radioactive materials from theft or sabotage. I fear that most suggestions thus far advanced do not go nearly far enough.

Would a Federal police force be effective—or in itself, dangerous? What about worldwide security measures—since American firms are now building nuclear reactors in countries like Japan?

These questions are raised by the National Resources Defense Council in a letter in the Washington Post for June 9. I would like to insert that letter into the RECORD:

WE DO NOT HAVE TO RELY ON NUCLEAR FISSION

We would like to congratulate The Washington Post and Thomas O'Toole on the two excellent articles on nuclear theft. We would like to add a postscript to these articles.

While it may be possible in theory to devise a nuclear safeguard system, there is little reason to believe that such a system would be acceptable in practice. We say this for two reasons. First, a foolproof safeguard system is almost certainly an impossibility, particularly in light of the projected expansion in the nuclear power industry here and abroad. The illegal diversion of weapons material, which O'Toole discusses cogently, is only one type of anti-social behavior a safeguards system must protect against. Terrorist acts against the reactors, shipments of radioactive wastes, fuel reprocessing facilities and waste repositories can result in catastrophic releases of radioactivity. Such threats against nuclear facilities have already occurred.

To counter such threats, Senator Ribicoff recently called for the creation of a "Federal Nuclear Protection and Transportation Service to provide an immediate federal presence whenever the use of force may be needed to protect these incredibly dangerous [radioactive] materials from falling into the hands of would-be saboteurs and blackmailers." But is there any one who believes that police are effective at a level commensurate with the potential nuclear hazard?

Moreover, such a security system would have to exist on a vast, worldwide basis. Over 1000 nuclear reactors are projected for the United States in the year 2000, with hundreds of shipments of radioactive materials daily. Abroad, American firms are constructing nuclear reactors in countries that have little political stability and in countries, such as Japan, who have not signed the non-proliferation treaty. Safeguarding nuclear bomb material would ultimately require a restructuring of the socio-political institutions on a worldwide scale. The United Nations unfortunately gives us little reason to believe that this is a practical reality.

Our second reason for believing that the safeguards system would not be acceptable in practice is the tremendous social cost of such a system in terms of human freedom and privacy. Safeguards necessarily involve a large expansion of police powers. O'Toole notes that already 1–2 million persons have been trained in the handling, moving and operation of nuclear weapons. The projected growth of the nuclear industry will give rise to a parallel and an ultimately much larger group of persons, in this case civilians, who will be subjected to security clearance and other security procedures now commonplace in the military weapons program. Indeed, the AEC recently announced that it would be initiating a program of background security investigations for all nuclear power employees with access to "significant quantities" of weapons grade material. How much more government investigation into the private lives of individuals can be tolerated by a free society? These security procedures at best infringe not only upon the privacy of his family and friends. At worst, they are the instruments of repression and reprisal.

Once a significant theft of plutonium or other weapons material has occurred, how will it be recovered? To prevent traffic in heroin, police have asked for no-knock search laws. This infringes upon one of our most cherished freedoms. To live with plutonium we may have to abandon this freedom along with others. In the presence of nuclear blackmail threats, the institution of martial law seems inevitable. It has been said that the widespread availability of weapons material in the nuclear fuel cycle will radically alter the power balance between large and small social units.

The social-political implications of a worldwide commitment to nuclear power are thus staggering. The conclusion that many members of the scientific community have drawn is that the real issue is not safeguards but nuclear power itself. We believe that in order to reduce the risk associated with nuclear power to an acceptable level, an unacceptable alteration in our society and its institutions would be required.

We do not have to rely on nuclear fission. There are alternatives such as solar and geothermal energy and energy conservation that could be quickly developed as viable systems. And then there is fusion. A public fully informed on these issues would certainly opt for these alternatives.

ARTHUR R. TAMPLIN,
THOMAS B. COCHRAN,
J. G. SPETH,
National Resources Defense Council, Inc.
NEW YORK.

YOUTH CAMP SAFETY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. ROSENTHAL. Mr. Speaker, each summer, 10 to 12 million children enjoy the adventurous life of being campers. For many families, including my own, this yearly excursion to summer camp has become a tradition, offering children an enriching and unique experience as they learn to substitute one lifestyle for another.

Their activities will range from backpacking through mountain passes to changing bed linens and washing floors. Some chores will be done grudgingly, per-

haps, but done at the direction and with the assistance of camp staffers who assume the responsibility of their care and safety. Too many camps and too many States have not met that responsibility.

Many conscientiously operated camps subscribe to health and safety standards of their own. The problem is that these are voluntary, generally lack enforcement provisions and are adhered to with differing degrees of enthusiasm by subscriber camps. Worse, only 28 States have even minimal regulations of their own, and of these only 6 have and enforce what can be considered adequate codes. One of the six, I am pleased to report, is my own State of New York.

This situation is simply not good enough. That is why this Congress must enact the "Youth Camp Safety Act." I am proud to be a sponsor of this bill.

Eight years ago Senator RIBICOFF first offered legislation to tighten camp safety requirements. The bill was introduced at the request of Mitch Kurman, whose one man crusade for camp safety began when his son drowned in a camp canoeing accident in Maine in 1965. The canoe David Kurman was in did not contain lifejackets. Since then, many more children have died needlessly while the Congress and the administration have been debating the need for Federal legislation in this area. The time for study is long past. We must act—and act decisively without further delay to stop the needless injury and loss of life.

The Department of Health, Education, and Welfare has consistently fought effective Federal youth camp safety legislation, saying it was unnecessary, not enough was known about the problem and, anyway, it should be left to the States. In a 1968 report, HEW admitted to a gap in camp safety standards and its own general unawareness of this deficiency. It acknowledged that most States required absolutely no camp licensing or inspection, and that only half the States had any kind of regulatory programs at all. The same report cited favorably the various camp accreditation programs now in effect by the American Camping Association and other similar voluntary groups, but admitted such programs place relatively slight emphasis on compliance with minimal safety codes.

When, in 1968, HEW claimed insufficient data to make authoritative judgment about pending youth camp safety legislation, the bill died. Legislation was resubmitted in each succeeding Congress. In 1971 a minimum measure was enacted, authorizing the Secretary of HEW to determine the effectiveness of the State and local camp safety laws and regulations, and the extent of preventable accidents and illnesses so as to determine the need for Federal laws in this area.

This most recent HEW study was nothing more than a halfhearted literature search and mail questionnaire. Fewer than half the camps surveyed—3,343 of 7,861—bothered to respond. Results showed 25 deaths, 1,223 "serious" illnesses, and 1,448 injuries associated with camping in 1972. Even these figures are not adequate representations since, according to the HEW report, "there is no systematic or comprehensive monitoring of serious illness, injury, and death." This, especially in light of HEW's report that a quarter of a million children are involved in serious camp accidents each season, appears to contradict the Department's conclusion that—

The incidence of illnesses, injuries and deaths in summer camps does not appear to be a severe threat to youths.

It would be tragic if we waited any longer for more disasters to motivate us into action.

One need only spend a short time at a summer sleepaway camp or on a youth travel program to know the potential threat to safety and health that most activities pose. Swimming and boating activities, athletics, hikes, and campouts all may be hazardous to some extent. All questions of food supply, preparation and distribution, all questions of adequate sleeping arrangements, fire safety, water supply and sewerage, and health services become the responsibility of camp directors. Parents are almost helpless after they transfer the responsibility for their children's safety to camps; camps which they cannot adequately evaluate. Given insufficient information, it is hard for parents to differentiate between rustic, though adequate and inadequate facilities.

Critics of the youth camp safety bill have consistently downplayed the legitimacy of Federal intervention in what they considered to be a State matter, yet this measure gives individual States the opportunity to establish and implement their own regulations. In fact, it encourages them to do so by authorizing grants for this express purpose.

As you know, Mr. Speaker, youth camp safety is a subject I am vitally concerned with. I introduced legislation in this area as early as 1967, and have testified on it before the House Select Subcommittee on Labor on several occasions. I have seen the number of accidents and deaths mount with each passing camp season. I feel grateful that the camping experience has been a positive one for my own children, but for too many other children it has been a horror. The obligation we have for the protection of our children is basic. Immediate passage of the Youth Camp Safety Act would lead to such protection.

HOW TO SELECT A SAFE SUMMER CAMP

Parents need not wait until meaningful youth camp safety laws become a reality in order to make sure their children are under adequate supervision. Here are some helpful things they can do:

VISIT THE CAMP

First. Do not rely on brochures alone. There is no substitute for a personal inspection.

Second. Make sure the swimming area is unhindered by rocks or boating traffic, and that the water is clean and platforms are provided for close supervision.

Third. Camp vehicles and all camping equipment should be in good repair and driven only by licensed camp staffers.

Fourth. Examine the cabins for potential overcrowding. There should be at least 30 inches between beds and at least two exits—one may be an easily opened window—in case of fire. Be certain there are no exposed wires in or near the bunks. Check bathroom facilities for health and safety standards.

TALK TO THE DIRECTOR

First. Whether you make a trip to the camp or not, talk to the people in charge about personnel, policies, and precautions.

Second. A doctor or registered nurse should always be on call, and emergency medical equipment should be readily accessible.

Third. Counselors should be at least 18 years old—check the ratio of counselors to campers, 1 to 6 is recommended for overnight campers under age 8, and 1 to 8 for those older.

Fourth. Waterfront directors should hold advanced Red Cross certificates.

Fifth. Note the ease with which the director discusses safety as well as the knowledge and concern shown.

Sixth. Ask what kinds of hikes and outings are planned, how well supervised they are, and who participates in those events that require some skill and hold a potential for danger.

ACCREDITATION AND INSPECTION

First. New York is one of only six States—the others are California, Colorado, Connecticut, Michigan, and New Jersey—that have strong camp safety laws and enforce them. State and county health departments conduct annual inspections of New York camps. If you have any questions about a camp in New York State, check with the New York State Health Department, Bureau of Residential and Recreation Sanitation, 845 Central Avenue, Albany, N.Y. 12206.

Second. The camp should be accredited by the American Camping Association, which has a strong safety code—though no power to enforce its standards and ACA inspections are made only about once every 5 years.

MIDDLE EAST GREED RISKS NEW CONFRONTATIONS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. WYMAN. Mr. Speaker, I have frequently observed that those in charge of governments in oil dependent nations cannot stand idly by while their economies are bankrupted from prices demanded by a few oil rich countries. The full impact of the enormous balance of payment deficits to be caused by the cost of Middle East oil cannot fail to undermine the stability of the economies of oil short nations—and the latter are most of the larger members of the family of nations.

If the few oil rich exporting countries fail to grasp the full significance of their unilaterally demanded excessively high pricing policy as it relates to a risk of aggression they make a serious mistake. There is just no justification for doubling the price of oil whose lifting cost—which is in pennies—remains a constant. The leaders of such great nations as Japan,

West Germany, Britain, and France, among others, will face an urgent economic crisis within a time frame as short as months, if $12 a barrel pricing by oil exporting countries is continued.

These nations that have no oil to speak of within their own territorial areas must have oil, but they do not have the funds with which to procure it in the needed quantities without incurring huge deficits that will be attended, as David Rockefeller points out in Joseph Alsop's column, by "disruptive domestic unemployment and depression." Government leaders in such countries cannot tolerate such a consequence for obvious reasons.

The Middle East oil bloc simply must lower its prices by nearly one-half, or their greed literally risks eventual confrontation and even ultimate aggression as desperation confronts government after government of nations lacking oil. One of the chief objectives of combined current diplomacy must be to make the Middle East oil bloc understand this fact.

In this connection the following comments by Joseph Alsop appearing in today's Washington Post are of interest. The article follows:

GORGING THE FINANCIAL SYSTEM WITH OIL MONEY

(By Joseph Alsop)

In Europe, the economic equivalent of the Bible's "cloud no bigger than a man's hand" is already there, hovering on the horizon for all to see. On all the evidence to date, the cloud foretells a great tempest in the fairly near future.

The nature of the cloud is simple enough. Owing to a lag in the payments-system, the oil producing countries only recently began to take in their huge profits from the new high oil prices. They have had most of the money earned in the first quarter of 1974 for not much more than two months. They will not get the profits of the second quarter until mid-summer.

Yet even the first quarter profits are proving to be unmanageable. The Arab oil producers, particularly, have mostly banked their money in Europe in the form of short term Euro-dollar deposits. As a result, even the biggest banks are now so gorged with this oil money that they have just begun refusing such deposits at more than 4 per cent interest, or even refusing the deposits absolutely.

In other words, the first outpost of the world financial system to feel the strain is already proving to be unequal to the strain. But this initial strain from the new oil money is a mere trifle to what the whole world financial system will somehow have to withstand before long.

This country's two outstanding forecasters in this field, the staff of the Chase Manhattan Bank and the independent petroleum expert, Walter Levey, have just admitted to excessive conservatism. Formerly, both estimated that after paying for all possible imports, the oil producing countries would have $50 billion left over to invest at the end of this year. Their new figure is $60 billion.

In other words, this problem of the new oil money is getting bigger, not smaller. With $60 billion to invest, in fact, the oil producing countries will have to find ways to place an amount of money, in just one year, equivalent to about two thirds the total value of all the overseas investments of the United States in the last three quarters of a century.

Nor is that all. Before the new high oil prices, the oil producing countries had already accumulated reserves of about $14 billion. Looking further down the road, the wise head of the Chase Manhattan Bank, David Rockefeller, has recently noted that the oil producers' reserves will reach about $140 billion in 1975, and will pass $200 billion in 1976.

These are enormous transfers of wealth from the rest of the world to the little group of oil producers. As Mr. Rockefeller also made plain, the world financial system has never before had to handle such transfers, and is almost wholly unequipped to do so.

In addition, the majority of the richest oil producers are also unequipped to handle the mountains of gold they are now accumulating. The largest single accumulation will unquestionably be made by Saudi Arabia, for instance. Yet the Saudi Arabian monetary agency is still a vestigal institution, which keeps its books in Arabic—and entirely by hand!

Naturally, in Saudi Arabia and from Kuwait down through the Persian Gulf hotel rooms are literally unobtainable because of the hosts of foreign financiers and promoters who have flocked in to tell the oil producers how to spend or invest their money. Much of this activity is shady, but not all of it. The Chase Manhattan, for instance, is opening a merchant bank as a joint enterprise with the Saudi Arabian government.

For this country, there may even be a short-term gold lining. In the opinion of both Walter Levey and the Chase Manhattan staff, the United States is the natural refuge for final deposits or investment of much of the new oil money. Thus our balance of payments may show huge surplus on capital account, partly concealing the deficit in the trading account that high oil prices will cause.

Over time, however, the poorer nations' total inability to pay for the energy they need; plus the trading deficits due to be incurred by almost all the richer nations; plus the unmanageable sums of money the world financial system will be called upon to manage, can all add up to "economic and political chaos," marked by "disruptive domestic unemployment and depression." The ominous quotations, once again, are from Mr. Rockefeller.

The one hope for a solution—and it is a slender one—lies in the total transformation of the Mideastern scene by Dr. Henry Kissinger's diplomacy. But nowadays the new game of hunt-the-Secretary of State has been added to hunt-the-President.

You can argue, in fact, that Washington Watergating while the tempest approaches is worse than Nero fiddling while Rome burned.

STANTON PRAISES NEIGHBORHOOD LIBRARY INFORMATION CENTERS

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. JAMES V. STANTON. Mr. Speaker, one of the most visible, and yet often neglected, institutions in our society is the neighborhood public library. For years, it has been viewed merely as a sanctuary for contemplation and scholarship. It pleases me to call to the attention of my colleagues an exciting, innovative program, which may transform our libraries into active dispensers of information, while retaining as well their traditional role as a haven for contemplation and scholarship.

Two years ago, five public library systems were awarded a direct grant from the Office of Education, Department of Health, Education, and Welfare, to research and design criteria for the implementation and establishment of neighborhood information centers in our public libraries. The participating library systems were Cleveland, Atlanta, Detroit, Houston, and the Borough of Queens. Each city conducted its own program under the general supervision of a national project office, headed by a distinguished professional person, Dorothy Ann Turick, of the Cleveland Public Library. The Cleveland Public Library, thus served as chief planner and coordinator for this consortium of five major public library systems.

The neighborhood information center is an interesting and an intriguing idea. Information centers are established by the main office of a library system in various branch libraries throughout its system. These centers are manned by library personnel, who collect and systematically organize information on various services available to a citizen within the local neighborhood, the city, and even the State. This information runs the gamut from such an item as who may give piano lessons in the neighborhood to the appropriate agency one should contact for health services or food stamps. In essence, this system seeks to link the individual with a problem or a talent with that individual or agency who can solve the individual's problem or utilize his talent. In this process, the libraries are in a position to assist in long-range community planning processes by discovering gaps, overlaps, and duplications in available services.

The activities of these neighborhood information centers, however, are not limited to simply dispensing information. In addition, these information centers are intended to use followup and referral techniques. The individual requesting assistance is given personalized service. If necessary, the center's personnel may make an appointment for an individual with the appropriate Government agency and at times even provide transportation or bus fare for such appointments. With the individual's consent, a followup check is made to determine whether the citizen received either the information needed or the services requested.

All of us, I am sure, are well aware of the confusion, and at times ignorance, among our constituents as to available governmental services and assistance. These information centers serve a valuable function by helping to eliminate much of this confusion and ignorance through their information and referral system. At the same time, because of their community orientation as branch libraries, these libraries are readily accessible to many citizens.

The present project conducted under the general directorship of the Cleveland Public Library has received praise from numerous public library systems throughout our country as well as several from abroad. Many have expressed a desire to undertake similar projects. The multiplier effect of the Office of Education's initial investment in the neighborhood library information center program has been extensive. Other library systems can now call upon the experience of the Cleveland Public Library and the other participants in this program to

explore the establishment of similar systems in other towns and cities.

It has come to my attention that the grant for the final year of this project, largely for evaluative purposes, is to be substantially reduced. The national project office will apparently be transferred to Houston from Cleveland.

It is distressing that considering the waste of taxpayers' money on many other projects, this worthwhile program should be reduced in funding for its final year. But perhaps this is but another symptoms of the misplaced priorities of the current administration. After all, there are no special interests pushing for grants to libraries; the only interests involved are those of the common citizen who may occasionally use their local library.

The reduction in Government funds for this project, however, should not be taken as a reflection upon the worth of the project, nor the efforts of the individuals associated with it. Credit for a job well done should be extended to Dorothy Ann Turick, national project director, and the highly capable Mr. James Rogers, director of urban services of the Cleveland Public Library.

THE BUSINESS WORLD ACKNOWLEDGES NET ENERGY CONCEPTS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. BROWN of California. Mr. Speaker, on May 30 I inserted an article on Dr. Howard Odum's views on net energy under the title, "Energy, Ecology and Economics," in the CONGRESSIONAL RECORD on page 17126. I was surprised and greatly pleased to read a brief, but enlightening article on the impact of the work of Dr. Odum on the Government and business world, in the June 8 edition of Business Week. I would highly recommend this article to my colleagues, and also refer them to the earlier item by Dr. Odum that has already been submitted for the record.

The article follows:

THE NEW MATH FOR FIGURING ENERGY COSTS

Recently, Texaco, Inc., decided to forego bidding on oil shale leases in Colorado. "The figures just didn't work out," explains one executive. "It was hard not to make a bid, but we couldn't justify it." Texaco figures that shale oil will not pay off. After developing the necessary technology, buying massive new machinery, moving tons of earth, reclaiming acres of land, and processing the shale oil for market, the Btus produced would barely make up for the Btus consumed. Though the company did not phrase it quite that way, Texaco's conclusion is that shale oil recovery is an energy standoff.

Months before, Howard T. Odum, a controversial ecologist from the University of Florida, reached the same conclusion during a broad study of energy and the planet's ecosystems. To Odum, Texaco's analysis is the epitome of a concept known as "net energy," the study of the amount and cost of energy required to produce energy. On a net-energy basis, says Odum, shale oil loses time and time again. In fact, he adds, a net-energy accounting system would raise the eyebrows of people studying quite a few other alternate energy sources as well. And unless long-range planners start incorporating his theories right now, he warns, the U.S. may never be able to afford such promising energy technologies as solar power and nuclear fusion.

APPLYING A THEORY

Odum is attracting considerable attention. The Florida legislature is considering a "carrying capacity" plan for the state that was inspired by Odum; it will be based on analysis of Florida's ability to support a swelling population amid dwindling energy resources. In Oregon, Governor Tom McCall has set up a planning council that will use Odum's "energy accounting" principles as the framework for planning that state's future. The Federal Energy Office, the Environmental Protection Agency, and the Council on Environmental Quality have all started to incorporate net-energy thinking in their policy studies.

To the uninitiated, Odum preaches a strange creed, festooned with complex diagrams that are supposed to link biology, technology, and money supply. In his staccato way of speaking, he explains net energy in the language of systems analysis: "If the money in circulation is the same or increasing, and if the quality of energy reaching society is less because so much of it has to go to the energy recovery process, then the real worth to society per unit of money circulated is less. Because the economy and total energy usage are still expanding, we are misled to think the total value is expanding, and we allow more money to circulate. This makes the money-to-work ratio even larger."

Even experts say glossolalia is sometimes needed to understand him. "I went to hear one of his talks," says Leonard Fish, director of planning for the American Gas Assn. "By the time he finished putting up his flow charts he completely lost me."

Still, the AGA is becoming more net-energy-conscious, especially as the concept relates to capital. "The money supply is a really serious concern to us," says Fish. "One pipeline to get gas from Alaska's North Slope will cost $6-billion. That represents one-third of the total U.S. investment in natural gas pipelines. Yet the gas flowing through this pipe would supply only 5 per cent of present demand." That is precisely the economic whirlpool that Odum warns of: Energy becomes harder and harder to obtain, hence the cost of getting it keeps rising, while energy-fueled inflation inexorably pushes other prices higher.

Odum is not without critics. Some economists familiar with his ideas say they are really century-old concepts that the ecologist befogs with needlessly complex presentations. "I've debated Odum on television, on campus, and on panels elsewhere," says fellow faculty member Rafael Lusky, a member of the university's Economics Dept. "I don't understand what he says because he uses a language that doesn't make any sense." Lusky also claims that Odum's models for relating nature and economics are limited. "You can calculate how calories move everywhere with them," he says, "but you can't use them in any predictive way." Odum readily concedes that the net-energy ideas is not new. What is new, he explains, is the move to promote net-energy thinking as an integral part of energy planning. "I would like to see both energy companies and federal agencies report the results of their projects in terms of net energy," he says. Odum believes "energy impact statements" would provide a more meaningful way of assessing the real costs of developing new energy sources.

The results can be eye-opening. Odum says the biggest lesson to be learned from net-energy thinking is that all the new technologies being developed to attain energy independence are draining present energy supplies and are therefore hastening the day when fossil fuels run out. For example, enriching uranium for light-water reactors consumes, in the form of coal, 60% of the energy released from the nuclear fuel. Unless the process is improved, the costs in energy and money will continually rise. The result, concludes Odum, is inevitably a cash squeeze along with the energy squeeze.

SUPPORTERS

"With Odum's thinking, you can see the fallacy in our energy policies," says Joel Schatz, who runs Oregon's new planning council. "The nuclear industry buys so many kilowatts, but it doesn't matter to these companies where the power comes from or how much energy went into the steel used to make their plants. The reason this new kind of thinking is important now is that more money in circulation is going into getting energy and less into producing goods and supplying services."

Working independently, Vanderbilt University economist Nicholas Georgescu-Roegen has arrived at much the same conclusion in his book, *Entropy Law and the Economic Process*, currently the hottest economics text in Washington despite its forbidding title. Georgescu-Roegen says current economics assumes unlimited supplies of materials and energy. But abundance is no longer assured, and the price is inflation.

Despite such seconding of his thinking, Odum may have trouble getting across his message in industry, since his conclusions often clash with those who have a vested interest in one energy technology or another. Moreover, he can be impatient with people who do not immediately agree with him, and his cocky, almost messianic attitude sometimes puts people's backs up. "Odum thinks that all he needs to do is talk about his theories and people will catch on," says Richard Kaplan, director of the newly formed Energy Institute in New York City. "The fact is that his diagrams turn people off."

With funds from several small foundations, Kaplan set up his institute to familiarize government officials and corporate executives with net-energy principles. He has brought in some graphics experts to develop better visual aids for conveying the concept.

FRIENDS IN WASHINGTON

Government planners seem to be hooked, however. The Bureau of Mines recently began a study to determine how much energy it takes to produce various fuels. The FEO, charged with the responsibility of preparing a game plan for achieving energy independence, is also intrigued. "Net energy is a viable concept," says Administrator John C. Sawhill. "I've asked Alvin Weinberg [chief of R&D] to look into it."

FEO staffers have already made some limited net-energy analyses. They recently recommended against producing oil from stripper wells, for instance. Explains Walter Hibbard, Weinberg's deputy: "If you produce oil from these small wells for $5 and sell it for $10.50, you may make money. But it's possible that you could be wasting energy. There's no reason why we can't apply this principle across the board and start talking in terms of kilowatts per kilowatt."

INFLATION IS EXACTING ULTIMATE PRICE FROM POLITICAL CHIEFS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. CRANE. Mr. Speaker, inflation is a serious danger to the future stability

of the American economy and society. Speaking at Illinois College on May 26, Federal Reserve Board Chairman Arthur F. Burns declared that—

If past experience is any guide, the future of our country is in jeopardy.

In his address, Mr. Burns stated that if the "debilitating" inflation continues at anything like present rates, it would "threaten the very foundation of our society." Mr. Burns placed most of the blame for inflation on "awesome" Federal spending, a response to "individuals who have come to depend less and less on their own initiative and more and more on Government to achieve their economic objectives."

In the first quarter of 1974 the rate of inflation in the United States was above 10 percent in terms of three important yardsticks:

First. A 10.8-percent annual rate in the Gross National Product price deflator, which is the broadest measure of price performance.

Second. A 12.2-percent annual rate in consumer prices.

Third. A 28.8-percent annual rate in wholesale prices, which is subsequently reflected in higher retail prices.

The fact is that rampant inflation is not only a problem in the United States, but is even worse in other Western countries. Discussing this fact, Nick Poulos, financial editor of the Chicago Tribune, writes that—

Rampant inflation is beginning to administer poetic justice to the political leaders of the Western world. Having lacked the political courage to fight rising inflation, they are now starting to pay the ultimate political price.

The Canadian Government of Prime Minister Trudeau fell on the issue of inflation and West German Chancellor Willy Brandt had been losing popularity steadily before his resignation, because of his government's inability to curb inflation. The Government of Iceland has fallen on this issue, as did Prime Minister Heath's government in Great Britain.

Mr. Poulos notes that—

Yet, it is encouraging that the problem of inflation is emerging so forcefully that national leaders are coming to be judged by what they do or don't do about it. Perhaps we are learning something after all. It is ironic that the Congress should permit wage and price controls to expire at a time when the country is in the worst inflationary period of its peacetime history. This reflects full recognition—finally—that controls solve nothing; that, in fact, they do more harm than good.

If we have learned that Government spending and Government intervention in the economy are the causes of inflation, we will be less likely to believe that they are also the solutions. Hopefully, many are learning this lesson.

I wish to share with my colleagues Mr. Poulos' thoughtful analysis as it appeared in the Chicago Tribune of May 12, 1974, and insert it into the RECORD at this time:

THE MONEY SCENE: INFLATION EXACTING ULTIMATE PRICE FROM POLITICAL CHIEFS

Rampant inflation is beginning to administer poetic justice to the political leaders of the Western world.

Having lacked the political courage to fight rising inflation, they are now starting to pay the ultimate political price.

In Canada, Prime Minister Pierre Trudeau's Liberal government fell Wednesday on the issue of inflation. The opposition parties ripped Trudeau's budget and forced an election on the issue of high prices.

It was the first time a Canadian government had been defeated on a vote of nonconfidence in the budget.

Willy Brandt's dramatic resignation earlier in the week as West Germany's chancellor was triggered by the disclosure that one of his personal aides was a spy for the East German Communist regime.

But Brandt had been losing popularity steadily and one of the main reasons was his government's inability to curb inflation.

Inflation, along with a welfare-state philosophy, has all but ruined Great Britain. Her government has been reduced to a rather ineffective bureaucracy.

Americans may be disgusted by President Nixon's involvement in the Watergate coverup, but they are angry over the unwillingness of the government to contain inflation.

Inflation may prove to be as important an element as Watergate in President Nixon's final undoing.

And yet, it is encouraging that the problem of inflation is emerging so forcefully that national leaders are coming to be judged by what they do or don't do about it.

Perhaps we are learning something after all.

It is ironic that the Congress should permit wage and price controls to expire at a time when the country is in the worst inflationary period of its peacetime history.

This reflects full recognition—finally—that controls solve nothing; that, in fact, they do more harm than good.

Consider that in the first quarter of 1974, the rate of inflation was in double-digit territory in terms of three yardsticks:

A 10.8 per cent annual rate in the gross national product price deflator, which is the broadest measure of price performance.

A 12.2 per cent annual rate in consumer prices.

A 28.8 per cent annual rate in wholesale prices, which is subsequently reflected in higher retail prices.

Consider that in the second quarter of 1971—the last full quarter before Nixon imposed the wage-price freeze as a prelude to controls, the annual rate for the GNP price deflator was 4.9 per cent, and the annual rate of consumer price increase was 4.1 per cent, and the annual rate for wholesale prices was 4.8 per cent.

Yet back in 1971, labor leaders and businessmen were urging Nixon to impose controls. So the President junked his sound economic program in the interests of political expediency.

We have since acquired such a distaste for controls that George Shultz, in a parting interview before leaving his post as Treasury secretary, warned of a possible "rebellion" by labor leaders and businessmen if the government tried to reimpose economic restraints.

The former dean of the University of Chicago's Graduate School of Business said inflation can be checked only by government moves to control spending, restrain money supply, increase supplies of key commodities to reduce prices, and stimulate competition in the marketplace.

Shultz' prescription for curing inflation is the only way to go. And while it would be painful in terms of higher unemployment and other tradeoffs, it is the only way the economy can be restored to a healthy state.

Meanwhile, the high level of inflation and interest rates is extending the current recession in business activity.

The economic consulting firm of Lionel D. Edie & Co. now expects that real growth in the gross national product will decline by 1.6 per cent in the second quarter of 1974.

Coupled with an estimated 5.8 per cent decline in real GNP in the first quarter, the economic slowdown this year would be labeled a recession.

That degree of economic slowdown should help cool off the inflation rate near-term.

But whether inflation can be curbed on a longer-term basis depends on what the politicians think they have to do to save their jobs.

Perhaps Pierre Trudeau's experience will have a sobering influence on 'em.

NEWSLETTER

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. WOLFF. Mr. Speaker, I distribute a newsletter to my constituents in a continuing effort to keep them up to date on my activities in Washington as their representative and to get the benefit of their thinking on major issues. At this point in the RECORD, I would like to share my most recent newsletter with my colleagues for their information:

NEWSLETTER TO CONSTITUENTS

(By Representative LESTER L. WOLFF)

DEAR FRIEND AND CONSTITUENT: In this issue of my newsletter, I would like to discuss with you the still highly pertinent topic of drug abuse in our communities and the directly related incidence of thefts and violent crime.

Today, while our nation is in the grip of an inflationary hammerlock, plagued by increasing costs and expenses for every commodity of family living and business, Americans are suffering losses in excess of $27 billion a year for property stolen in connection with heroin addiction. Additionally, nearly $6 billion a year—$16 million a day—is being spent across the nation on illegal heroin.

For this reason, as well as for the shocking and debilitating overall destruction heroin addiction wreaks on our society, I am determined to continue to fight the cause of this evil at its root source—the poppy fields.

Most recently, together with Congressmen Rangel and Rodino, I introduced a House Resolution calling on the President to begin serious negotiations with Turkey to prevent that nation from lifting its ban on the production of the opium poppy—a ban that cracked the French Connection and successfully abated the supply of illegal heroin destined for the eastern shores of the United States. This Resolution, simultaneously introduced in the Senate by Senators Buckley and Mondale and now co-sponsored by more than 216 Members of the Congress, further directs the President to utilize his authority under the Foreign Assistance Act to cut off all aid to Turkey if these negotiations prove unfruitful.

Just as the get-tough policy on drugs I advocated be applied to the Far East is effecting a massive clampdown on the illegal narcotics traffic from Thailand, Burma and Laos, I believe we must be consistent and firm in our insistence that Turkey retain her ban on the production of the opium poppy. For until 1972 the poppy fields of Turkey were the beginning of a long and ruinous road of corruption and profiteering that stretched halfway across the world to the streets of New York, its environs and suburbs, where its lethal traffic was dispersed to pollute untold numbers of men, women, and children as heroin addicts.

I am firmly convinced that if we are ever to contain the wave of heroin addiction that swept this nation in near epidemic proportions in the 1960's and early 1970's, and if we are to stop the addicts who steal and plunder to support their habits, we must see to it

that the illicit supply is completely eradicated at the sources. America cannot afford to continue to pay the price of allowing its citizens and institutions to be contaminated by drugs.

It is apparent that the Turkish ban on the cultivation and production of opium is working and I applaud the cooperation and understanding being exerted by those Turkish officials who wish to continue this policy. Their support, which has severed the heroin pipeline, is both courageous and humanitarian. Agitation by greedy forces, including some American pharmaceutical companies and some demagogic Turkish politicians to reverse this policy and renew the illicit cultivation of the opium poppy must not succeed for the result will be to open the floodgates of further heroin addiction.

Since the Turkish government in return for compensation from the United States agreed to suppress the growth of opium poppy, there has been a dramatic decrease in the amount of heroin available in the streets of New York. . . . If the United States government, bowing to pressure from Turkish poppy growers and the domestic pharmaceutical industry agrees to a lifting of the ban, it will be a backward step that is almost guaranteed to lead to an upsurge in heroin addiction nationally with the consequent rise in addict-related crimes.—Verome Hornblass, Commissioner, New York City Addiction Agency, April, 1974.

Concerned with the increasing reports that Turkey is weighing the necessity and propriety of resuming open cultivation for the world market, I, as chairman of the House Special Subcommittee on International Narcotics Control, went to Turkey during the March 1974 Congressional recess to talk firsthand with Turk officials and farmers, Ambassador Macomber, and American and Turkish drug enforcement agents. Together with Rep. Rangel, whose Manhattan district is one of the most drug-plagued in America, we learned that the average Turk is unaware of the effects of heroin addiction in the United States—since it is not a problem in their own country—and that the U.S. aid was not reaching the farmers. The average Turkish farmer we visited realizes between $35 and $50 per year from the sale of legal morphine gum to the Turkish Government and is hardpressed to live on this meager sum. However, he is totally unaware of the destruction wrought by the poppy which he previously channeled to the illegal market for greater remuneration. He uses the poppy seed himself for cooking oils and native bread, not as an opiate—a practice he shuns.

In our discussions, we conveyed the serious manner in which Congress views this drug situation and emphasized the high priority this nation places on combatting the illegal narcotics traffic and its direct relationship to crime. I reminded the Turkish Government that both the House and the Senate—during the height of the American involvement in Indochina—passed an amendment to the Foreign Assistance Act, which I authored, to cut off U.S. aid to Thailand unless it cooperated fully with our drug enforcement efforts.

Just recently, my amendment to impose trade sanctions on any non-cooperating nation was included in the new U.S. trade bill. The actions, I believe, are necessary for we have too often paid the piper without calling the tune.

Congressmen like Wolff can be useful in foreign relations—a Congressman can make threats that diplomats can't and sometimes the diplomats like having Congressmen speak out.—Government official quoted in Newsday article by Anthony Marro, Washington Bureau, April 1, 1974.

What is really behind the recent activity on the part of the Turks to resume opium production after the ban has proven so successful?

Is it economic? Only 1 percent of Turkey's gross national production was in legal production of opium at the time the ban was instituted.

Is it people? Less than 1 percent of the population of Turkey was engaged in opium poppy growing at the time the ban was instituted.

I think the reason is much more sinister. It is quite obvious that the influence of organized crime and selfish interests of others are overpowering the need to halt international narcotics trafficking.

Recent data indicates that a six-year pattern of increasing numbers of new addicts has been reversed. The rates of overdose deaths, drug related hepatitis and drug related property crimes, indicators of instances of heroin dependence, have declined throughout the U.S. for the first time in six years.—Dr. Robert DuPont, Director Special Section Office for Drug Abuse Prevention, at U.N. Commission, Geneva.

The problem is compounded and made even more acute by local Turkish politicians who are attempting to use the issue of the ban as a device to mask the severe economic problem Turkey is now facing. There are some who are critical of the hard line I have taken pertaining to the reciprocal elements in our foreign aid policy. We do have a mutual defense treaty with Turkey, and over the years we have given more than $3 billion in military assistance to Turkey.

America today is engaged in a war on drugs. Is it too much for us to ask Turkey to come to our assistance and join in this fight, just as we have joined in their defense?

I intend to vigorously pursue my efforts to insure that the American people will never again be subject to the level of availability of heroin in our streets, the attendant crime and the deterioration of our society so prevalent prior to the heroin ban. If Turkey reenters the opium business, I reluctantly predict that these ills will strike our communities again and that would prove disastrous.

NEW JUDICIAL POSTS FOR M. MICHAEL POTOKER AND JACOB LUTSKY OF QUEENS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. ROSENTHAL. Mr. Speaker, it is always a pleasure to acknowledge the achievements of distinguished residents of one's home community. I am therefore happy to advise my colleagues that M. Michael Potoker of Forest Hills, who has been on the Family Court bench since 1965, and Judge Jacob Lutsky of Beechhurst were recently appointed by the Governor as special narcotics case judges on the State Court of Claims.

Although it is true that ours is a country of laws and not of men, it is still a fact that the quality of the men selected to enforce and interpret those laws determines to a large extent the future well-being of our society.

The future is in good hands with Mr. Potoker and Judge Lutsky.

I recommend the following articles from the Long Island Press on these distinguished judges to my colleagues:

NEW JUDICIAL POSTS FOR POTOKER, LUTSKY

Gov. Wilson yesterday appointed two Family Court judges from Queens as special narcotics case judges on the state Court of Claims.

Named to the nine-year terms on the bench were Judge M. Michael Potoker of Forest Hills and Judge Jacob Lutsky of Beechhurst.

The appointments require State Senate confirmation which is expected to come Thursday.

Potoker, 59, has been on the Family Court bench since 1965. He was appointed a Criminal Court judge in 1964.

A graduate of Brooklyn Law School, Potoker is a former reporter for the old New York Daily Mirror and New York American. He also served for 14 years as secretary-treasurer of the New York Newspaper Guild.

Potoker is president of the newly formed New York City Family Court Judges Association and vice president of the Association of Judges of the Family Court of the State of New York. He is also a representative to the Fair Trial Free Press Conference and the Council of Judges of the State Bar Association.

Potoker also is a member of the American Bar Association, New York State Bar Association and Queens County Bar Association.

He once served as chairman of the Queens Labor Committee for the Election of then-Mayor Robert F. Wagner, was a vice president of the State CIO and a member of the Democratic Speaker's Bureau.

Lutsky, 63, was appointed to Family Court in 1966.

A graduate of the Cornell University Law School, Lutsky is a former legal aide to Mayors William O'Dwyer, Vincent Impellitteri and Wagner.

* * * * *

Most recently, Lutsky served as a member of Mayor Beame's transition panel.

He has received numerous special appointments in city, state and federal government capacities and is considered an expert on municipal government.

Potoker and Lutsky have been found professionally qualified by a screening panel headed by Francis Bergen, former Associate Judge of the State Court of Appeals.

In announcing the two appointments, the governor said the screening panel "was appointed last year by Gov. Rockefeller and assigned to determine whether candidates recommended by the governor are qualified to serve on the Court of Claims and to meet the responsibilities which enforcement of the state's amended drug laws will give them."

"LAW ALONE CAN'T STEM DRUGS"—REHABILITATION'S NEEDED TOO, NARCOTICS JUDGE SAYS

One of two Family Court judges from Queens, confirmed yesterday as special narcotics case judges on the Court of Claims, warned that the courts alone can't cure the drug problem.

Speaking to The Press after his confirmation by the Senate, Judge M. Michael Potoker of Forest Hills emphasized the role of other institutions.

"What I impressed upon both the steering committee and especially the Senate Judiciary Committee was that I hope they don't depend on the law exclusively to get rid of the narcotics problem. I think education and rehabilitative services are still very important. Perhaps a combination of all three might do it in the long run."

Potoker said that Judge Jacob Lutsky of Beechhurst, also confirmed to the Court of Claims, held similar views.

"He became a Family Court Judge on Dec. 29, 1965," he said reeling off the date from memory, "and we've had 8½ years to compare notes."

Continuing to expand his views, Potoker said, "As a trial judge for the past 10 years, I told the legislators that I would rather enjoy the discretionary powers of a judge in sentencing. However, as a judge of the court, I am duly bound to observe the law."

Potoker was referring to a provision in the state's new narcotics law for mandatory sentence for certain drug offenders.

Potoker cited the importance of the Family Court as a key to curing problems before they become irreversible, and said he urged the legislators to increase that court's funding.

He became most animated as he recalled his early career, which began in newspapers as an office boy for the now defunct New York Mirror.

"I remember my first story—I was supposed to go to Sunnyside at Lowery Street and Queens Boulevard. It was raining and I was thinking, now where the heck is Sunnyside?"

Potoker went on to graduate from Brooklyn Law School and served for 14 years as secretary-treasurer of the New York Newspaper Guild.

He is president of the newly formed New York City Family Court Judges Association and a representative to the Fair Trial Free Press Conference, among his many judicial associations.

He once served as chairman of the Queens Labor Committee for the Election of then-Mayor Robert F. Wagner, and was a vice president of the state CID.

Lutsky, 63, is a graduate of the Cornell University Law School and former legal aide to Mayors William O'Dwyer, Vincent Impellitteri and Wagner.

Most recently Lutsky served as a member of Mayor Beame's transition panel.

He has received numerous special appointments in city, state and federal government and is considered an expert on municipal government.

HUREWITZ.

A LITHUANIAN COMMEMORATION

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. CAREY of New York. Mr. Speaker, on June 15 we will mark an important date—a sorrowful anniversary in the lives of all Lithuanian-Americans. For on that date we commemorate Russian occupation of the Baltic States of Lithuania, Latvia, and Estonia which took place 34 years ago.

This commemoration marks also the beginning of a very tragic period for those noble people for less than 12 months after this occurred a mass deportation of more than 150,000 Balts to slave labor camps took place.

Lithuania, however, a symbol of great courage and hope, did not permit itself to be enslaved without a strong fight. Just shortly before the Nazi invasion of Russia, the citizens of Lithuania stood firm and overthrew Russian domination and gained freedom. But the joys of this victory were short-lived since less than 2 months later with Hitler's invasion, independence was torn from them.

In a way, this anniversary not only causes us to pause and reflect over that particularly tragic era for the Baltic States, but it also stands as a symbol for the trials and heartaches these Balts have known throughout their history as a result of countless invasions from other countries both East and West. These invasions have cost the country dearly in population, but they have never been able to destroy the strong spirit and determination that the Balts adhere to as they strive to achieve freedom.

We in America have never accepted the tight grip with which Russia holds Lithuania and all Baltic lands. We share their desire to see free elections, freedom of religion, and the other important components that signify independence.

On this occasion, let us renew our commitment to their efforts to gain lasting independence and self-destiny. Let us, moreover, go on record as sharing the grief they have known over the death of their countrymen, and awaiting the joy which will come when freedom is no longer a goal, but has become a reality for Lithuania.

NATIONAL PARKS IN THE CHANGING WORLD OF OUTDOOR RECREATION

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. DON H. CLAUSEN. Mr. Speaker, Ronald Walker, Director of the National Park Service, recently addressed the Fourth Annual American Family Camping Congress in Chicago. Because of the timeliness of Mr. Walker's remarks concerning visitation at our National Parks in view of our energy situation, I felt his views should be shared with all Members of Congress through inclusion in the RECORD.

The address follows:

NATIONAL PARKS IN THE CHANGING WORLD OF OUTDOOR RECREATION

Thank you, Mr. Chairman, and Good Morning, Ladies and Gentlemen.

When I was asked to speak to the Camping Congress, gasoline lines were long and the Arab oil embargo was in effect. Prophets of doom were crying over the death of the camping industry—the upcoming bankruptcy of the recreation industry—and the hopelessness of the situation in general.

It reminds me of a story about Mark Twain. One of the wire services reported his death, and even printed a rather flowery obituary. When friends brought this to his attention, Mark Twain sent a telegram to the newspaper wire service, which said "The report of my death was an exaggeration."

The reports of the death of the camping industry were also exaggerated. The camping industry—and we in the National Park Service, along with that industry—went through a traumatic experience which had an effect—a very marked effect—upon America.

The United States had been on a growth binge for more than 200 years. We had been gyrating wildly through a "bigger is better syndrome," a ritualistic dance which said that there will always be more and more products, torn from more and more acres of America . . . that this wonderful horn of plenty would never come to the end. We bragged about Stonesville, USA, and boasted that Stonesville was the fastest growing little city in the world, that we had added 5,000 new citizens this past year, which led to an increase of $112,000 worth of bank deposits, an increase in gross sales of more than 12% and business was booming, God was in his heaven, and all was right with the world.

Let's apply that to the National Park Service. We found that the increasing flood tide of visitation was rolling on . . . we were receiving more and more visitors every year, from 102 million in 1963 to 217 million in 1973, and we were building more and more campgrounds each year to meet the demands of an ever-increasing crowd of campers . . . more and more, bigger and bigger . . . and here again we thought that bigger *was* better!

But long before the oil embargo and the gasoline crunch, we had learned that there was an outer limit and that we could not continue to accommodate increasing numbers of visitors in the old, traditional ways. The National Park Service could not meet all the demand for camping opportunities in the national parks. If we had continued to meet the demand, we would soon have had wall-to-wall campgrounds and would have over-used the parks, over-enjoyed the parks, to the point where we would be violating the fundamental purpose which Congress' Organic Act of 1916 set for our guidance . . . to preserve the historic, natural and scenic values of the parks *and* to provide for the public enjoyment of the parks.

So, now we find the reports of our death were greatly exaggerated. We have gasoline for the summer and America is not, as some would have led us to fear, doomed to an existence as a second-rate power. This is still the greatest and most wonderful nation on earth—and it will remain the greatest nation on earth. But we cannot look forward to unrestricted use of everything, without fear of exhausting the resources, as we once did. Obviously, we are not going to return to the era of "sky's the limit" use of our resources. If the price of gasoline could be rolled back to 1970 levels, if the flow of oil from overseas could be trebled—if the horn of plenty could reappear again—right now—the situation would not return to 1970. For the first time in our two hundred year history as a nation, Americans saw that there was a bottom to the barrel—that there was a limit to what we had thought limitless. This summer may reveal the greatest change in vacation patterns since World War II. We are no longer living in a fool's paradise. We are intelligently tackling our situation, learning to live with the realities of life and *that* has to be an improvement.

About the same time that the double-barreled price and energy crunch was building up on our horizons, another event had an important effect upon your campgrounds, and upon our status as a camping landlord. Public Law 93-81 was enacted by the Congress of the United States. Aimed at preventing an increase in launching ramp fee charges—the new law did things which not even its sponsors wanted it to do. It threw out the baby with the bath water, and suddenly last August it became impossible for the National Park Service to collect fees for camping facilities. According to the wording of 93-81, we had to provide a myriad of services (including hot showers and flush toilets!) or else stop charging. We never gave a thought to the possibility of trying to upgrade our campgrounds to meet the requirements of the law—to do so was patently impossible for us—after all, we operate 539 campgrounds providing more than 28,000 camp sites in 93 parks areas.

Public Law 93-81 had two big results—both of them harmful. It deprived federal agencies of the campground user fees which would have been available for campground operation and maintenance. In the case of the National Park Service, we would have suffered a loss of revenue estimated between six and seven million dollars a year in fees willingly paid by campers.

Secondly, Public Law 93-81 worked a disservice to the commercial campground and to the state and local government-operated campground—both of which continued charging for their facilities while everything was free in the federal campgrounds.

It is not my intention to increase the total number of campgrounds available in the na-

tional parks. Our needs and our objectives are being studied in depth at this moment and we will soon have the information upon which to base our future actions. We want to operate the national parks to provide for the greatest good of the greatest number of people—now and in the future. To meet this end, we hope to encourage construction of campgrounds outside of the parks—rather than in the parks. By this I mean that, I am not advocating some sort of financial aid from the Park Service, to further construction of private campgrounds outside the parks. Where existing campground facilities are not numerous enough to meet the demand of the camping public, the National Park Service believes that the private sector of our industry will meet that demand.

The National Park Service has no intention of trying to provide camping facilities to meet demand, not when expansion of camping would conflict with our larger aim of preserving the values of our 298 park areas. There is no room for compromise on that issue. The statistics show that the total number of campsites available in the national parks is decreasing—very slightly but steadily—since about 1968, as campgrounds are improved and marginal sites are eliminated.

I am happy to report to you that when I left Washington, Congress was moving toward passage of legislation to restore the authority to charge campground user fees under the Land and Water Conservation Fund Act. The federal government would resume charging for its campgrounds, effectively removing the artificial subsidy for federal camping and will restore the badly needed funds with which we can maintain these facilities.

Last year we had a reservation system working in Yosemite, Grand Teton, Yellowstone, Grand Canyon, Acadia and Everglades National Parks. The passage of this legislation will clear the way for us to institute a 1974 camping reservation system. We hope the system will handle reservations for 23 national parks this summer, an increase from the six parks included in the successful experiment of 1973. We were delayed in our efforts to set this up for 1974 by the uncertainty surrounding the charging of user fees in the campgrounds. Obviously, the two problems are inter-related, and the passage of the legislation will solve both problems.

It is our hope that this computerized reservation and information system can be improved to handle the matter of referring requests when the park campground cannot accept the reservation. Computers can do wonderful things—and we hope that we will soon have the capability to refer the applicant from the reserved NPS campgrounds to a nearby campground operated by the state, by the county, by the city and by the commercial operator. Why not? We look forward to a completely integrated system, eventually, which will accept the campground reservation request—and either place it with the NPS campground, or refer it to the appropriate campground outside of the park and actually make the reservation for that alternate campground—all by computer. This system would not only allow us to handle our own problem more efficiently, but would also prevent the needless waste of gasoline which is a part of the frustrating business of driving from campground to campground looking for an open space, often late in the evening after a hard day's drive.

I would like to see a totally different pattern of visitation to the parks resulting from the necessity for saving limited supplies of fossil fuels. The 1974 visitor may drive a shorter distance to reach the park at lower speeds, and he may stay longer at the park when he reaches it. No more would we see the 500-mile-a-day syndrome—where the tourist boasted that he had driven 500 miles, and "seen" three national parks in 24 hours. About all he had to show for that "experience' was a stack of picture postcards and a need for a rest.

Our modern park visitor wants more out of his visit than a trip to the newsstand to buy post cards, a quick trip to the rest room, a bottle of pop and he's on his way to "visit" the next park. The new visitor, especially the youth, wants to know the park. He wants to learn about the values the park was designed to preserve. He wants to learn—in depth—and we are gearing up to give him the rewarding park experience which he deserves. There are 200 areas in the national park system located within 100 miles of a metropolitan area. So almost any kind of park "experience" you may want, historic, natural, cultural or recreational, is less than a tankful of gas away. And at today's gas prices, this makes a difference.

In addition, this year, we would like to lessen overcrowding by encouraging very rewarding visits to national parks before Memorial Day and after Labor Day. I am certain many of you will agree that some of the most spectacular scenery is to be found in the spring and fall and, for that matter, even during winter months in many parks. Another way to beat the crowds is to get off the beaten paths to the most popular parks and visit the 92 park areas we call "lesser used" or "under used." I visited 62 park areas during my first year as Director and I can assure you that most of my most pleasant memories are of "off season" trips to "lesser known" parks. And I've been told that because of the gasoline problems, we will add probably another 20 parks to our "under used" listing this year. You can still "get away" in this country.

Interpreters in the National Park Service have always complained that the visitor doesn't take time to read the pamphlets, look at the exhibits, walk the interpretive trails, listen to the recorded messages, attend the educational film—that the visitor doesn't really see the parks. We hope this complaint will be heard less often this camping season. We want to present the quality experience which the park visitor wants. We think for us that this is the most important and far-reaching benefit to come out of the energy crunch which caused such consternation some months ago.

It is apparent that the visitor who makes an in-depth visit to a national park area will also make an in-depth visit to the campground of his choice. At that campground, he is apt to require more goods and services than before. The campground which provides a laundry facility, for example, will probably be more attractive to the visitor who stays a week, than it was to the visitor who spent only one night. The services and facilities which were sometimes provided incidental to the provision of a campground, are now deemed of central importance. We in the National Park Service will not be providing these increased goods and services, although some of our concessioners may.

The in-depth park visit should also include greater awareness that parks are a different environment for urban Americans. But common sense safety rules apply everywhere. Most park regulations are in concert with state codes, but driving safety and observance of park regulations and speed laws is something I should mention to you. There were 179 fatalities in the parks last year and 59 of these involved motorists, second only to 73 drownings.

There is another aspect of the travail of the past six months which is worthy of mention. Recreational travel seems to have been recognized as a worthy use for fossil fuels, not as a luxury consumption of fuels. Representatives of many facets of the camping industry have been at work in Washington during the last eight months. They have done a good job of presenting your point of view to administrators in the Executive Branch of government and—of equal importance—to your elected representatives in Congress. It is apparent that their work has been effective and that any planning on the part of the federal government in regard to allocations of fuels will take into consideration the needs of the recreation industry.

I have appreciated the opportunity to share with you these observations from my own philosophy regarding management of the part of the economy which I have some small part in determining results—the National Park Service which I have the honor of directing. I can sum up the things we have been talking about in these few statements of principle:

1. National park areas will continue to welcome the family camper. As we have replied to hundreds of inquiries, there is no intention of prohibiting trailer campers in your national parks.

2. We expect to maintain the existing camping facilities within the parks, but we do not anticipate expanding the number of camping facilities within the parks.

3. We encourage the development of camping facilities outside the parks, in order that more campers can enjoy the parks without harming them.

4. We recognize the role of the recreational travel industry as an active, valid segment of the American way of life, and we will continue to cooperate with the segment of the American public which enjoys camping.

5. We will continue strenuous efforts to make the national park areas of this great nation even more worthy of your visits—even more worthy of representing the priceless heritage of scenic, historic and natural values that is so much a part of America.

I thank you very much for inviting me here today, and I want you to know that the National Park Service, under my direction, will always listen to whatever opinions you wish to express. We welcome your cooperation, and we pledge you ours.

TRIBUTE TO LARRY MULAY

HON. SAMUEL H. YOUNG

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. YOUNG of Illinois. Mr. Speaker, one of this Nation's most treasured institutions is its free press. All across this country, publishers, editors, and reporters can be proud of the job they have done in helping to make the citizens of the United States the most well-informed people in the world.

Today, I would like to pay tribute to one of this country's finest and most diligent journalists, Larry Mulay. Larry is retiring after a 55-year career that has brought honor to the journalism profession.

I call the attention of my colleagues to the following editorial from one of Chicago's leading newspapers:

If Chicago's newspeople ever organized a fan club, it likely would be to sing the praises of Larry Mulay. Hundreds of them have come under his tutelage and enjoyed his friendship as they broke into Chicago journalism by way of the City News Bureau.

Not many newspaper readers come to know about the City News Bureau, for it is a behind-the-scenes operation, providing a vital information service on a co-operative basis for the print and broadcast media. And over the years it has also provided a training ground for reporters.

Larry ran a tough school at CNB, although he admits it has "mellowed some" now. And the lessons he helped teach through 30 years as city editor of the service and nearly a decade as general manager are firmly inplanted in the work of newsmen and newswomen in Chicago and throughout the nation. In his incredible 55-year career at CNB (he began as a copy boy in 1919), Mulay estimates he has helped to train 6,000 aspiring journalists. Among his "graduates" are many now at the top of their profession.

Larry is finally going to retire from his 12-hour days of keeping watch on the accuracy of the news of Chicago. And his many friends and former pupils who bid him a fond adieu may yet get around to organizing that Larry Mulay Fan Club.

CONGRESSMEN PETTIS AND BELL SEEK TO END SWINDLING OF STUDENTS BY UNETHICAL VOCATIONAL SCHOOLS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. BROWN of California. Mr. Speaker, the June issue of Reader's Digest contains a very interesting article about one of the most disgraceful rackets rampant in America today: the vocational school ruse. Rather than explain the entire situation in detail myself, I will enter the article in the RECORD. I would, however, like to take just a moment to commend two of our colleagues from my own State, the Honorable JERRY PETTIS and the Honorable ALPHONZO BELL, who have introduced legislation to begin to deal with this problem.

It is more important that we do something about this racket now than ever before, Mr. Speaker, since the nationwide economic problems which have grown so incredibly over the past few years are causing more people than ever before to enroll in these vocational schools, either to find jobs in this period of massive unemployment or to move up into higher paying jobs to cope with today's runaway inflation. Many vocational schools promise far more than they can deliver—in many instances under circumstances that cannot be described as anything less than criminal fraud—and the innocent students are taken for untold millions of dollars. Congressional action is made even more necessary by the fact that the Federal Government often plays a peripheral role in this scandal, loaning tuition money to students through the Veterans' Administration and the Office of Education. Even when one of these schools goes bankrupt, the student is left owing money to the Federal Government for an education which he or she did not receive.

It should, of course, go without saying that the practices of some of these institutions should not cause us to look with disfavor upon the many fine vocational schools which are honestly and competently fulfilling a genuine need in our society. The good schools, in fact, are among the most adversely affected victims of the bad schools, since the rotten apples bring discredit upon the entire barrel.

At this point, Mr. Speaker, I submit the text of the article, and I urge our colleagues to join as cosponsors of H.R. 11927 when AL BELL and JERRY PETTIS request our support for this measure, which I understand they will be doing very shortly.

The article follows:

CAREER SCHOOLS AREN'T ALWAYS WHAT THEY CLAIM

(By Jean Carper)

"Earn more money!" blazon the advertisements. Become an aircraft mechanic, insurance adjuster, writer, machinery operator, broadcaster, computer programmer, lab technician or truck driver. All you have to do is enroll in a private career school. When you graduate, you'll step into a fabulous, high-paying job.

Unfortunately, too many Americans have discovered to their sorrow that the promised jobs never materialize. Complaints from victimized students to the Office of Education about unethical vocational schools nearly doubled from 1972 to 1973. In a nationwide crackdown over the past two years, the Federal Trade Commission (FTC) has conducted 400 inquiries into schools suspected of deceptive practices.

The nation's 10,000 private vocational, or career, schools—resident and correspondence—annually enroll over three million students at a tuition cost of $2.5 billion. Undeniably, much of the money is spent on schools which do provide solid educations that enable graduates to obtain jobs. But, tragically, millions of dollars are wasted on substandard education for jobs that are not available. Poor governmental controls make it easy for career schools to prey on students. In some states, all you need to set up a vocational school is a postal address and the price of a license, while other states—such as Indiana, Minnesota, New York, Texas, Wisconsin—have strong regulatory laws.

Consequently, few schools are held accountable for high standards. Only 1700—a mere 17 percent of private vocational schools—are accredited by such nationally recognized agencies as the National Association of Trade and Technical Schools, the National Home Study Council and the Association of Independent Colleges and Schools. But accreditation or lack of it does not necessarily determine a school's reliability. Many of the FTC's recent complaints of deceptive sales practices were against accredited schools, including several large computer-training schools.

Amazingly, both the Veterans Administration, which grants G.I. payments for training in any state-approved resident or correspondence school, and the Office of Education, which approves federally insured student loans for accredited vocational schools, are prevented by law from giving any assurance that these schools are reputable. The federal government merely puts up the money for grants or loans, and if the school is dishonest, substandard, or collapses mid-term, the student is left holding the bag. A typical case is Denver's Western Technical College, a trade school which folded in 1971 after a history of financial troubles, leaving 600 students owing $1 million in federally insured loans. According to Maury Tansey, chief of claims and collections for the Office of Education, his agency will pay off the loans to banks holding the notes and dun students for repayment—for an education they didn't complete. Says the angry father of one student who owes $1200, "We thought if the government approved the loan the school was okay."

What are the main complaints against the career schools? Essentially, prospective students should beware of:

MISLEADING ADVERTISING

Invariably, ads promise high pay and job placement, but these claims often bear little resemblance to the actual job market. A 1972 FTC study in the Midwest showed that schools were luring would-be aircraft mechanics with ads like "Need men for high-paying positions immediately." Yet an FTC check revealed that among major airlines, American had laid off 365 mechanics in the previous six weeks, United had no openings and Eastern had not hired a mechanic since 1969.

In one New York case, a truck-driver training school charged $985 in tuition for a three-week course guaranteed to get graduates "$200 per week and more." Investigators for the state's Bureau of Consumer Frauds and Protection discovered that only 14 out of 179 students who had graduated—a scant eight percent—had been placed as promised in jobs as heavy-equipment operators, and *none* received salaries approaching those advertised.

HIGH-PRESSURE SALESMEN

Commissioned salesmen with glorified titles like "counselor," "registrar" or "educational consultant" make pitches at school career-days or canvass door to door—their sole aim to get a signature on a contract. They often conduct phony aptitude tests anyone can pass. One salesman in Nebraska who talked a woman on welfare into taking an artist's correspondence course administered the "talent test" himself (he gave her a high score). Some salesmen lie about accommodations. A now-defunct airlines-personnel training school headquartered in Missouri once pictured the University of Missouri campus in its brochures. The school's dormitory was actually a boardinghouse over a bar. Sometimes salesmen pose as civil-service officials. For $300 to $900 they sell instructions on how to pass civil-service examinations—which anyone can obtain from the Civil Service Commission absolutely free!

POOR-QUALITY EDUCATION

Frequently, so much money goes into the sales operation of vocational schools that little is left for schooling. During a recent year, one of the nation's largest vocational-school chains spent 65 percent of its gross income on advertising and administrative expenses, and only 15 percent on instruction.

Both prospective employers and public officials are disturbed about the quality of teaching at some vocational schools. Says Dr. Morris Schaeffer, former assistant commissioner of health for New York City, about private vocational schooling in medical technology: "Instructors generally lack adequate credentials, the equipment is poor and there is a lack of practical materials." Dr. Henry Isenberg, head of Microbiology Laboratory at Long Island Jewish-Hillside Medical Center in New York, reports that he is unable to hire 95 percent of those with vocational training who apply for jobs as lab technicians. They are too ill-prepared.

UNQUALIFIED GRADUATES

Some students earn a diploma from a career school—only to be left out in the cold because of additional standards they have not been informed about, such as industry or union regulations and licensing requirements. For example, a boy who trained to be a detective couldn't qualify because he was five-foot-six—too short. A girl who completed a stewardess course couldn't be hired because her vision was so bad as to brand her nearly legally blind. After graduation from a broadcasting school, a Chicago man was rejected by 40 stations in the area; all said they wanted someone with experience or a college degree. Though a California school touted its court-reporting courses,

none of its graduates had ever passed the state's exam to practice.

All in all, these vocational-school practices add up to what Sen. Walter Mondale of Minnesota has called "the last legalized con game in America." What can you do to protect yourself from them? Before signing up for vocational training, the FTC urges you to ask four crucial questions—not of the schools themselves but of several prospective employers: 1) Would you hire graduates from X school? 2) How many have you hired in the past year? 3) Were they hired because of school training? 4) Did training make any difference in starting salary?

Check also with local and state employment agencies, guidance counselors, unions, trade and professional associations to find out about special qualifications needed in your field. Ask the prospective school for the last year's job-placement rate and a list of several graduates whom you can contact as references. Find out whether the school is accredited and by whom. Always visit a residential school's campus before enrolling. Read every contract thoroughly, and never sign one under pressure.

If you decide to drop out of a school, send a registered letter immediately informing the registrar's office—this is critical in getting a refund. If you feel cheated, write a formal complaint to the school, the state licensing agency, the accrediting agency (if the school is accredited), your local or state consumer-protection agency, the Office of Education (if you have a student loan), and the Federal Trade Commission, Room 479, Washington, D.C. 20580. As a last resort, consider filing suit.

Many authorities are now supporting strong state regulations to clean up vocational schools. For example, after Texas put through a tough new regulatory law, about one third of the state's private vocational schools shut down. The Education Commission of the States has proposed model licensing legislation, calling for strict standards of financial stability, equipment and instruction in all states. Congressman Alphonzo Bell and Jerry L. Pettis, both of California, have introduced a bill requiring the Secretary of Health, Education and Welfare to make a study of the federal government's involvement in funding private vocational schools and to adopt new procedures to prevent students from being cheated.

As Congressman Pettis says, "It is foolish to squander national resources on shoddy education. Students who enter vocational schools deserve—and should receive—a good education."

ALARMING SECURITY LAXNESS BY BUREAU OF ENGRAVING AND PRINTING

HON. BILL GUNTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. GUNTER. Mr. Speaker, I feel it is my duty to call the attention of the House to a situation which I find to be alarming, and to the lack of responsiveness in connection with it exhibited on the part of the Director of the Bureau of Engraving and Printing, James Conlan.

A private printing firm with a repeated record of losing securities which subsequently find their way into underworld circles was provided by the Bureau of Engraving and Printing with materials used to make plates bearing the image of George Washington that appears on $1 bills.

Dies used to make plates bearing the image of Washington and special ink were provided to the private firm by the Bureau of Engraving and Printing in a vain effort to adapt the firm's presses to help the Bureau print gas ration coupons, though Federal supervision of the materials appears to have been minimal.

The materials were provided despite a past and current record by the firm of losing stocks, bonds, letters of credit, travelers' checks, and other materials which have later turned up in such faraway places as Panama, Greece, Luxembourg, Frankfurt, London, Geneva, and the United States.

The private printing firm was Jeffries Bank Note Corp., of Los Angeles.

Three years ago Jeffries was mentioned in connection with the loss of potentially billions of dollars worth of negotiable and nonnegotiable materials.

While no one charged anyone at Jeffries with any responsibility for the loss, it was evident that a virtual absence of adequate security procedures allowed these materials to find their way into the wrong hands. The list of lost stocks, letters of credit, and other materials runs 42 pages.

There have been 21 indictments in the case, but no one has gone to jail in this country in connection with the case. There have been three murders of persons involved in the case, including the murder of an assistant U.S. attorney in Los Angeles the day before he was to seek an indictment in the case. The public defender appointed to represent the man charged with the murder was then murdered. The most recent murder occurred 2 months ago in Las Vegas of another person indicted in connection with the securities losses.

Jeffries inadvertently launched the chain of events when it sought a means to destroy stocks and bonds for which new certificates were being issued, along with printing overruns of other materials it had printed itself on its presses. Jeffries is a leading printing firm used to produce stocks, bonds, travelers checks, and similar materials. Among the items slated for destruction were stock certificates in International Nuclear Chemical which had been shipped 3,000 miles west to Jeffries for the purpose by Chase Manhattan Bank.

However, Jeffries did not have the capability at that time of destroying the materials in-house, and an outside firm it had been using refused to do further work for Jeffries because the high rag content of the materials was damaging their shredding equipment.

Jeffries then "turned to the Yellow Pages," and called a listed number for a firm headed by a Larry Gamson. Law enforcement authorities identify Gamson as the brother of Benny "Meatball" Gamson, who died some years ago in a Chicago gangland war.

Gamson did not have the capability of destroying the materials either, law enforcement records indicate, but he took on the job. Hiring a U-Haul truck, Gamson carted away 18 dempsy dumpsters full of materials and transported them to the Harry Kassap Rag Co., run by Jerry Kassap. Kassap was observed having lunch in New York with Joe Colombo a week before Colombo was gunned down, according to law enforcement officials.

Jeffries issued a certificate of destruction to Chase Manhattan Bank for the materials sent to Jeffries. But they and other materials later reappeared in financial capitals throughout the world and in the United States, where they were often used as collateral for short term loans from FDIC banks. Kassap was indicted in the case. Gamson was not accused.

There was a partial housecleaning of personnel at Jeffries following the case. But under new management, losses have continued. Some $60,000 worth of signed Travellers Cheques were discovered missing from Jeffries only last September when they turned up in London and were subsequently recovered by U.S. law enforcement authorities. Reports of other losses have also been under investigation.

The Bureau of Engraving and Printing conducted only the most cursory and slipshod investigation of the security background of the company and of the personnel at Jeffries.

One individual involved with providing outdoor security at Jeffries is a convicted felon. Sentenced for mail fraud in that case, he has only recently been indicted again on a new charge of bribery to fix an election. He has pleaded not guilty, and there is no evidence indicating he has any connection with the most recent losses at Jeffries. But I cite it because the Bureau of Engraving and Printing was not even aware of it.

Federal energy officials as late as mid-March were totally oblivious to Jeffries poor security record and history of losses.

Yet this is the firm which the Bureau made extraordinary efforts to give a contract to for the printing of gas ration coupons, despite the fact that without adaptation of its equipment it apparently did not have the capability to do the work of the kind and quality desired.

Even after the effort was made with strenuous Bureau assistance to adapt Jeffries' equipment, they could not do the work.

Two other private reputable firms, U.S. Bank Note Corp. and American Bank Note, were used to print a portion of the gas ration coupons the Bureau itself could not handle. U.S. Bank Note was never approached to handle an additional volume of coupon printing it appeared Jeffries could not handle, though the Bureau has claimed it went to Jeffries in the first place because of the need for an additional printing capability it could not find elsewhere.

Bureau officials made three attempts to help Jeffries adapt its equipment but finally ended up doing the job itself.

Officials of Jeffries contributed at least $13,000 to the Committee for the Reelection of the President—CREEP—after April 7, 1972. Jeffries is a wholly owned subsidiary of Title Insurance & Trust Co.—TI—of Los Angeles, which holds title to San Clemente and in which Bebe Rebozo and Robert Abplanalp have a beneficial trust. Jeffries does printing work for many Los Angeles area lawyers,

including the President's personal lawyer, Herbert Kalmbach.

I have no way of knowing why the Bureau of Engraving and Printing made such extraordinary exertions to give a contract to Jeffries. But I do know that the Bureau's bureaucratic rhetoric about the thoroughness of their security precautions is as phony as a gas ration coupon or a $2 bill. It is incredible that a firm with the notorious record of "losing" things that Jeffries has should be given materials used to manufacture the picture of George Washington used on U.S. currency.

Bureau of Engraving and Printing Director James Conlon has denied any laxness in security in connection with attempts to use Jeffries for the printing of ration coupons, but promised a prompt audit of materials used by Jeffries to make sure all were handled under proper security arrangements.

That was 3½ weeks ago. Director Conlon has not forwarded the results of that audit to date. I believe this is a matter that should be subject to a thorough investigation by the Legal and Monetary Affairs Subcommittee of the House Government Operations Committee, and I have indicated my willingness to cooperate in any way with the members and staff of that subcommittee in an effort to determine the facts in this matter.

RELIEF URGENTLY NEEDED FOR LIVESTOCK INDUSTRY

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. NELSEN. Mr. Speaker, in response to a deluge of calls and wires received from desperate livestock producers in Minnesota, I have today introduced legislation that would slap a 6-month freeze on all beef imports. It is the same essential legislation just introduced by our colleague from Nebraska, Congressman DAVE MARTIN.

I have also wired Secretary of Defense James Schlesinger urging that he institute a crash program to buy beef and pork for military feeding programs. A similar telegram has been sent to Secretary of Agriculture Earl Butz in which I recommended quick Government beef and pork purchases for all appropriate civilian programs, like school lunches and feeding the needy, in order to try to bolster the present sorry farm producer prices.

Tragically, cattlemen are losing anywhere from $100 to $200 a head on today's depressed livestock market. Hog prices are down at least 30 percent from a year ago. Prime beef in some places is being sold for dog food. There is no way that many thousands of family farmers with livestock to sell can survive at these prices. Their credit sources are drying up, and the whole farm economy is being damaged.

A group of farmer-feeders in my congressional district recently reported to me that:

> The problem is not that of the livestock feeder alone. Within a short period of time it will extend to other industries such as packing houses and their labor force, the trucking industry, the grain farmer, and the finance industry . . . Ultimately, it becomes the problem of the consumer, since the reduction in the number of livestock feeders will cause serious food shortages that will greatly increase the cost of food to the consumer.

Mr. Speaker, we ignore such valid assessments at our peril. The Livestock and Grains Subcommittee of the House Agriculture Committee announced today that public hearings on the serious livestock situation will be held on June 25 and 26. This is too long to wait when immediate relief is required. I would hope that our subcommittee will reconsider and move these dates forward to a much earlier time.

A number of alternate legislative ideas have been introduced that should receive consideration. It is especially urgent to deal with the beef imports problem, either administratively through the President's revocation of the suspension of red meat import quotas, or through legislation along the lines being recommended by a number of us in the Midwest.

Additionally, Mr. Speaker, I would like to encourage the administration to move expeditiously to see what can be done to encourage lower meat prices at the retail level, thereby prompting increased consumer demand for meats of all kind. Current livestock prices on the farm are simply not being reflected in the prices being charged to consumers at the meat counter.

I also hope our Government will take the lead in encouraging new volume purchases by Canadian and Japanese meat buyers. Our sales to these countries have been interrupted by the public flap over the artificial hormone, diethylstilbestrol, or DES. But I understand that a method has been worked out now to assure that U.S. beef is free of this substance, so that our meat sales to these countries should be resumed as quickly as possible.

Finally, I would like to mention that late last week, I wrote to President Nixon urging him to review the meat import situation as it presently prevails and to order immediate action to protect our rural economy. The President has authority, under section 2 of the Meat Import Act of 1964, to revoke suspension of red meat import quotas. The action would have the effect of quickly curtailing meat imports currently spilling into the United States, to the great detriment of the U.S. livestock industry and our family farmers.

SINGLED OUT FOR DISCRIMINATION

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. FOLEY. Mr. Speaker, at a time when the House Ways and Means Committee is considering reforms intended to make our tax system more equitable, Miss Kitty Kelley has written an excellent analysis of the current tax status of one group of Americans. That particular point of view expressed here is that of a single taxpayer. Her article from the April 22, 1974, issue of Newsweek follows:

SINGLED OUT FOR DISCRIMINATION

(By Kitty Kelley)

Income-tax day is April 15 which, logically, should make this week the biggest of the year for marriage proposals. Roping a spouse is the only way a single taxpayer can beat the system and escape the gouge of the Internal Revenue Service, which graciously subsidizes marriage to the tune of $10 billion a year while slapping single taxpayers with an annual $1.7 billion penalty. The 38 million second-class citizens in this country who are single by choice, death or divorce must either play house or pay through the unringed nose. There is no other option.

Our Federal tax laws protect the poor, the elderly and the handicapped and provide generous loopholes for the very rich. There even used to be a well-publicized cushion for a civil servant who tried to deduct a half million dollars for a passel of papers collected during his days as second banana to President Eisenhower. Special privileges are also accorded to married individuals, who pay much lower taxes than their single counterparts. As the IRS states: "Filing a joint return often means tax savings . . . because the joint-return rates are lower than other rates." Even if only one spouse works, the IRS code permits married couples to pretend while computing taxes that half their income is earned by the other partner, and so the marrieds get the tax break.

For example, a $12,000-a-year bachelor coughs up $2,630 in taxes for 1973 while his married friend in the same income bracket pays $2,260. The senseless $370 penalty worsens as the bachelor and his married friend continue to make more money. At 1973 tax rates, by the time they reach the $20,000 bracket the penalty is $850, and at $50,000 the difference in their taxes is a whopping $3,130!

NO FRILLS

Justification for joint-return rates rests largely on the assumption that it costs married couples substantially more to live than unmarrieds. However, this is not true. Government statistics from 1970 show that a married couple without children on a no-frills budget spent $5,250 to maintain a basic standard of living whereas two single people living separately spent $7,760 to maintain the same standard of living.

Because single, widowed and divorced taxpayers do not have the option of filing jointly, they pay considerably more in taxes than marrieds in the same taxable-income bracket. Men and women accustomed to this split-income provision experience a sudden financial jolt when they lose their spouses through death or divorce. For instance, a woman who must find a job to support herself after losing her husband usually finds she must pay more taxes on less income than she and her husband previously reported together. Meanwhile, she has to pay the same mortgage payments, the same property taxes, the same car payments and the same tuition on her children's education. And if she is an unliberated soul who relied on her husband to take care of odd jobs around the house, she must now pay a plumber or electrician or painter to do what her mate did for free. Since she is not entitled to deduct these expenses, she is penalized a second time for being single.

The Sixteenth Amendment to the Con-

stitution stipulates a tax on income, but the connubial types in Congress apparently forgot to read the instructions on the package. Instead of taxing the income, they decided to tax the individual by designing a system that forces singles to shoulder the greatest burden of government revenue. For the past 60 years, unmarried pigeons have been feathering the Federal nest with 40 per cent more in taxes than married people.

RIPPED OFF

When singles began computing the thousands of dollars in a lifetime of earnings that would be ripped off by the government, outrage mounted, and by 1968 thousands of people refused to send in their tax payments. The mutiny on this and other issues, combined with heavy lobbying in Washington, finally forced Congress to pass the 1969 Tax Reform Act, which reduced the 40 per cent inequity to 20 per cent.

The protest worked to reduce grand larceny to manageable dimensions, but there were still complaints. However, faced with the prospect of a grueling IRS audit, most singles paid up. They had no other recourse.

"They have been doing it for so long, it is now a habit," declared Robert Keith Gray, former secretary to President Eisenhower's Cabinet. "But it is an outrageously bad national habit and one that should be broken immediately." Mr. Gray, himself a Washington bachelor, finally got fed up paying higher taxes than his married friends and decided in 1971 to fight the discrimination by forming CO$T—the Committee of Single Taxpayers, a nonprofit, nonpartisan lobby to influence Congress.

Putting his money where his mouth was, Mr. Gray contributed $10,000 to finance the organization and enlisted the support of two former senators who have never agreed on anything except the Ten Commandments. With Eugene McCarthy, the liberal poet from Minnesota, and George Murphy, the conservative song-and-dance man from California, the crusade for the single taxpayer began in earnest.

BOMBARDMENT

The odd couple stalked the halls of Congress, buttonholing former colleagues to support the bills introduced by Democrats Rep. Edward Koch of New York and Sen. Abraham Ribicoff of Connecticut to give singles the same tax schedule as marrieds filing jointly. Unmarried citizens began bombarding their congressmen with letters and telegrams that helped push the bill through the House of Representatives. And it was passed in the Senate even though retrogrades like Democrat Russell Long of Louisiana and Republican Wallace Bennett of Utah interpreted the legislation as a license for living in sin. Their insistence that you must marry and multiply to get a fair shake from the IRS eventually succeeded in killing the bill in conference between the two chambers. So single taxpayers are paying their unfair share of taxes again this year.

But there is still hope for next year. CO$T is confident that with continued lobbying by the odd couple and the help of concerned singles, Congress will see its way clear to admitting the unmarried to the human race. "We're on the right track now," says Gray. "We have professional people involved. We have viable representation in Congress, and the legislators are interested because we keep pushing."

If the bills pass, the government would lose an estimated $1.7 billion in revenue collected each year from single taxpayers. But Congress should be reminded of what it cost to desegregate the South. Civil rights are always expensive. Still, the cost of righting the wrongs of discrimination is the best investment a democratic society can make.

H.R. 15200

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. MATHIS of Georgia. Mr. Speaker, many adverse comments have been made against H.R. 15200 which I cosponsored last week. The legislation would exempt from full-time babysitting coverage a single head of a household whose earnings would not exceed $7,500 per year and would further exempt joint heads of households whose total income did not exceed $15,000 per year.

I maintain that this is realistic legislation, and while I am aware that certain groups in this country are adamantly opposed to its passage, I feel it is definitely needed. I am submitting a letter I received from the manager of the Georgia Department of Labor, Training, and Employment Service office in Griffin, Ga., which I feel substantiates the need for this legislation, and I want to share it with my colleagues:

GEORGIA DEPARTMENT OF LABOR,
Griffin, Ga., June 7, 1974.

Hon. DAWSON MATHIS,
Congressman, Second Georgia District,
House of Representatives,
Washington, D.C.

DEAR SIR: I read with great interest your Bill to strip minimum wages from "Baby Sitters" and to exempt families who make less than $15,000 a year from paying "Domestics" the new minimum wage. I am the Manager of the Georgia Department of Labor, Training and Employment Service office in Griffin, Georgia. This new minimum wage has created a bad situation. Why should a working mother be responsible for paying her maid $1.90 per hour when service workers, waitresses, cashiers, sales clerks, and yes charwomen for doctor's offices are not covered under this law?

My area covers eight counties which are predominantly textile and garment. These mothers average $100 to $120 per week. Do you think they can afford $76 per week for a Domestic? Absolutely not, they are forced to quit, discharge the maid. The family income is lowered at a time when cost of living is sky-high. The minimum wage for Domestics is a bad piece of legislation; it should be based on family income at least.

To bring out another point, employers are having their troubles. We cannot supply qualified workers in all instances, so production goes down. The maids themselves in most cases are not qualified for mill jobs or many other jobs. They are usually elderly, uneducated black females who have great difficulty in securing employment; most are also untrainable. What is the alternative—Welfare—they go right back to the system we need to break up.

I noticed that *Ms. Edith Sloan* said your bill was "dumb". She is out of touch with rural areas. Her experience no doubt is in the large metropolitan areas where Domestics made more than $2.00 per hour before this law became effective. The average lower and middle class family cannot afford this minimum wage. There should be a salary limit. If retail service businesses are exempt, why penalize the young working mothers who need work to supplement the family income?

I do hope your Bill passes. I am urging the women in my area to write their Congressmen and Senators protesting this wage law. I would enjoy talking with Ms. Sloan; she is out of touch with reality. You could sound out Employment Service offices in your area to verify these facts. It is not only Griffin, but all over the State objections to this new law are being heard daily.

Sincerely yours,

SIDNEY D. DELL,
Manager, Georgia Training and Employment Service, Georgia Department of Labor.

TRIBUTE TO THOMAS M. JENKINS

HON. LEO J. RYAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. RYAN. Mr. Speaker, in this time when the news media would give one the impression that there is a lack of confidence in Government, it is important now that we recognize those citizens who, by their day-to-day actions, dispel that impression.

One of those citizens is Thomas M. Jenkins, whose excellence in local government is equalled by few people anywhere. Tom is retiring as mayor and councilman of San Carlos after many years of service to his community and the State of California. Some of his former community and professional activities include:

Vice president and board of governors, State bar of California, 1969–72; president, American Association of Homes for the Aging, 1969–72; president, Peninsula Division, League of California Cities, 1971–72; chairman, conference of delegates, State bar of California, 1967; House of Delegates, American Bar Association, 1959–64; mayor, city of San Carlos, 1965–69; chairman, council of mayors, San Mateo County; vice chairman and national board of directors, Camp Fire Girls, 1964–68; president, Peninsula Council, Camp Fire Girls; president, United Community Fund of San Francisco, 1962–64; Governor's hospital advisory council, State of California; board of directors, 17th District PTA; chairman, planning commission, city of San Carlos; executive committee, San Francisco program for the aging; board of governors, Legal Aid Society, San Francisco; president, the Lawyers' Club of San Francisco; vice president, Mission Neighborhood Centers.

Perhaps the finest tribute that can be paid to an individual is to be honored by his peers. Tom will be so honored on June 13, 1974, when a committee made up of the citizens of San Carlos will express the appreciation of the entire community at a retirement dinner.

The word "retirement" is a misnomer in this circumstance because Tom is not, by any stretch of the imagination, "retiring." He is an active member of the prestigious law firm of Hanson, Bridgett, Marcus, and Jenkins. He also sits on the judicial counsel of the State of California, the board of directors of the American Association of Homes for the Aging, the board of approval for the American Hospital Association, the board of directors of the San Francisco Association for Mental Health, the board of

trustees of the United Bay Area Crusade and as chairman of Long-Range Planning for the State Bar of California.

I suspect Tom will use his well-deserved rest from active city management to spend more time with his lovely wife Anne, and their three children Thomas Mark, III, Jo Anne, and Dirk.

I join Tom's friends and associates in saluting a dedicated citizen in service to his community and wish him all of the luck and happiness of the future.

THE NEED FOR NEGOTIATING A RESIGNATION—NOW

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. McCLOSKEY. Mr. Speaker, my colleague, DON RIEGLE, has written a thoughtful article that appeared in the Los Angeles Times of June 10, 1974, which I am inserting in the RECORD for the interest of my colleagues:

[From the Los Angeles Times, June 10, 1974]

THE NEED FOR NEGOTIATING A RESIGNATION—NOW

(By Donald W. Riegle)

President Nixon is leaving for the Middle East and will soon be going to the Soviet Union for summit talks. But no matter how far he travels and no matter whom he meets, Mr. Nixon cannot leave Watergate behind.

For the pressure continues to build for some kind of resolution. The Democratic leaders of Congress have come out against a presidential resignation—their constitutional and political preference for the full impeachment process is understandable. Due process is proper.

On another level, however, America desperately needs a new President—now.

Urgent national difficulties compound themselves daily as we drift aimlessly with a crippled Presidency. In addition, I sense the gravest dangers in East-West summitry conducted by someone so disabled and distracted. Extremely serious foreign policy and domestic policy realities make the impeachment process much too slow and nationally incapacitating—despite its other virtues.

A carefully negotiated resignation arrangement seems the best of a deteriorating set of alternatives.

But as congressional attitudes harden on the impeachment issue, the practical option of such a negotiated resignation may be slipping away. Should it slip away, the loss of this option would, I think, ultimately prove very costly to Mr. Nixon and to the country. For Mr. Nixon, at the worst, impeachment and its aftermath could well mean time in federal prison, possible fines, enormous legal fees and the loss of handsome pension benefits. For the country, it would mean continued months of executive paralysis in which we would be hostage to possible future crises to which we could not properly respond.

Many of us in Congress would accept a negotiated resignation which would provide Mr. Nixon with immunity from future criminal prosecution. Presumably it could be done legislatively as Rep. Wilbur D. Mills (D-Ark) has suggested, with a newly sworn President Ford signing such a bill into law. Or it could be accomplished by means of a formal agreement between the President and the special prosecutor, sanctioned by congressional leaders from both parties.

But two crucial conditions would have to be met. First, the arrangement would have to be made soon—for the passage of time makes it less useful to the country, and protracted discussion would soon take on the appearance of political conniving and backscratching. The second condition is the most critical and—to my mnid—non-negotiable: In any negotiated resignation, the whole truth must be made public about Watergate and all other matters presently under investigation by the House Judiciary Committee. That would mean that all presidential tapes and documents, without exception, would have to be turned over to the special prosecutor and his staff or to the House Judiciary Committee so that the full truth could be finally pieced together and made public.

From appearances to date, it seems that Mr. Nixon would never consent to paying the price of yielding the whole truth. Given the fragments of evidence already in hand, I can understand his reluctance. But no resignation arrangement can stand the test of time and justice—unless the full truth is finally known—and therefore no deal is possible that does not strip away the last vestige of the coverup. I hope Mr. Nixon will come to this realization—and soon.

I do not now sense a mood of vindictiveness toward Mr. Nixon, in the country or in Congress—although there is widespread disappointment, disgust and a feeling of national disgrace. The American people—and history—will be charitable to a fallen President who finally chooses to put nation ahead of self.

What we seek is not a pound of Mr. Nixon's flesh—but rather the full truth and a fully restored and functioning Presidency.

THE MIA DILEMMA: ONE FAMILY'S EXPERIENCE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. HARRINGTON. Mr. Speaker, in March of 1972, the son of a constituent family became a tragic statistic. Capt. Arthur H. Hardy, of Ipswich, Mass., then a lieutenant, was shot down over Laos. Since that day, the family of Captain Hardy, Mr. and Mrs. Gordon Hardy, have been waging a campaign to ascertain the fate of their missing son.

I suspect that my experience in trying to help the Hardy family, and in trying to believe the assurance of officials at the Department of Defense is all too typical. As much as I want to believe that every reasonable effort is being made to resolve the MIA question, I cannot help but doubt that enough is being done.

It was a tendency on the part of some Members of Congress, perhaps, to take the signing of the Paris peace accords as a signal that the long horror of the Vietnamese conflict was now over and that somehow the bitter residue of this war would instantly dissolve. Perhaps an attitude developed about the MIA's which would have banished this nagging question from the focus of our daily vision.

But some Americans—courageous Americans like the Hardy family—refused to allow the MIA question to die a quiet death. They have continued to make every effort, often at great sacrifice, to learn the fate of the hundreds and hundreds of American servicemen listed as missing in action.

Over the months since the nominal end of the Vietnamese conflict, we have seen, understandably, growing frustration build over the MIA dilemma. Some Americans would blame the whole problem on the North Vietnamese and their southern counterpart, the so-called provisional revolutionary government. Other Americans would cast the blame on the Saigon government; still others on our own Government. The increasing frustration and bitterness has led to a polarization of the issue on which all Americans ought to be united—a polarization that infects the still-festering wounds of Vietnam.

It seems to me that the fault for the MIA dilemma lies with all parties. Very serious problems have been encountered in the efforts of our Government to account for the servicemen and civilians listed as missing in action. Efforts to obtain information, or access to the actual sites where the remains of American personnel may lie, have been repeatedly frustrated. To a large degree these difficulties and the attendant frustration can be blamed on the North Vietnamese and the PRG, who are sometimes intransigent and uncooperative. Other Communist nations, such as the Soviet Union, do not appear to have been helpful in resolving the MIA dilemma.

Yet, we must recognize that the Saigon Government bears some of the fault as well. The parts of any peace agreement must to some extent depend on the success of the whole. Frankly, the Paris accords have not brought peace to Vietnam. The fighting continues; only the direct U.S. presence is gone. And both sides are at fault. In this context of continuing strife, it is perhaps more understandable that the components of the "peace" agreement dealing with MIA's are not being fully complied with by either the South Vietnamese or North Vietnamese Governments, to the frustration of American effort. The MIA dilemma cannot but be affected by the general status of affairs in Vietnam, and today, this status is not good.

Just recently, it was announced that the North and South Vietnamese had agreed to reinitiate the Geneva talks, and upon this announcement—made after months of conspicuously bad relations—it was hinted that the North Vietnamese might be more willing to allow U.S. inspection of sites where MIA remains may be.

Perhaps this is a lesson to us. It is the understandable by-product of the months—in some cases, years—of frustration that well-intended people should suggest harsh and punitive measures as a means to learn the fate of the MIA's. But we cannot force a resolution upon the North Vietnamese and the PRG. Even military involvement would worsen rather than better the situation. The best our country can do to resolve the MIA dilemma, it seems to me, is to actively encourage better relations between the various sides, to discourage hostilities between North and South, and to help in building the climate of peace that, we

can hope, will result in the trust needed on all sides for satisfactory resolution of the questions remaining on the fate of our MIA's.

I genuinely believe that the MIA dilemma is not a partisan concern. It is a human concern, one in which every American should share. I hope we will recognize the frustration and the suffering of MIA families, and I hope our country will take the positive kinds of steps required if we are to stand a real chance to bring light into the darkness of the MIA dilemma. We owe it to the families of our servicemen to do our best to learn their fate. We owe at least this much to the Arthur Hardys, and their families, of this Nation.

THE IMPORTANCE OF FETAL RESEARCH

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Ms. HOLTZMAN. Mr. Speaker, recently the House voted overwhelmingly to prohibit fetal research in federally funded medical programs.

In a recent article, the director of Babies Hospital in New York, pointed out how instrumental fetal research has been in developing cures for premature birth, cerebral palsy, metabolic disorders, multiple sclerosis, a variety of cancers and coronary heart disease, among many others. The article confirms the importance of considering proposed legislation in a calm, rational, and thoughtful manner, especially when it can affect vitally important medical research that can well be lifesaving.

It is apparent that many of those opposed to fetal research have confused the issue of fetal research with the abortion issue. In fact, fetal research should be of vital concern to those who purport to be committed to the preservation of human life. The great amount of emotionalism and rhetoric which have been expended on this matter has caused many to lose sight of the real issue involved here: fetal research is crucial to enable unborn babies to survive and to enable both children and adults to live healthy lives free of disease.

We have appropriated millions of dollars for advanced programs of medical research in a number of important areas, such as cancer and heart disease. Yet medieval attitudes have caused us to block off an area of research which could be of vital help in curing these and many other life-destroying diseases.

The article which appeared in the New York Times on June 9, 1974, follows:

THE IMPORTANCE OF FETAL RESEARCH

(By Richard E. Behrman)

Current efforts to prohibit or significantly limit research involving fetuses and infants seriously jeopardize the health and welfare of our children and of our children's children.

Senate and House conferees have agreed on legislation banning for four months research on the living human fetus, either in the uterus or after abortion, unless the research is to save the fetus's life. The ban, to be limited to research supported directly or indirectly by the Department of Health, Education and Welfare, would run from the time of establishment of a temporary commission for the protection of human subjects of medical experiments.

Instead of providing appropriate safeguards from real, though infrequent, abuses by a few investigations, these initiatives and recent court actions to prohibit fetal research are likely to severely limit our ability not only to protect children from serious illness but also to promote their optimum growth and development.

It may not have been sufficiently communicated to the public and people in positions of political responsibility that the prevention and treatment of diseases that threaten children's health and survival depend especially on fetal and infant research.

A substantial number of problems in young infants start in the uterus, and several important medical developments have been made possible only through research on the human fetus and on the newborn.

In the last decade, for example, amniocentesis, a technique used to remove fluid from the amniotic cavity—the sac of fluid in which the fetus floats—in order to detect diseases, has made possible the identification of more than fifty diseases before birth, many of which if not prevented or treated result in death or mental retardation. This technique was first used for the measurement of intrauterine pressure during labor and would not have been considered necessary to the survival of that particular fetus.

The development of the test for Rh-blood-group incompatibility and ultimately the preventive treatment for the mother would not have occurred without human fetal research.

Our ability to prevent premature birth and brain injury from asphyxia occurring during labor, both of which may lead to death or cerebral palsy, will be obstructed by prohibitions against fetal research. Our ability to increase the survival of healthy children who develop hyaline-membrane disease or Rh disease early in life depends directly on fetal and infant research.

Infections, which take such a large toll during the fetal and newborn periods of life, require at some stage the testing of new antibiotics on the human fetus and newborn infant; tests on animals and human adults that should be done first are not sufficient because of the enormous differences between an infant and adult.

There are over forty metabolic disorders that occur in childhood for which fetal research provides the greatest likelihood of decreasing sickness and death.

The health of adults may also be hurt by prohibitions against fetal research. Progress in the prevention and treatment of coronary heart disease may be compromised.

Our ability to prevent and treat certain disorders of the central nervous system, multiple sclerosis among them, as well as a variety of cancers of adult life, and even our ultimate ability to ameliorate the aging process, are likely to depend in part upon investigations of fetal life and early infancy.

Those who oppose legal abortions have been some of the major supporters of prohibitions against fetal research. However, the goal of fetal research is to preserve the right to life in its fullest sense by preventing and curing disease. In some instances, research may even eliminate the need for therapeutic abortion.

Ethical safeguards are essential in medical investigation. The preservation of life and the prevention and treatment of injury are the only ethical and legal bases for physician-scientists to carry out research on a human baby, premature infant or fetus who is developed enough to survive outside the uterus.

Investigation of a fetus outside the uterus who has no possibility whatsoever of surviving independently also requires certain ethical and legal safeguards to protect the fetus' own interests as well as those of its parents, society and future generations.

The Department of Health, Education and Welfare is now formulating regulations. They should be promptly made public and reviewed by Congress and the public to make sure that they provide necessary protection for fetuses, infants and children, both by preventing abuse by unethical research and by preserving every child's right to a life not limited by disease that research can eradicate.

We should not delay protection of fetuses and infants from disease by delaying badly needed research while we study these matters. We cannot allow critically needed research on behalf of our children and theirs to be severely compromised by a ban on fetal and infant research.

INEOA OPPOSES LIFTING OPIUM BAN BY TURKEY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. WOLFF. Mr. Speaker, Members of the House and concerned organizations throughout the country who are involved in narcotics control continue to urge that the ban on Turkish opium production remain intact. Our resolution, House Concurrent Resolution 507, calling upon the Government of Turkey to continue the opium ban or face a cutoff of U.S. aid, now has the support of 228 House cosponsors, over a majority.

I would like to bring to the attention of my colleagues the resolution that has been adopted by the International Narcotic Enforcement Officers Association in strong opposition to the lifting of the opium ban. INEOA is an organization dedicated to securing the cooperation of all who are engaged in the field of narcotics control and devising means for improving international, National, State, and local efforts to combat drug abuse. Its membership includes Harry J. Anslinger, U.S. member of the Narcotic Drug Commission of the United Nations, former U.S. Commissioner of Narcotics, Henry Giordano, former Director of the Bureau of Narcotics and Dangerous Drugs, John Ingersoll, and John Bartels, Jr., head of the Drug Enforcement Administration.

The complete text of INEOA's resolution, urging the Government of Turkey to continue the opium ban, follows:

RESOLUTIONS OPPOSING LIFTING OF BAN ON OPIUM PRODUCTION BY TURKEY ADOPTED APRIL 25, 1974, WASHINGTON, D.C., BY THE INTERNATIONAL NARCOTICS ENFORCEMENT OFFICERS ASSOCIATION

Noting that on June 30, 1971, the Government of Turkey took commendable action in deciding that the most suitable method of preventing diversion of opium into the illicit traffic was to prohibit all production of opium in Turkey;

Appreciating that this action was taken for international humanitarian reasons in

spite of certain economic and social considerations;

Believing that the Government of Turkey's ban on opium production has caused a significant shortage in the flow of opium to clandestine heroin laboratories thereby disrupting the supply of illicit heroin to victim countries;

Regarding the disruption of illicit traffic in Turkish opium as a major factor contributing to the reduction of heroin addiction in the United States;

Being deeply concerned by reports that the Government of Turkey is considering a resumption of opium production; and

Convinced that a resumption of production would make available sizable quantities of diverted opium thereby stimulating the illicit manufacture and distribution of heroin:

Recommends and strongly urges:

(1) That the Government of Turkey continue its humanitarian resolve in recognition of the serious consequences that the world community would suffer if the Government of Turkey were to abandon its present policy; and

(2) That the Government of Turkey continue its ban on the production of opium.

Be it further resolved that this resolution accompanied by evidence of its approval be forwarded to the Turkish Ambassador to the United States with a recommendation that it be respectfully transmitted to the Prime Minister of the Government of Turkey.

LONG-TIME FOREIGN AID OPPONENT SUPPORTS IDA

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. BROWN of California. Mr. Speaker, for many years I have been one of the Congress' strongest opponents of bilateral foreign aid. In the various voting records compiled by organizations that keep track of congressional activities I have found that conservative groups have raised their ratings of my performance and progressive groups have lowered their ratings of my job, because of my votes against almost all foreign aid measures to come to the floor of the House during the past several years.

Today, however, I rise to urge my colleagues' support for a foreign aid measure. The legislation in question is H.R. 15231, which Chairman GONZALEZ yesterday brought out of the International Finance Subcommittee for action by the full Committee on Banking and Currency. This bill is quite similar to H.R. 11354, which was defeated in the House on January 23 of this year. The measure provides for continued U.S. participation in the International Development Association, an arm of the World Bank, through an authorization of $1.5 billion over a 4-year period as our contribution to this multilateral aid agency. This bill overcomes virtually every reservation that any of us here in the Congress may have about foreign aid measures.

That is quite a strong statement, but I will be happy to back it up. I intend, Mr. Speaker, to bring to the attention of our colleagues in the near future a concisely worded statement dealing with all of the most common arguments we may have against any particular foreign aid measure, and demonstrating that these arguments simply do not apply to this particular bill.

Today I would call our attention to another item. The current issue of Psychology Today magazine contains an article which examines the IDA from a perspective which I suspect few of us have adopted when analyzing our foreign aid expenditures. Subtitled "Foreign Aid That Works," the article was written by Kenneth J. Gergen—professor and chairman of psychology at Swarthmore College in Pennsylvania, Ph. D. in social psychology from Duke University, 4 years teaching at Harvard before joining the Swarthmore faculty in 1967—and his wife, Mary M. Gergen—M.A. in counseling from the University of Minnesota, teaches group dynamics at Swarthmore, author of numerous papers in the social science field.

Without any further introduction, let me urge every Member of the House to read this excellent analysis of foreign aid in general, and the IAD in particular. It is well worth every moment of attention we can devote to it. Mr. Speaker, I would like the article to be printed in today's RECORD immediately following my remarks:

FOREIGN AID THAT WORKS—WHAT OTHER NATIONS HEAR WHEN THE EAGLE SCREAMS

(By Kenneth J. Gergen and Mary M. Gergen)

We had been studying foreign aid and the psychology of receiving help for several years when the U.S. House of Representatives, on January 23 of this year, voted to withdraw America's financial support from the International Development Association (IDA). The surprise move by Congress was an enormous disappointment, in part because the overwhelming lesson of our research is that IDA is one of the best possible ways the U.S. can help millions of poor people around the world. Naturally, the disappointment will be far greater for those people who face starvation in the years ahead.

IDA, an affiliate of the World Bank, helps only the very poorest countries, the ones whose annual per capita income is $375 or less. (In 1973, over 70 percent of IDA resources went to countries where the average income is less than $120.) The organization provides monetary credits and technical assistance after conducting thorough studies of particular problems. Interest on these loans is virtually nil, and the recipients are allowed 50 years to repay them.

Malawi, an impoverished country in southeastern Africa, began receiving help from IDA in 1968 for a rural development project in the Shire Valley. Sixteen thousand farm families were able to increase their annual incomes tenfold by growing cotton and raising better food crops. The Shire Valley project was about to enter its second phase when Congress changed its mind.

IDA money doesn't build grand hotels, armies, or even much in the way of large-scale industry. Its chief aim is to help the small farm family, especially through agricultural and educational programs. IDA recently supplied funds to house 6,500 families left homeless by the earthquake in Managua, Nicaragua. It has funded a livestock development project in Afghanistan, a water supply system for Damascus, an irrigation project for 20,000 families in Nepal, and similar projects in dozens of other countries. Moreover, IDA engages in these activities in such a way that the rich, contributing nations gain friends and increase trust while they help ordinary human beings.

"WE HAVE GOT TO RETRENCH"

The Congressmen who voted against IDA argued that America's attempts at foreign aid have usually ended in corruption and ingratitude. For example, Libya, India, Algeria, and Chile all "bit the hand that fed them." Representative John H. Rousselot of California pointed out that the U.S. was providing loans without interest to foreign countries, "yet our own people are having a struggle to obtain mortgage money at home." Other Congressmen said: "they do not put the money where it belongs;" "we have got to retrench;" "the amount that trickles down to the poor is very tiny;" "we have developed mineral resources all over the world, and in so doing we have closed down our own mineral resources." Other opponents of IDA had less substantial things to say.

Nevertheless, many see the cutoff as a tragedy. It is likely that the other contributing nations will follow the lead of the U.S., reducing IDA to practically nothing by the end of this month (June 30). Some Americans view this as a moral disaster. We are remaining aloof while a large part of the world's population struggles for its bread. The poorest nations, already maimed by the oil price boost and the loss of oil-based fertilizers, face famine. From a more pragmatic standpoint, the friends of IDA argue that we're crazy to dismiss the developing nations that provide us with a third of our natural resources and an annual market for $14 billion worth of American products. The dimensions of this country's error in withholding $1.5 billion from IDA may turn out to be more extensive than Congress imagined.

One unfortunate aspect of the debate was that IDA's opponents frequently used arguments that referred to *bilateral* aid; they recalled scandals in which our nation gave assistance directly to other countries. But it is inappropriate to generalize from such instances to the very different world of multilateral aid.

The recent Congressional vote was also based on two questionable assumptions. The first is that the culprits in the case are the recipients. This assumption is supposed to account for the poor nations' growing hostility toward the U.S., their failures to cooperate with our programs, their pilfering of goods and funds, and their notorious "lethargy." Second, since aid is an economic matter, it is assumed that assistance programs should be evaluated almost entirely in economic terms.

INDIVIDUALS WITHIN NATIONS

As psychologists, we propose two counter assumptions to these traditional views. First, it's possible that the behavior of recipient nations is importantly shaped by our actions. Recipients are not by nature hostile, uncooperative or lethargic. Moreover, rather than viewing assistance in purely economic terms, we should consider its psychological implications. Dollars are not simply dollars; they carry a host of implications for the recipients' self-esteem, feelings of obligation, and evaluations of us as donors. If we broaden our perspective to include the psychological dimensions of aid, it might be easier to formulate more effective programs. As we shall see, IDA, whose economic reputation is already excellent, may also be the best psychological means of providing aid.

Our research on foreign aid and the psychology of receiving help has involved surveys, questionnaires, in-depth interviews and controlled experiments in several countries. Our focus of attention has been on individual rather than institutional reactions to aid. After all, much of foreign aid (like much of politics and international relations generally) is conducted among individuals. The people who make decisions about such matters are certainly individuals, and so are the people affected by those decisions. They react personally to the actions of others and hold

views of "national character"; they personify nations and think in terms of motive and human design. We believe, moreover, that our own research, some of which is presented here, supports the notion that there are significant, pancultural similarities in the quality of human experience.

Our research points to three major variables that influence people's reactions to aid from other countries: characteristics of the donor, characteristics of the aid itself, and the psychological state of the recipient.

One might suppose, given the poverty of most aid recipients, that the assistance itself would mean everything. But our research indicates that recipients are also extremely concerned about the intentions of the donor. Of the 56 foreign-aid officials that we interviewed, over 70 percent of them singled out the influence of the donor's motives in shaping reactions to aid.

If the donor appears to be giving primarily to serve his own ends, his help is neither appreciated nor are his programs likely to be supported. The recipient of self-serving aid feels the donor is deceitful; as a result, the recipient suspects that he himself will turn out to be the ultimate loser. One aid official characterized self-serving assistance as a "poison gift."

A laboratory study conducted with Phoebe Ellsworth and Magnus Seipel confirms the idea that recipients are hostile to self-seeking donors. Eighty young men in Sweden and the U.S. were placed in an experimental situation where they needed financial resources for an attractive investment. The experiment was a game involving chips and dice, but the final payoff was in real money. Each player got the resources he needed to play the game from what appeared to be one of his peers. Half the players, however, were given the impression that the gift-givers expected a share of the winnings in return. The other players suspected no such designs.

Later, the players evaluated their patrons. It seemed that the hint of exploitative intent evoked negative feelings toward the donor.

Questionnaire studies point to the same sensitivity to a donor's intentions. When asked what they would think of a donor who helped them for selfish reasons, respondents from Malaysia, the Philippines, South Africa, the U.S., and several other countries replied that they would surely dislike that donor. If the donor's intentions were unselfish, they'd like him.

When the U.S. gives aid directly to other countries (bilateral, as opposed to the multilateral aid of organizations like IDA) we tend to trap ourselves. Recipients dislike us because they suspect our motives.

The American people, surveys show, think of our aid as unselfish and humanitarian, and a picture of the clasped hands of brotherhood appears on our shipments overseas. Unfortunately, the recipients of these shipments don't necessarily believe us. Sophisticated recipients, including foreign officials and others whose opinions carry weight, are aware that direct American aid is usually given to secure economic, political and military advantage. Our aid has gained us votes in the U.N., the use of military bases, protection for American businesses overseas, and automatic markets for U.S. exports. These may be reasonable aims, but they're not exactly unselfish, and the recipients understand our intentions. They may even understand them better than the American people do, since recipients read the fine print. In any case, they react accordingly, and may come to dislike us and misuse whatever aid we give.

THE RELEVANCE OF NATIONAL CHARACTER

Other characteristics of the donor, aside from his specific intentions in giving aid, may have powerful effects on the success of the transaction. Most of us are continually evaluating the personalities of people we know. The recipients of aid are no exception. Views of the "American character," for instance, seem to color recipients' opinions about aid from this country. There is a strong human tendency to see things in emotionally consistent ways, so that "bad" people can't be expected to engage in any "good" act, even if the act appears to be a helping hand. The psychological validity of this principle has been established many times—most recently, perhaps, by Charles Osgood's "psycho-logic" and by Leon Festinger's concept of cognitive dissonance.

Recipients of aid also feel judged by the company they keep. If the donor's character is admirable, it's an honor to be allied with him. If he's aggressive, ignorant or manipulative, then receiving his aid is demeaning.

Surprisingly, our research indicates that almost *any* characteristic of the donor, no matter how irrelevant to the transfer of resources, can influence the way a recipient perceives economic aid. Public-opinion research indicates that if an aid-giving country has a reputation for being technologically inferior, warlike, unfair to minorities, irreligious, or deranged in its family relations, then reactions to its aid prove negative. The aid appears as unnecessary, undesirable, ineffective.

America's image abroad, surveys indicate, has suffered recently. Our involvement in Vietnam seemed imperialistic to the vast majority of people in developing nations. Earlier, our race relations gained us a reputation for injustice and hypocrisy. The Watergate scandal has left other scars. Problems like these, which seem to contaminate foreign aid, may be reversible.

But the fact that we're a wealthy country is much harder to undo; and unfortunately, our wealth may create envy and a sense of injustice in the eyes of the have-nots. The U.S. has dedicated a much smaller percentage of its gross national product to IDA than several other countries, including Britain, Japan and West Germany. Many people in the poorest nations are aware of that fact, and apart from any possible envy, they realize that aid from the U.S. doesn't "hurt" us as much as, say, aid from Britain hurts the British. When you have everything, it takes a bigger gift to prove your feelings.

A laboratory study conducted in Japan, Sweden and the U.S. supports the notion that wealth can be a curse. Experimental subjects received help from two donors. One donor was rich, while the other gave from a small pool of resources. In each country, subjects evaluated the poor donor far more positively; the subjects also returned more of the poor donor's resources.

In short, the perceived characteristics of the donor exert a tremendous influence on the aid's success, not only in terms of good will but also, to some extent, in the aid's material impact. This point is often overlooked by opponents of foreign aid, who tend to assume that the source of aid is irrelevant.

TRUE AID AND FALSE AID

The nature of the aid itself is just as vital to the success of the transaction as the perceived characteristics of the donor. One might suppose "the more the better"—at least as far as the recipients are concerned. But aid officials whom we interviewed assigned minimal importance to the amount of the aid. They placed much more emphasis on how useful the particular aid was, on whether or not it allowed the recipients autonomy, and on the sort of obligations it entailed.

It's easy to understand that some "aid" isn't very useful. Surplus foodstuffs occasionally wind up in countries that don't eat the sort of food they receive. Worse, huge quantities of food may be delivered to a country that needs the resources to produce its *own* food—as Morocco once needed a milk-processing plant to handle its own raw milk, but got tons of powdered milk instead. Everyone has heard of such absurdities. IDA has managed to steer clear of them better than most other donors.

Matters of autonomy are a more constant source of trouble for the aid relationship than even useless aid. Bilateral American aid programs tend to involve rigid restrictions: some of them are meant to insure that the aid is properly used, but other restrictions are less reasonable. Our technicians often oversee the projects, or set up systems of close surveillance. Any deviation from initial plans must be approved by our officials: many requests have to go to Washington for sanction. Moreover, most U.S. bilateral aid is *not* given in the form of money; if it is, the money must buy American products, which may not be the best or cheapest ones available.

Aid officials from various poor countries spoke vehemently of our inability to relinquish control over our gifts and loans. As one official put it: "If you give a man a piece of bread when he knocks on your door—don't tell him to eat a third of it, give a quarter to his eldest son and put the rest in the icebox." The maintenance of control tells a recipient that we don't trust him, that we think he's intellectually or morally incapable of making correct decisions. We're so anxious to insure that our resources are being properly used, according to *our* standards of propriety, that we jeopardize the success of the aid—again, both materially and in terms of mutual trust.

THE USES OF EQUALITY

Our most intriguing conclusions about the nature of the aid itself have to do with the kinds of obligation it entails. In essence, we found that, for the recipient, *no* obligation to repay tends to imply inferiority, whereas the obligation to repay with interest smacks of exploitation.

Many people achieve a sense of dignity from paying their own way. Free handouts not only suggest inferiority, but they also place the recipient under a constant tension of obligation: whenever the donor wishes, he can remind the recipient of his gift and demand his due. Recipients may also suspect the motives of someone who gives with no apparent thought of return. As one Indian spokesman observed, "Gifts without strings come either from fools or thieves."

On the other hand, there are obviously special advantages in receiving free gifts. Accepting disaster relief, for instance, doesn't really imply inferiority. Moreover, the total debt of the poorest nations is already very high, and increasing that debt beyond the possibility of repayment can do little for a poor nation's morale.

To explore this complex issue, Phoebe Ellsworth, Magnus Seipel, Christina Maslach and Kenneth Gergen conducted an experiment in Japan, Sweden and the U.S. A total of 180 males engaged in a competitive game of chance which could earn them a considerable sum of money. Six men participated at a time, and by experimental design, each one found himself losing badly while receiving information that the others were faring much better.

At a critical moment in the game, a moment when each participant was on the verge of losing everything, he received an envelope from what appeared to be one of the other players. The envelope contained additional resources, plus a note especially prepared by the experimenter. In a third of the cases, the note said that the funds were a gift and that the recipient need not repay it. Another third of the players got notes saying the note-writer wanted to be repaid when the game was over. For the final third, the note-writer wanted repayment with interest.

The funds proved to be very useful. Each player then evaluated his patron. First, as might be expected, the players expressed

hostility toward the donor who expected interest on his loan. The usurer has few friends. The critical comparison, however, was between evaluations of the donor who gave something for nothing, and the donor who asked for an equal return. The evaluations revealed that in all three nations people preferred the egalitarian donor. In this experiment, at any rate, something for nothing wasn't appreciated, and a relationship among equals proved most desirable.

Whether such experimental results can be easily applied to the arena of international aid remains an open question. However, it is worth noting that IDA does require repayment, plus a small administrative fee, but does not require interest.

SELF-ESTEEM

A final element in the aid relationship is the recipient and his characteristics, both real and perceived. At first, we assumed that questions of material need would be all-important—that the more needy the recipient felt, the more appropriate it would be to aid him, making the relationship tend toward success. But our subsequent interviews with aid officials convinced us we were naive on our thinking. It turned out that self-esteem was a far more important variable.

One of the many ambiguities of need is its relativity: what we consider poverty someone else might consider the normal state of affairs, and it's hard to say which view is "realistic." Americans might single out as instances of economic need conditions that the people of another culture view as part of the fabric of their cultural tradition, or part of some modern ideology they're unwilling to forgo. Another problem with aid based upon need is that the needy often feel they deserve help, when the help arrives they may be unaware of any particular generosity on the donor's part. Extreme poverty, then, doesn't guarantee a positive response to help either in mutual respect or in the creative utilization of aid.

Self-esteem, though, is another matter. The aid relationship necessarily casts its participants into a hierarchy: the independent donor has many resources while the dependent recipient has few. It's possible, in other words, that aid threatens the esteem of the recipient.

We expected to find tremendous cross-cultural differences in this regard. It is said, for example, that Western cultures are uniquely dominated by concern with self-esteem and pride, by notions of individualism and personal independence. On the other hand, Oriental and socialist societies are commonly said to be anti-individualistic and more interested in the common good. And we expected to find many other relative, cultural factors that would complicate our examination of self-esteem.

But our data so far suggest strongly that self-esteem is not only a kind of universal human value, but that foreign aid tends to succeed or fail, psychologically and materially, depending on whether the aid relationship strengthens or weakens the recipients' self-esteem. The aid officials we interviewed, over 90 percent of them, indicated that in one way or another the implications of aid for the recipients' self-esteem were of major importance. Some spoke of "loss of face"; others described the "humiliation" of waiting for handouts.

THANKS BUT NO THANKS

With the help of psychologist Stan Morse, we tested this hypothesis in a laboratory in Italy. Young men in our experiment worked on a difficult puzzle. In half the cases, they were told that their performance was a measure of intelligence; in effect, their self-esteem was at stake. For the other half, performance was not equated with self-worth. Later, half the participants in each of these groups received help from the experimenter, who let them look at the right answers. The next stage of the test reversed the roles, and the participants were given a chance to help the experimenters.

The men's reactions were revealing. When self-esteem wasn't in question, those who received help were much more likely to reciprocate. They were grateful and wanted to help in return. Just the opposite proved true where self-esteem was at stake. When the experimenter's help suggested that the participants weren't especially bright, they were loathe to return the "favor."

Questionnaire data from different cultures demonstrate the generality of these findings. Respondents everywhere said they disliked people, even bearers of gifts, who made them feel inferior. In Japan, Taiwan and Korea, with their traditional emphasis on selfless devotion to hierarchies, the tendency to dislike such donors was less pronounced; but even the people of these traditional Asian cultures disliked aid which reduced self-esteem.

AMERICA'S INTENTIONS

For years, Congress has debated questions of foreign aid. We believe that our research has reduced the uncertainties of this debate. The evidence implies that the U.S. has either not known, or has disregarded, the psychological implications of assistance.

Bilateral aid, in which the U.S. gives directly to other nations, is a method surrounded with difficulties. It appears manipulative (which it is) and tends to be corrupted by our own domestic foibles and by our extraordinary wealth. The self-serving restrictions we put on direct American aid serve as another goad to conflict, and the esteem of recipient nations continues to suffer.

It is for these reasons that we consider the cutoff of IDA funds a tragedy. This organization, and other cooperative, multilateral organizations like it, constitute the greatest opportunity for successful foreign aid. As a participant in IDA, America's manipulative intent is minimized, our national foibles are less likely to interfere, and the humiliating and impractical grip on recipient nations loosens. Moreover, because IDA's recipients are all members of the organization, it does not cripple the self-esteem which everyone seems to need.

We have assumed throughout our research that the American people would *like* to reduce suffering in the poorest nations of the world, and in fact some survey data supports this assumption. The problem, according to IDA's Congressional critics, is that in spite of our generous instincts foreign aid has been a disaster.

We must add, however, that our prime assumption may be wrong. The truth may be that the American people have absolutely no intention of relieving some of the misery that burdens the greater part of the human race. America's support for international assistance has dwindled almost continuously over the past decade and is now only one 10th of what it was 25 years ago. Many Americans don't realize this. We tend to believe that America is inevitably the greatest giver, and that other rich nations—for example, the Arab oil states—give little or nothing. This belief is partly mistaken. The World Bank, IDA's parent organization, has recently borrowed $624 million from the Arab states of Libya, Lebanon, Saudi Arabia, and Kuwait—money that is spent entirely on aid, including the work of IDA. During the past two years, in fact, the World Bank has sold more fund-raising bonds in Kuwait than in the United States.

If the American people have no serious interest in helping the poorest nations, then our research becomes irrelevant, and we can stop worrying about the attitudes of others toward the U.S. What will remain instead are questions for us all about the humane character of the American people.

FISCAL FOOLISHNESS IN GOVERNMENT

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. GAYDOS. Mr. Speaker, an article in the June issue of Reader's Digest illustrates why many Americans today look upon those in Government with open distrust. The same Government which calls upon its citizens to sacrifice in the name of fiscal responsibility continues to romp on a madcap spending spree which can only be called ridiculous.

The article's author, Mr. William Schulz, cites several examples of foolish Federal spending and reveals the Government's solemn promise to curtail such squandering for what it really is—hot air. I will list some of the senseless expenditures noted by Mr. Schulz, which defy explanation, let alone justification.

A Department of Labor study costing $180,350 on "bureaucratic predisposition," which concluded that a closer tie between an individual's predisposition and the nature of his job should increase satisfaction and reduce alienation where it exists. A remarkable deduction.

The sum of $71,000 to compile a history of the comic book. Holy Moly.

The amount of $50,000 for an analysis of our Nation's fur trade with Canada from 1770 to 1820. That should prove immensely helpful in solving our trade problems today.

The sum of $5,000 for the study of "the evolution of the chin in Polish skeletal populations between 2000 B.C. and 1800 A.D." The money would have been better spent if we used it to study those who approved the expenditure.

The amount of $30 million for the Postal Service's new headquarters, including $3,671 for hand-carved walnut office doors and $19,346 for furnishings in the Postmaster General's office—$11,667 for carpeting and $6,000 for remote-controlled draperies. There is nothing like working in comfort. It helps the bureaucratic predisposition.

The sum of $15 billion to reimburse the beekeepers whose little pets are killed by pesticides. We should reimburse the taxpayer, he is the one who got stung.

A payment of $66,500 by the OEO to persuade members of the American Indian Movement to leave Washington after they caused $124,070 in damages to the Bureau of Indian Affairs. Some people go to jail just for holding up a bank.

Mr. Speaker, Congress cannot escape the blame for this kind of foolish and irresponsible waste of taxpayer's funds. Congress controls the Federal purse strings. It should call upon the responsible agencies and departments to justify these wild expenditures. If they cannot, they should then be made to justify their continued existence.

I urge my colleagues to read Mr. Schulz's "Watch on the Potomac" and be prepared to answer to an outraged taxpaying public.

REAR ADM. JAMES W. WILLIAMS TO RETIRE FROM COAST GUARD AFTER NEARLY FOUR DECADES OF SERVICE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. ANDERSON of California. Mr. Speaker, on June 30, 1974, Rear Adm. James W. Williams, commander of the 11th Coast Guard District, will retire after nearly four decades of faithful public service to his country.

Naturally, we share with him the joy and satisfaction of having completed another successful assignment, but rather ambivalently for we shall miss "Tex," as we have learned to affectionately call him.

As commander of the 11th Coast Guard District, Rear Admiral Williams has been responsible for all Coast Guard activities throughout southern California, coastal areas, and harbors, Arizona, southern Nevada, and southern Utah, including all of the Colorado River complex.

We in southern California were impressed with his credentials when he first came to Long Beach, Calif., in July 1970, as the new commander; and we have learned to respect him for the professionalism and enthusiasm with which he has performed his duties.

A native of Farmersville, Tex., he attended the University of Austin for a couple of years prior to his appointment to the U.S. Coast Guard Academy in 1934. Choosing to devote his time and talents to the Coast Guard, he quickly rose through the ranks becoming a rear admiral on May 1, 1967.

Even a partial listing of the varied and interesting assignments which he has accomplished throughout the years would be insufficient to reflect his versatility. However, some indication of his competence might be gained by stating that he has won numerous awards for achievements through activities on land, sea, and in the air, including the Secretary of Transportation's Legion of Merit Award for management excellence while serving as Deputy Secretary for Administration during the formative stages of the Department of Transportation; and that he received the Secretary of Treasury's Achievement Medal for initiating and developing a broad spectrum adult examination and education program known as Project Improve.

During his brief stay in southern California, Adm. "Tex" Williams has quickly involved himself in numerous community activities. He has served as chairman of the Los Angeles Federal Executive Board; served for 2 years as chairman of the Greater Los Angeles Field Coordination Group for the Department of Transportation; and has been made an honorary president of the National Defense Transportation Association. In addition, he has served well in numerous civic and professional organizations throughout southern California.

Yes, Mr. Speaker, we will certainly miss a man of Rear Adm. James W. Williams' caliber, not only for his professional competence, but also for his ability and willingness to serve his fellow man, his community, and his Nation.

I join with his numerous friends in southern California in wishing Adm. "Tex" Williams and his lovely wife, Sandy, the joy of retirement they have so earnestly deserved.

THE BACKROOM ARM TWISTERS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. OBEY. Mr. Speaker, the June 8 issue of the Nation contains an article on Federal advisory committees written by Prof. William Rodgers of the Georgetown University Law Center. It is informative and lively, and closes with this observation:

Secrecy in government is constantly repudiated. Its popular disguises—executive privilege, national security, the need for confidentiality—are by now laughing-stock excuses. But secrecy survives and thrives, despite well-meaning ventures like the Freedom of Information Act, the Advisory Committee Act, and strong Congressional oversight. The cure will not be quickly found. Sunshine may be the best of disinfectants, as Louis Brandeis said, but advisory committees root and flourish in the shade.

His article, "The Backroom Arm Twisters," follows:

ADVISORY COMMITTEES: THE BACKROOM ARM TWISTERS

(By William Rodgers)

Government secrecy still rides high, despite Watergate and lesser embarrassments. Readers skeptical of that assertion need look no further than the Federal Advisory Committee Act of 1972.

The Act grew out of a few chance encounters that Sen. Lee Metcalf (D., Mont.) had with advisory committees a few years ago. These committees are established, usually by statute or Executive Order, to lend the support of their knowledge and experience to the work of various legislative and executive bodies. What the Senator couldn't understand, for example, was why a big business advisory group to the old Budget Bureau, innocuously named the Advisory Council on Federal Reports, was strong enough to postpone for six years an Interior Department inventory of industrial water wastes.

During 1970 and 1971 Metcalf's Subcommittee on Intergovernmental Relations held hearings to document the shambles that passed for policy among federal agencies overseeing hundreds of advisory committees. First were the procedural niceties—nobody knew how many committees there were, or what they did. They met in secret, excluded unfriendly faces, charged exorbitant fees for their minutes if they kept them at all. The Bureau of Mines' Underground Mines Advisory Committee, meeting to help write safety standards, won the brevity record by boiling down the minutes of an all-day session to a cryptic seven lines on a single sheet of paper. For an investment of a mere $128.50 an interested citizen could gain access to the sketchy minutes of the Department of Commerce's National Industrial Pollution Control Council, a big business advisory group with a big voice on pollution regulations.

More important than finding out who sat on advisory committees, where they met, and what they talked about was the disclosure that their power as policy makers often exceeded that of an assistant secretary. The Department of Interior's Joint Task Force on Eutrophication (whose minutes are to be found only in the offices of the Soap and Detergent Association) put the brakes on government moves to restrict phosphates in detergents. The National Air Pollution Control Administration's copper smelter liaison committee was in business principally to guide government anti-pollution research in "safe" directions. The Technical Advisory Committee to the Office of Pipeline Safety made its contribution by ambushing a government questionnaire designed to probe such pertinent subjects as the depth and age of the pipe in the ground.

The problem is that, beyond giving advice, these committees can and do make policy. Working from within, they shape regulations, hobble research, veto new drugs, approve nuclear reactor sites. They are a crutch for bureaucrats who don't want to decide, and a shield for bureaucrats who have been forced to do so.

The possible abuses of the advisory committee system were adroitly orchestrated by Secretary of Commerce Maurice Stans when in 1970 he set up the National Industrial Pollution Control Council (NIPCC), which he later praised for "playing an increasingly important role in both government policy making and in industry leadership." In fact, Stans used NIPCC simultaneously to lobby against tough pollution standards distasteful to big business and to raise money for the President's re-election campaign.

After interviewing a campaign official who had worked closely with Stans, Frank Wright of the *Minneapolis Tribune* a few months ago quoted his informant on how Stans had berated a businessman who had the temerity to refuse an appointment to NIPCC:

"Just as the liberals have lobbying groups in government, we have to have lobbying groups in government, too, to keep the President on the right track on (William) Ruckelshaus [then the Administrator of the Environmental Protection Agency]. And you didn't join us when there were guys there giving up days in their business, going down to Washington to work on this thing." Stans confronted his target with another invitation to join the council, adding, "And your assessment is $10,000." That was the word and the figure he used. I can still see the business guy's face. He paid.

It is bad enough for politicians to shake down big businessmen who deal with the government (as all of them must do). It is worse to extract the *quid* while at the same time offering the *quo* in the currency of government power shared through advisory committees.

NIPCC was the epitome of this practice. Altogether, considerably more than $1 million in contributions flowed into the re-election coffers from individuals whose companies were represented on the council. At least fifty-one of the 200 members made substantial contributions to the re-election campaign, the Republican National Committee, or both. The 3M Company loaned NIPCC its chairman, Bert Cross, and gave the reelection committee an illegal $30,000 contribution.

The Fluor Corporation won a slot on NIPCC, contributed more than $10,000 to the re-election campaign by way of the "Fluor Employees' Political Fund," and coincidentally was the winner (through a subsidiary) of a $2.3-million Department of Interior contract to study the effects of coal mining in the West. Pepsico's chairman, Donald Kendall, chaired NIPCC's Beverage Sub-Council, contributed $28,000 to the re-election com-

mittee, and was gratified when the Nixon Administration refused to take a tough stand against nonreturnable containers. Kennecott's chairman, Frank Milliken, chaired NIPCC's Mining Sub-Council, contributed to the campaign, and had his judgment vindicated when the Administration wavered on tough pollution rules for copper smelters. The Northrop Corporation's Thomas V. Jones, sat on NIPCC's Airlines and Aircraft Sub-Council, gave $40,000 to the campaign, expecting it would not be publicly reported, and was pleased by the Administration's nonconcern about the jet noise problem.

Last December, a CBS special, *The Corporation*, featured William Keeler, chairman of the board of Phillips Petroleum. Mr. Keeler was quoted on the benefits of serving on advisory committees: "Having gotten acquainted with so many people and knowing them on a personal basis it made it real easy for me to go into government and discuss problems with them." The program had a surprise ending: Keeler and his corporation pleaded guilty to making an illegal $100,000 contribution to the President's re-election campaign. Mr. Keeler was advised by counsel not to talk any more.

Other oil and gas men gave more than $5 million to re-elect Mr. Nixon. No less than eighty-seven of the contributors hold advisory positions on the National Petroleum Council, the American Petroleum Institute, or both.

The Advisory Committee Act of 1972 was supposed to come to grips with special access and undue influence typified by groups such as NIPCC and the National Petroleum Council. The Act requires that each agency account for its advisory committees and, more important, calls for "timely" notice of the meetings, which shall be open to the public and on which "detailed" minutes shall be kept. But there is a sizable loophole: a meeting may be closed if the agency head determines that it will consider matters exempted from disclosure under the Freedom of Information Act. Predictably, inventive bureaucrats spawned a host of evasive techniques.

One way for advisers and special-interest seekers to avoid going public is to assert that they are not an "advisory committee" with regular membership, periodic meetings and a fixed agenda, but merely a group of congenial spirits. One example: the FTC's rule making on phosphates in detergents was compromised after a series of secret meetings between members of the agency and representatives of detergent manufacturers and their trade association. Another example: the Civil Aeronautics Board recently invited consumers, members of the press and the airline industry to discuss problems of overbooking. The meeting was abruptly terminated by an agency official, who ordered consumers and reporters to depart so that discussions could continue with industry representatives alone. The courts will decide whether this was a meeting of an "advisory committee" or just an informal gathering of friends.

Groups calling themselves "private" reliably escape from the Act. Trade associations are in this category. Another example is the Business Council, an inspiration of sorts for NIPCC, which for forty years has been a pipeline for major industries into high government echelons. Back in the early 1960s the council severed its formal relationship to the Department of Commerce to avoid the limited disclosure obligations imposed on industry advisory committees by an Executive Order of President Kennedy.

Another powerhouse that prefers to work secretly is the National Academy of Sciences, described by D. S. Greenberg as the scientific community's "Established Church, the House of Lords, the Supreme Court, and headquarters of the politics of science." The committees of this august body, which advise the federal government on everything from drug abuse to grizzly bear management, still meet in secret like the tradesmen they are not. The Academy's Committee on Motor Vehicle Emissions, which will pass judgment on the capabilities of automobile pollution-control technology, has repeatedly refused to open its meetings to outsiders or disclose the working papers upon which its studies are based. A lawsuit is pending to test this preference for secrecy.

Another dodge is for an advisory committee to conduct its important business through informal sub-groups that are arguably outside of the Act. Typical is the National Petroleum Council, which political science Prof. Robert Engler commends as a "case study" on how concentrated economic power is 'capable of shaping or forestalling presumably public policies." The council's full meetings are largely ceremonial, while the serious work that shapes government policy is conducted in smaller subcommittees and task forces. It took the personal attention of Senator Metcalf to dislodge some of the minutes of these supposedly lesser entities.

Congress' decision to extend the Freedom of Information Act exemptions in the Advisory Committee Act has already proved a mistake. Within the Department of Interior the trade secret doctrine is invoked to bar the public from discussion of coal gasification research projects, while coal company competitors and their trade association, sitting as advisory committee members, absorb the information behind closed doors. Grants review committees at the National Institutes of Health are closed to protect the ideas of the applicant: he isn't asked whether he would prefer an open meeting to protect him from bias, cronyism and arbitrariness.

A gaping exemption allows nondisclosure of "inter-agency or intra-agency" communications. This evasion is inviting because all that's needed to close the doors is an unsubstantiated claim that the discussion will focus on internal agency matters. This is the preferred rationale, for example, for shutting the doors on the deliberations of the AEC's Advisory Committee on Reactor Safeguards (ACRS). In a recent hearing on the wisdom of siting Virginia Electric Power Company's North Anna Power Station on a series of geological faults, the ACRS took the position that its consultants' reports on the matter were confidential. Legal maneuvers eventually forced disclosure of the information, but the committee is free to erect similar impediments in the future.

The Cost of Living Council routinely closed each and every meeting of its advisory committees until ordered by a court to open them up except upon the "rarest occasions." Within a month the council closed a meeting of its labor-management advisory committee, ostensibly to talk about a staff paper containing views on such matters as the economic and fiscal outlook for calendar year 1974. Ron Plesser, attorney for Ralph Nader's Center for the Study of Responsive Law, took the council to court again to force disclosure.

A blizzard of procedural impediments has attended early administration of the 1972 Act. The "detailed" minutes of the meetings are lessons in brevity The "timely" notice is sometimes issued after the meeting is held. Inaccessible sites are much in demand: government advisers have been known to meet in the executive suites of an oil company, at a local restaurant or on the chairman's yacht. Committee members still specialize in bias: a recent appointee to the National Advisory Board on Wild Free-Roaming Horses and Burros is a cattleman with experience in corraling wild mustangs.

Explanations for closing meetings are couched in the blather of officialdom. Why can't the public attend meetings of the Civil Service Commission's Federal Prevailing Rate Advisory Committee? Because the "meetings will be closed to the public under a determination to do so," reads the full explanation appearing in the *Federal Register*. The public should ponder Secretary of Interior Morton's reasons for closing all meetings of the big oil-dominated Foreign Petroleum Supply Committee and related subcommittees: "These discussions will be related to matters that are specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy." Those who indulge in speculation that conspiracy against the public would be on the agenda along with national defense and foreign policy are denied the evidence to test their thesis.

Yet, Morton's notice is better than some, like that of the U.S. Advisory Committee on Information which has gone to the trouble of getting a Presidential determination to avoid giving any notice of its secret meetings. Mere disclosure of the fact that a meeting is held presumably would compromise state secrets.

Secrecy in government is constantly repudiated. Its popular disguises—executive privilege, national security, the need for confidentiality—are by now laughing-stock excuses. But secrecy survives and thrives, despite well-meaning ventures like the Freedom of Information Act, the Advisory Committee Act, and strong Congressional oversight. The cure will not be quickly found. Sunshine may be the best of disinfectants, as Louis Brandeis said, but advisory committees root and flourish in the shade.

PATCHWORK ISN'T ENOUGH TO SAVE THE MONEY BAG

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. BELL. Mr. Speaker, I would like to share with my colleagues an article by Senator CHARLES H. PERCY that appeared in the Spring, 1974 issue of Res Publica, a public affairs magazine published by Claremont Men's College in Claremont, Calif.

With his extensive background in the business world, Senator PERCY offers a valuable insight into our Nation's economic dilemma. He discusses why controls on the economy have failed and offers suggestions on restoring economic stability.

I have found Senator PERCY's remarks to be most enlightening and I trust that many of my colleagues will share this opinion.

PATCHWORK ISN'T ENOUGH TO SAVE THE MONEY BAG: MAKESHIFT GOVERNMENT DECISIONS ARE KILLING OUR ECONOMY

(By CHARLES H. PERCY)

There are probably few who would not agree that our economy is in trouble. We don't need opinion polls to tell us that in the United States today there is a widespread and deep-seated malaise about our economic future.

Ironically, this malaise is not the result of economic recession; we are just now emerging from a period of full-blown economic boom. Instead, the pervasive dissatisfaction everywhere about the economy stems, not just from increased market-basket costs, but from a profound loss of confidence and trust—loss of confidence in policy planners,

a new skepticism about the viability of our economic institutions, and a lack of trust in the function of our marketplace economy.

We have seemed unable to find the proper mix of fiscal and monetary policies that will check inflation and yet foster high productivity growth and permit a rising standard of living for all our people. We must step back and freshly evaluate the entire range of economic policy before we go any further.

One thing seems eminently clear: We must make economic decisions on the basis of long-term objectives, *not* on the basis of day-to-day political pressures. We, as a nation, must make some hard choices. Are we going to tie our domestic economy to a makeshift system of governmental controls, or are we going to take positive steps to move our economy back toward the principles of the free marketplace? Are we going to close the doors of the United States and hide our economy behind a shield of protectionism, as the Burke-Hartke bill proposes, or are we going to accept the challenge of foreign competition and integrate our economy more fully with the greater world economy?

We must decide how to shape the institutions and structure of our economy. Are we going to toss the basic principles of a free economy aside and impose an ever-increasing patchwork of regulations and controls in our search for stability and continued prosperity, or are we going to build on what we have, work with it and constantly strive to make it better? What is our situation today and what basic decisions must we make? Are we going to continue to saddle our economy with controls, or are we going to try to free it?

During the past two years, the American economy has been dragged through five separate phases of the Economic Stabilization Program. It is hard to imagine that we could be any worse off than we are today had *no* controls at all been imposed in mid-1971. The Stabilization Program has failed mainly because economic policy has lacked consistency of purpose and direction. Day-to-day political pressures have formed the basis for too many alterations in the stabilization policy. Controls have *not* stabilized prices or wages and they have *not* stopped inflation. Instead they have encouraged production cutbacks, shortages and black markets, and have contributed to the confusion in the marketplace for producers as well as consumers. Too often controls have been shaped by day-to-day political pressures and thus they have produced two unanticipated and undesired results. First, by short-circuiting the price mechanism, they have created deep distortions in the allocation of goods and services. Second, and perhaps more important, they have created a crisis of public confidence in economic policy planners.

Perhaps the failure of controls will ultimately prove instructive. It may have served dramatically to remind Americans of some of the virtues of a free market system.

Take, for eyample, some members of the United States Senate. Less than a year ago, a group of 33 Democratic senators voted in caucus to support "a 90-day freeze on everything." When the Administration's controls on food prices were announced last June, many assailed the measure as "too little, too late!" It took less than two months for the senator's eyes to be opened. The freeze on beef prices created shortages, plant shutdowns, and black markets. Suddenly everyone saw the virtues of the free marketplace economy—including those 33 senators—and on August 2 the Senate voted 85 to five to end the freeze on beef prices altogether.

It is much clearer than ever before that *we must* scrap controls. There is no other acceptable policy. We simply do not know how to manage a controlled economy in peacetime; and furthermore, the American public does not want a controlled economy.

The American consumer has learned the lesson of the failure of the Stabilization Program. It has been the greatest adult education course in economics the nation has ever had, but the education of the American public must continue. The cold truth of the matter is that long before the Administration began its Stabilization Program, the economy was encumbered with controls of all kinds. Some of them, of course, are necessary, some are superfluous, but many others actually are harmful.

Over the years, the federal government and the states have enacted a variety of special-interest legislation—much of it at the request of elements of the business community itself—that has produced serious inefficiencies in important sectors of the economy. Examples of this range from Interstate Commerce Commission regulations that have actually contributed toward the bankruptcy of many American railroads, to state fair-trade laws that have produced inflationary rigidities in the retail sector by interfering with manufacturers' ability to offer volume discounts.

But perhaps the most notorious example is in the agricultural sector. In 1972, with food prices skyrocketing due to severe supply shortages, the United States government was subsidizing farmers to hold out of production 60 million acres of tillable farmland—that is, almost 20 percent of all the tillable farmland in the entire country. To compound this error, the Department of Agriculture—ignoring available economic intelligence data—negotiated a grain deal with the Soviet Union that made the tough Yankee trader look like a starry-eyed schoolboy. Last year with prices continuing to rise, the Administration finally initiated a production expansion policy and the senseless subsidies have been discontinued. Unfortunately, the fruits of this change will not be seen until this year.

Our abiding goal must be to get away not only from the cumbersome controls of the Stabilization Program, but also from the built-in controls that fail in the long run to serve the best interests of the economy. The challenge facing American policy makers is not merely how to get away from controls, but how to break out of the trend toward increasing government regulation of all kinds. If we continue to travel our present road, we will soon find ourselves at a dead end with an economy increasingly and irretrievably controlled by the government. Now is the time to change course before it is too late.

America stands at a crossroads in international economic policy as well. We are going to have to decide just what our economic relationship is going to be with the rest of the world. Do we throw ourselves enthusiastically into the competition of world markets? Or do we move to "protect" the U.S. economy from the fluctuations of international trade and money markets and adopt protectionist proposals, such as the Burke-Hartke bill, which seek to disengage our economy from those of other nations?

If there is anything we should have learned from our current food and fuel difficulties, it is that the economy of the world, like the economy of the United States, is not static and cannot be forced to fit any one pattern indefinitely. Protectionist measures that set fixed quotas for imports and sharply restrict freedom of U.S. investment abroad run directly counter to the marketplace economy system and should be categorically rejected. Protectionism reduces U.S. industrial competitiveness and eliminates incentives for cost-cutting and more efficient management and manufacturing practices. Protectionist legislation would lead to massive foreign retaliation striking hardest at U.S. export industries, industries that traditionally tend to involve higher pay and more advanced technology. And it would undermine the position of U.S. corporations' overseas subsidiaries and foreign investments, which last year added $10 billion to the plus side of the U.S. balance-of-payments ledger.

We must begin to move away from controls on international movements of capital and commodities. Fortunately, the Administration is already advocating that the interest equalization tax and the mandatory controls on direct investment should be scrapped. While reaping the benefits of our own private foreign investment, we should not try to block foreign corporations that wish to invest in American industries and properties. This is a new experience for us, but it is a healthy experience. International investment promotes international interdependence. And an integrated world economy will prove to be an investment in world peace.

In discussing all the fundamental economic decisions that confront us today, we must bear in mind the astonishing extent to which the physical well-being of the nation's economy depends upon the psychological state of the nation.

Today, we in the United States seem seriously disturbed. We're disturbed by Watergate and the dark cloud hanging over the presidency, by the resignation of the vice-president, the handing-down of indictments against former Cabinet officers and high White House aides, by our inability to deal with our pressing social needs, and we are disturbed by our inability to stabilize our economy and halt rampant inflation. Opinion polls show that public faith in all our institutions has dipped to the lowest levels in years. The American people don't trust the Congress, the President, business, labor unions, policemen, the press; they don't seem to trust anyone.

We as a nation have to make a choice. Do we abandon our political, economic and social institutions, or do we accept our present situation as a challenge to work with the institutions that have been developed so painstakingly and make them better? There is no doubt that we—as men and women of intelligence, ideals, determination and resources—can renew and strengthen our institutions. To do so, we must regenerate the spirit of trust—trust between business and labor, between business and the consumer, between the people and their government.

Anyone who has ever been in business knows how crucial the attitude of its employes is to any business enterprise, large or small. If industry and labor are willing to work together—through job redesign, profit-sharing and worker stock-ownership programs, and incentive pay plans—the labor force will be better served and productivity can be raised as well. Just a slight annual increase in productivity growth rate would yield great increases in America's gross national product, relieving pressure on the economy and lessening the need for government-imposed wage and price controls. Cooperation and trust between business and labor can make U.S. productivity growth competitive once again. If only we could recreate today the thousands of productivity councils involving millions of labor and management personnel that worked so well together during World War II!

Business must also win back the trust of the consumer. Business must do more than advertise; it must act. It must take the initiative and use its resources to help clean up air and water pollution, to sponsor job-training and rehabilitation programs, to support day-care centers and other worthy projects within the community.

Government, as much as business, must recognize that to be respected one must be respectable. If the people of the United States no longer trust the institutions of their government, what value do the institutions have? The Vietnam War and Watergate have infected our country with doubt and

disbelief, two dangerous and highly contagious diseases. We have seen the damage they have done.

But in Washington and around the country, changes—changes for the better—are happening every day:

A Senate government operations subcommittee recently reported out a congressional budget reform bill that will go a long way toward ending the annual budget and appropriations logjam that hamstrings government fiscal policy.

The archaic seniority system is giving way gradually in the Senate, and we have just passed overwhelmingly the most sweeping election campaign reform bill in congressional history.

Business is increasingly active in urban problems, civic and community projects and public affairs.

Many companies are studying ways of making work on the production line more meaningful and satisfying for the worker, and others are putting profit-sharing programs and incentive pay plans into effect.

American labor is successfully getting away from counter-productive strikes. Since 1971, the number of man-days lost because of strikes has dropped nearly 40 percent, to the benefit of labor and the nation.

If, as we approach the 200th anniversary of our independence, we can encourage this spirit of interdependence and trust, we will have gone a long way toward overcoming the problems that beset our economy and our society today. But the economy will not stabilize itself on its own. The American economy is indeed at a crossroads. We must decide whether we will bow to the pressures of devaluation and inflation and mutely accept a lower standard of living or work to bolster our national productivity growth rates. The second of these is the harder choice, but by far the better choice, and the choice now being made by both labor and management throughout the nation.

We can increase our national productivity growth rate through increased capital investment, through continued research and development and experimentation. Individually and corporately, we must eliminate the wastefulness that has unhappily become a trademark of American society. We must conserve our God-given resources wisely.

The lessons of the past two years make it clear that the problems of acute instability and lack of confidence will be worsened by too frequently resorting to regulatory and control mechanisms. To stabilize the economy, the government must follow a stated, rational policy that will carry us away from controls just as quickly as conditions allow.

As foreign economies expand and foreign consumers grow more affluent, this demand will grow even greater, to our benefit. We must do everything we can to encourage expanded farm production to meet the opportunities presented by foreign demand and to bring down high domestic prices. The name of the game for stabilizing prices in any field is either stimulating more supply or dampen down excessive demand.

We must retain the improved amortization and depreciation rates and the investment tax credit as permanent parts of our tax structure. We must encourage increased industrial efficiency and modernization, and we should consider increasing the investment tax credit rate to improve the United States' competitive position in world markets.

People in business can make the most basic contributions to our prosperity: They can improve the quality and value of their products to make them more attractive in domestic and world markets. They can increase their research and development efforts in order to retain, if not regain, technical superiority for U.S. producers. They must not be afraid of competition. They can create new world markets for their goods and expand their exports by taking advantage of the devalued dollar. It is a national scandal that only four percent of U.S. companies export at all. Aggressive search for markets and export expansion is a must. American farmers in recent years have increased their prosperity by expanding their exports. American industry can learn from the farmers' example.

Finally, we must all work together to restore stable economic conditions and to foster the confidence that will make non-inflationary behavior and smooth expansion of production possible once again. This means that businessmen must have confidence in the future of free markets. It means that workers and consumers must believe that price increases will not erode wage increases. It means that farmers must not fear the risk of ruinous market instability. It means that we must assure all Americans that the federal government will systematize and rationalize its outmoded budgetary procedures and live within its means. And above all, it means that we must assure all participants in our economy that the government won't tinker with economic controls with every shift of the political wind.

Out of such assurances, a solidly based confidence will spring, and with it, a new prosperity based on stable economic growth.

THE HOUSE IS LOSING ITS "CONSCIENCE"

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. CONTE. Mr. Speaker, the magazine Nation's Business in its June edition carries a delightful story on our colleague, H. R. GROSS. I believe author Vernon Louviere has done an excellent job of capturing the character and concerns of our distinguished colleague, the gentleman from Iowa.

This article points out the great service H. R. GROSS has done for his country and demonstrates how sorely we will miss him following his retirement at the end of this session.

At this time I insert the article in the RECORD and commend it to the attention of my colleagues:

THE HOUSE IS LOSING ITS "CONSCIENCE"

(By Vernon Louviere)

Some years ago, when a bill creating the National Foundation of Arts and Humanities came up for debate on the floor of the House of Representatives, a somber H. R. Gross listened impassively to the preliminary discussion.

The bill, among other things, called for federal subsidies to promote such art forms as painting, creative writing and dancing.

Finally, Mr. Gross rose and spoke:

"Mr. Chairman, I regret that I did not anticipate this bill would come up this afternoon or else I would have tried to appear in my tuxedo and my dancing shoes to be properly equipped for this further going-away party for the Treasury of the United States."

Then, Rep. Gross offered an amendment which he had drafted with the help of a fellow Congressman, a physician.

After the word "dance" in the bill he wanted these words inserted: "Including, but not limited to, the irregular jactitations and/or rhythmic contraction and coordinated relaxations of the serrati, obliques and abdominis recti group of muscles, accompanied by rotary undulations, tilts and turns, timed with and attuned to the titillating and blended tones of synchronous woodwinds."

He let the words sink in, waited for maximum effect, and spoke again: "That means belly dancing." The House broke up.

With such wit, the diminutive Iowa Republican has for 25 years sought to scuttle legislation whose purpose he feels is to spend for the sake of spending or for some other unnecessary reason. On this day he lost. Still, his record of saving taxpayer money has been phenomenal.

As a self-appointed guardian of the public purse, it is conservatively estimated he has saved the taxpayer hundreds of millions of dollars. The total may even run into billions.

Now, Harold Royce Gross, the "Conscience of the House," is retiring at age 75.

Nothing is sacred to Mr. Gross if it calls for spending federal money. He has even questioned the taxpayers' picking up the tab for maintaining the eternal flame over the grave of President John F. Kennedy.

"FT. FUMBLE" CATCHES IT

In his folksy, blunt newsletter to constituents, "Uncle Sam" often becomes "Uncle Sucker" or "Uncle Handout." He dismisses the Pentagon as "Ft. Fumble."

He has consistently fought pay raises for members of Congress—including, of course, himself. Mr. Gross has voted against every proposed boost in Congressional salaries since they were at the $12,500 level. (The lawmakers now are paid $42,000 a year, plus extras.) He is not above embarrassing his colleagues, twitting their consciences, on the subject. Last February, attacking an abortive move to jump the Congressional salary level to $52,800, he told the House:

"At a time when many segments of our nation and its people are faced with unemployment and belt-tightening, it is inconceivable that fattening the payroll of upper echelon federal executives, federal judges and members of Congress would even be proposed."

Mr. Gross has never accepted the advice of the late Speaker Sam Rayburn of Texas, usually offered to rookie Congressmen: "To get along, you go along."

He has always functioned in the House as though every federal dollar spent is his own, or at least his neighbor's. He'll take on a President with no less relish than a middle-level bureaucrat. More often than not, he votes against Presidential money requests and he doesn't care which party the President belongs to.

A Western Republican Congressman discovered how this kind of Gross bipartisanship works. One day he praised "good old H.R." for ripping into a Democratic bill. The next day he was overheard complaining about that "old s.o.b., H. R. Gross" after the latter had torpedoed one of the Westerner's bills.

"How much will this boondoggle cost?" is the way Mr. Gross generally kicks off his questioning on the House floor when he suspects a bill's sponsor is trying to put something over on the taxpayer.

READING THE FINE PRINT

Nothing seems to elude his hawkeyed attention to fine print in the myriad of bills and resolutions which come up for House action. Few members of Congress will read every bill, as he does.

Take the time, for example, when Mr. Gross focused on a Foreign Service retirement benefits bill that emerged from the Foreign Affairs Commitee. He seized on a phrase, "other purposes," and bore in. The "other purposes," it turned out, cleverly concealed the fact that the bill also would jump Congressional retirement benefits a whopping 33⅓ per cent. When H.R. Gross was finished with his attack, so was the bill. It was killed.

Anyone less skilled in the workings of the House, or who failed to do his legislative

homework, would not long survive in the role of Treasury watchdog in which Mr. Gross has cast himself. Even his detractors concede that few, if any, Congressmen know House procedure as well as he. If Mr. Gross has not memorized those documents which determine how all House business is conducted—the Constitution, the House rules, Thomas Jefferson's Manual and the 11 volumes of Precedents of the House of Representatives—he can put his finger on an applicable section in moments.

He has introduced relatively little legislation, has never been a committee chairman and serves in no other leadership role.

However, his influence is strongly felt, especially when it can be anticipated that the Gross scapel will be drawn.

"I attend many committee hearings in which the chairman will study a bill to make sure we can answer the knotty questions Gross will ask," one Congressman relates. "Many times, items will be dropped before the bill hits the floor because of him."

Except for party leaders, none of the 435 members of the House have assigned seats. But over the years no other member has tried to occupy the "Gross seat" located strategically in the third row, under the nose of the Speaker of the House, on the middle aisle which separates Republicans from the Democrats. Rarely absent, the Iowa Congressman arrives on the floor before the daily session starts, sits through the chaplain's prayer and the reading of the journal of the previous day's proceedings. Then the House starts to come alive. H.R. Gross sits and waits. Some days his questions come fast and furious. Some days he says nothing. But he's always ready to spring into action.

EYES ON CONSENTS

To appreciate Mr. Gross' dedication to his job one would have to be in the House gallery on the two days each month when the House takes up the Consent Calendar. On these occasions flocks of bills, sometimes numbering in the hundreds, are called up and passed, without debate, by "unanimous consent."

All the bills are presumed to be noncontroversial—none involves expenditures of more than $1 million—and attendance on the House floor is sparse. But H.R. Gross is there.

A single objection stalls action on a bill, scheduling it for a second Consent Calendar appearance. Then, objections by three Congressmen can force it into the regular order of House business where it will get more attention, and from a more representative group of lawmakers.

Over the years, Mr. Gross has torpedoed countless bills on the Consent Calendar. If his first objection doesn't lead a measure's sponsor to abandon it, Mr. Gross is sure to find two allies for the second round. And the sponsor had better be prepared to defend the bill when it comes up in the regular order of business.

The peppery Iowan will fight to save a few thousand dollars with no less vigor than he will challenge a multibillion-dollar appropriation to run a super federal agency.

Some years ago, a fellow Congressman introduced a bill to create a special flag for House members—it could be used on their autos. Not much money was involved and no one opposed the idea. Except H.R. Gross, that is. Delving into the matter, he discovered that the bill's sponsor really wanted the flag so it could be flown on a yacht he owned. Revealing this didn't do the bill much good on the House floor, but a single question from Mr. Gross about the flag's use on cars was probably what killed the measure:

"Where would you fly the House flag, above or below the coon tail on the radiator cap?"

Mr. Gross has been an implacable foe of foreign aid. Once, he told the House:

"I swear I think that what we ought to do is pass a bill to remove the torch from the hand of the Statue of Liberty and insert a tin cup."

One day in September, 1967, he offered a series of amendments to that year's foreign aid bill. A total of $588.6 million was slashed as a direct consequence.

TV'S IN THE JUNGLE

Mr. Gross wrote a March, 1968, Nation's Business article entitled, "We Certainly See Some Silly Spending." Here's an excerpt showing his use of wit to attack a federal program:

"Over at the Agency for International Development, which is skilled in getting rid of taxpayers' money on so-called foreign aid, somebody discovered that $400,000 had been overlooked in the agency's customary spending sprees.

"What to do?

"Why, run out and buy 1,000 TV sets so that the natives in some jungle could be educated, a bureaucrat suggested. So AID bought 1,000 TV's.

"When the House Government Operations Committee looked into it, foreign aid officials had to admit they hadn't even bothered to find out which natives were suffering from a lack of television, how they were going to get the sets to operate in the jungle (the ones they bought wouldn't work on batteries) or what they were going to show the natives if they managed to get the sets operating.

"More recently, these same AID dispensers rushed around in a crash program to set up a TV propaganda network for South Viet Nam. As a sop, they told American taxpayers that our GI's would also benefit because the network would have two channels—one for domestic propaganda, the other for 'Gunsmoke' and 'I Love Lucy.'

"You can imagine what happened. The Vietnamese took one look at the stuff on their channel and promptly switched over to 'Gunsmoke.'

"Why not? Marshal Matt Dillon has been around a lot longer than Marshal Ky."

Rep. Bo Ginn (D.-Ga.) says of his colleague: "Mr. Gross is more than a Congressman. He is a one-man investigating force dedicated to protecting the taxpayer's pocketbook. He is scrupulous, untiring, uncompromising and dedicated to the public good."

And from another House Democrat, Louisiana's Rep. Otto Passman, this appraisal: "Gross has slowed down the trend to socialism from a run to a walk."

SINKING THE "FISH POND"

For years, the late Rep. Mike Kirwan of Ohio, a powerful Democrat, sought Congressional approval to build a $10 million national aquarium on the banks of the Potomac. Every time it came up for House consideration H. R. Gross poked fun at the "glorified fish pond." It was never built.

In the twilight of his Congressional career, Mr. Gross is deeply concerned about the fiscal posture of the country.

"I've seen the budget pass the $100 billion mark, then the $200 billion mark," he says. "Now we have a $304 billion budget with a $10 billion built-in deficit. Can we ever turn this thing around?"

The White House alone is not responsible, he points out: "Congress shares the blame for this. No President can spend money that's not made available to him by Congress."

Few things rankle Mr. Gross more than supplemental appropriation bills—measures which come up near the end of each session to enlarge funds previously appropriated to operate government agencies. He comments:

"They [the Executive branch] bring in a bill at the beginning of the year and swear on a stack of Bibles, 'This is it.' They know better, because they invariably come back in a few months and ask for more."

DOLEFUL ABOUT THE DEBT

The Congressman is doleful about the federal debt, now $500 billion (interest alone is $30 billion a year) and going up. Where, he is asked, will it all end?

His reply: "It ends in a takeover and repudiation of some form or another—revaluation, devaluation or outright repudiation."

He adds: "We've been financing this government off the printing presses at the Bureau of Engraving and Printing. This is printing press money and there is no productivity behind that kind of money."

Mr. Gross estimates the combined total of public and private debt in the United States at between $2 trillion 200 billion and $2 trillion 400 billion.

"We are the most debt-ridden country in the world," he asserts. "Our federal debt alone is more than the combined governmental debts of the rest of the world.

"What a paradox: Here is the most developed country in the world in debt up to its ears!"

Few people in or out of Congress remember a piece of legislation—no matter how important or historic—by its designated number. But mention H.R. 144 to any member of Congress and he is familiar with it. Since his early days in the House, Mr. Gross has introduced House of Representatives bill 144 (the number is keyed to his name—a gross equals 12 dozen, or 144) at the start of each session.

It has a simple objective: Balance the budget and gradually retire the national debt. Year after year, it is shunted off to the Ways and Means Committee and promptly forgotten.

Now, H.R. 144 probably will be retired—like Red Grange's legendary football jersey number, 77, at the University of Illinois—unless some other member of the House, with the same zeal for economy, takes up the Gross cause.

"DUTCH" WAS A COLLEAGUE

Born on a southern Iowa farm, H. R. Gross started out as a reporter with the old United Press after World War I service in France, moved over to the editorship of a National Farmers Union newspaper and, in 1934, signed on as news director and newscaster with radio station WHO in Des Moines. A young sportscaster and announcer on the staff was Ronald "Dutch" Reagan, now Governor of California.

During his six years with WHO, Mr. Gross was a frequent defender of the Iowa farmer. His name became a household word across the state.

In 1940, he decided to run for Governor against an incumbent Republican. But party leaders, whom he had not consulted, opposed him and he lost in the primary.

He went back to radio, this time in Cincinnati. In 1948, now living in Waterloo, Iowa, he got the political itch again and ran for Congress. And again Republican leaders opposed him in the primary, even branding him a "radical leftist." But he won the primary and went on to win the general election by 20,000 votes. Except for 1964, in the landslide Lyndon Johnson election (he was the only one of six Iowa Republican Congressmen to survive it), Mr. Gross has easily won reelection to 12 terms in the House.

He regrets only one of the votes he's cast in his quarter-century in Congress.

"That was on the Gulf of Tonkin resolution," he says. "I thought I smelled something. I didn't like to vote against the President of the United States so I voted present."

Mr. Gross says the resolution, which paved the way for President Johnson to broaden the war in Viet Nam, was "contrived."

"We were very badly misled," he adds. "Mr. Johnson said Asian boys would fight for Asian soil and later McNamara [former Defense Secretary Robert McNamara] promised to bring our boys back by Christmas in 1965."

THE SIMPLE LIFE

Mr. Gross and his wife, Hazel, live a simple life in Washington. They avoid the capital's

social scene—"I've never owned a tuxedo and my wife has no ball gown," he says. "We don't need them." Mrs. Gross often reads government documents, marking sections she feels her husband will want to read.

Perhaps, in a retirement for which he has no definite plans, Mr. Gross will travel abroad. But if he does, it won't be in the fashion of some of his colleagues. He has long fought, unsuccessfully, to curb what he and other critics call Congressional "junketing." Once, an Ohio Congressman facetiously sponsored a resolution to create a committee, consisting only of H. R. Gross, to inspect American foreign aid programs overseas.

The resolution, of course, went nowhere—and neither did Mr. Gross.

"I just might take a trip one of these days, but it'll be at my own expense," the Congressman explains.

Two signs in the Capitol Hill office of this man who has won many battles, but never the war, in an unrelenting campaign to eliminate wasteful government spending, succinctly spell out a message he has been trying to put across for 25 years:

"Nothing is easier than the expenditure of public money. It does not appear to belong to anybody. The temptation is overwhelming to bestow it on somebody."

"There is always free cheese in a mousetrap."

LITHUANIAN INDEPENDENCE

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. PEYSER. Mr. Speaker, June 15 is a day of great significance to all men who love freedom. This past February 16th marked the 56th anniversary of the independence of Lithuania. Today I would like to commemorate the tragic end of this short-lived independence. Although recognized by the Soviet Union in 1920, Lithuania's independence and sovereignty was crushed by the Soviet occupation of June 5, 1940. Since then, the gallant people of Lithuania have been struggling to regain their freedom and the exercise of their human rights in the face of one of the most brutal occupations of all time. They have been faced with mass deportations to Siberia—most of the people never returning alive—and constant pressure against their national language, culture and heritage.

Their struggle continues to this day. Two years ago a riot broke out in Kuanas following the funeral of a young Lithuanian who was self-immolated in a dramatic protest against the Soviet enslavement of Lithuania. Also, 17,000 Lithuanian Catholics have petitioned the United Nations, charging the Soviets with religious persecution. And today, over 1 million Lithuanian-Americans are joining with Lithuanians throughout the free world to commemorate the brutal conduct of the Soviet Union.

Mr. Speaker, I am proud that our Government, which has consistently supported the principle of self-determination, has to this day refused to recognize the illegal annexation of Lithuania. Furthermore I would like to call upon the upcoming European Security Conference to consider and support the restoration of freedom and the exercise of self-determination by the Lithuanian people. Certainly the people of Lithuania are entitled to these basic rights, and I urge our Government to pursue all possible channels which might facilitate that achievement. We cannot let this beacon of freedom be extinguished.

A TRIBUTE TO REV. MSGR. JOSEPH A. SCANLAN ON THE OCCASION OF HIS GOLDEN JUBILEE ANNIVERSARY AS A PRIEST

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. BIAGGI. Mr. Speaker, it is my honor and privilege to pay tribute to the Reverend Monsignor Joseph A. Scanlan, pastor of Our Lady of Solace Church, who will be marking his golden jubilee anniversary as a priest on June 14. It is only fitting that as Father Scanlan reaches his most important milestone, we his friends and parishioners take the time to reflect and give praise to his long years of dedication and service to his fellow man in the service of our Lord.

Father Scanlon in addition to his own numerous personal accomplishments as a priest, has the added distinction of coming from a family which has produced three priests, all of whom are now pastors of churches in the Bronx. His two brothers, Rev. Msgr. Martin Scanlan of St. John's Kingsbridge Church, and Rev. Msgr. Arthur J. Scanlan of St. Helena's Church, I know join with me in paying tribute to their distinguished younger brother, Joseph as he celebrates his 50th year as a priest.

Father Joseph Scanlan was born on February 22, 1899 in Harlem. He attended St. Joseph's Prep in Philadelphia, as well as Brooklyn Prep and College. Following this he began his preparation for the priesthood at the prestigious St. Joseph's Seminary, where many fine priests have received their initial training. On June 14, 1924, he was ordained by His Eminence, Patrick Cardinal Hayes, and offered his first Mass the following day at the Church of the Holy Innocents in Brooklyn.

Father Scanlan began his illustrious career in the priesthood as a curate at the Church of Our Lady of Mercy in the Bronx where he remained until 1942. While here, he acquired the basic skills which were to serve him well in his pastorate years ahead. From 1942 to 1947 he served as the administrator of St. Agnes Parish in Manhattan, and from there became the administrator of St. Vincent's Hospital and Catholic Medical Center also in Manhattan.

His first pastorate was at the Church of St. Mary in Mt. Vernon, N.Y., where he served for 8 distinguished years. He provided the parishioners of St. Mary's with the highest caliber of spiritual leadership, and endeared himself to the hearts of all those he served.

In July of 1957, Father Scanlan began his pastorate at his present church, Our Lady of Solace. During these 17 years, Father Scanlan has dedicated his time and efforts to assisting all his parishioners, as well as making Our Lady of Solace one of the finest houses of worship in all of New York. He has guided his parish through the tumultuous 1960's, a decade which saw major changes in the basic Catholic liturgy. Through it all, he provided the leadership which made these transitions smooth and effective. For this, and numerous other accomplishments on behalf of Our Lady of Solace, Father Scanlan has earned the lasting love and respect of the entire Bronx community.

Demonstrating his sense of involvement with the community, Father Scanlan, in addition to his time-consuming duties at Our Lady of Solace, also serves as the chaplain of Fordhan Hospital. He truly represents the epitome of what a priest should be in today's society, a man who through his deeds spread the word and love of God to all men.

Spiritual leaders the caliber of Father Scanlan are rare. He possesses the kind of personal characteristics which have inspired people to him throughout his 50 years as a priest. His love of his fellow man, his unending patience and understanding, and his deep sympathy for all in need of help has etched him an eternal place among those men who have chosen to dedicate their lives to serving the Lord as a priest.

Mr. Speaker, it is indeed an honor for me to pay tribute to Father Scanlan, a man who represents the epitome of excellence in his chosen vocation. I am also proud to call Father Scanlan a friend, and had the pleasure of recently attending a dinner in his honor. At that dinner numerous tributes were paid to Father Scanlan, but the most moving and appropriate one was offered by one of his fellow priests at Our Lady of Solace, Rev. Arthur Welton.

He has pastured his sheep. He has brought back the lost, bandaged the wounded, and made the weak strong. He has made the name of God known to all he has met. He has prayed for every man and woman given to his care. Most importantly, he had made Our Lady of Solace the singularly distinguished parish it has grown to become.

Monsignor Scanlan, my prayer to you is continued faith, wisdom and strength. My prayer is a friendly morning, a peaceful night; and all the majestic splendor and beauty of God's creation. Much more, my prayer is God's peace and love for many years of years.

REPEAL OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS GAINS ADDITIONAL SUPPORT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. RARICK. Mr. Speaker, on June 7, 1974, Congressman PHIL CRANE and I sent a letter to our colleagues seeking additional sponsors of legislation to repeal the PSRO section of Public Law 92-603.

At that time, we indicated that 84 Members of the House had sponsored repeal legislation.

The response to our letter has been en-

couraging and further indicates the continued interest in this effort.

As of this date, 11 additional Members have either joined us or introduced an identical bill, bringing the total in the House to 95 Members sponsoring PSRO repeal legislation.

I ask that our letter to our ccolleagues, which includes a list of the new or additional sponsors, be included in the RECORD at this point:

CONGRESS OF THE UNITED STATES,
Washington, D.C., June 7, 1974.

Re: Repeal of PSRO—Professional Standards Review Organizations.

DEAR COLLEAGUE: As of this date 84 members of the House have introduced legislation to repeal the PSRO section of PL 92–603.

The PSRO section of this law represents one of the most deliberate intrusions on the part of the Federal government into the right of privacy presently enjoyed by our people. It is a vicious, pernicious, and punitive law that *cannot* be effectively amended; *it must be repealed.*

We will be reintroducing this legislation on June 18th and urge you to join with us in this effort.

For your ready reference, we are attaching a single page fact sheet on PSROs and a four-point summary sheet on the PSRO repeal movement to date. The latter contains a list of sponsors by states, a list of the official positions of state medical societies on PSRO repeal, a list of state legislatures memorializing Congress to repeal PSRO, and a summary of court suits involving PSRO legislation.

If you wish to join with us in this very important effort, please call Nick, 53901 (Rarick), or Willa, 53711 (Crane), by the close of business Monday, June 17th.

With kindest regards, we are

Sincerely,

JOHN R. RARICK,
PHILIP CRANE,
Members of Congress.

FACT SHEET—PSRO'S

In the final hours of the 92nd Congress, the House of Representatives passed H.R. 1, the 989-page Social Security Amendments Act of 1972, which was subsequently signed into law (P.L. 92–603) by the President. One portion of this law, section 249F (commonly called the Bennett Amendment), requires the establishment of Professional Standards Review Organizations (PSRO's) to review medical services provided under Medicare and Medicaid.

It is essential to note that the House *never* debated or passed a PSRO provision when it voted on H.R. 1. The Senate installed PSRO's in their version of the bill after holding public hearings, and this section was accepted in conference. H.R. 1 was then brought to the floor of the House on the very last day of the 92nd Congress under a closed rule. PSRO's were *railroaded* through the House.

These are the negative aspects of the law:

1. The Secretary of HEW is authorized to establish "norms" of health care, which will inevitably mean *standardization of medicine* and a *decline in quality medical care.*

2. To assist the Secretary in the development of these "norms," the employees of the 193 regional PSRO's are permitted to enter physicians' offices and *inspect the private medical records of ALL patients.* This is an *invasion of privacy* and a *violation of doctor-patient confidentiality.*

3. These "norms" will then be used to determine the necessity of hospital admissions, length of stay, nature and number of medical tests, type of treatment, and what pharmaceuticals a physician may prescribe. This is clearly *cookbook medicine* and *medicine by averages.*

4. Payment to Medicare and Medicaid patients may also be denied if the PSRO determines that medical care was not "medically necessary" or might have been provided "more economically." This, in effect, amounts to the *rationing of health care.*

5. Doctors who fail to follow these "norms" may be subject to a $5,000 fine, litigation, or may be forced to pay for the "unnecessary" treatment. This is *unusually harsh punishment.*

In summary, please note that PSRO is *not* peer review. It *is*, however, a cruel, pernicious, and punitive law that must be *repealed.*

SUMMARY OF PSRO REPEAL MOVEMENT, AS OF MAY 24, 1974

I. Congressional Repeal Legislation and Sponsors.

House of Representatives:

Alabama: Nichols (D).

Arizona: Conlan (R), Steiger (R).

Arkansas: Alexander (D), Hammerschmidt (R).

California: Rousselot (R), Talcott (R), Veysey (R), Lagomarsino (R), Ketchum (R), Goldwater (R), Burgener (R), Burke (D).

Florida: Lehman (D), Sikes (D), Bafalis (R).

Georgia: Flynt (D), Mathis (D), Blackburn (R), Brinkley (D), Landrum (D), Stephens (D), Ginn (D).

Idaho: Symms (R).

Illinois: Derwinski (R), Crane (R), Collier (R), Hanrahan (R).

Indiana: Landgrebe (R), Zion (R), Hudnut (R), Myers (R), Hillis (R), Dennis (R).

Iowa: Scherle (R).

Kansas: Sebelius (R), Skubitz (R).

Louisiana: Rarick (D), Treen (R), Waggoner (D).

Maryland: Holt (R), Bauman (R), Byron (D).

Michigan: Huber, (R), Hutchinson (R).

Mississippi: Lott, (R), Montgomery (D).

Missouri: Ichord, (D), Taylor, (R).

New Jersey: Hunt, (R), Sandman, (R).

New York: Kemp, (R), Grover, (R).

North Carolina: Rose, (D), Martin, (R).

Ohio: Ashbrook, (R), Harsha, (R), Powell, (R).

Oklahoma: Camp, (R), McSpadden, (D).

Pennsylvania: Goodling, (R), Ware, (R), Williams, (R).

South Carolina: Davis, (D), Spence, (R), Young, (R).

Tennessee: Beard, (R), Duncan, (R), Kuykendall, (R), Quillen, (R).

Texas: Collins, (R), Gonzalez, (D), Casey, (D), Burleson, (D), Archer, (R), Price, (R), Fisher, (D).

Virginia: Whitehurst, (R), Daniel, Dan, (D), Daniel, Robert, (R), Broyhill, Joel, (R), Parris, (R), Wampler, (R), Robinson, (R).

Wisconsin: Froelich, (R).

The following Members have either joined with us since we issued the Dear Colleague or introduced identical bills:

Abnor, South Dakota; Bray, Indiana; Jarman, Oklahoma; Madigan, Illinois; Runnels, New Mexico; Thone, Nebraska; Miller, Ohio; Roberts, Texas; Chappell, Florida; Joel Broyhill, Virginia; and Minshall, Ohio.

N.B. This brings the total to this date to 95 Members who are sponsoring legislation to repeal PSRO.

II. *Official Positions of State Medical Societies on PSRO Repeal* (based on the latest survey of the American Medical Association).

A. State Medical Societies that have passed resolutions for PSRO *repeal only*, and *advocate total non-compliance:*

Arizona, California, Florida, Georgia, Illinois, Indiana, Louisiana, and Nebraska.

B. State Medical Societies that have passed resolutions for PSRO repeal, but *do not* advocate noncompliance:

Kansas, Nevada, Oklahoma, South Carolina, Texas, and Virginia.

C. State Medical Societies that favor *either* PSRO repeal *or* heavy amendment of PSRO legislation:

Alabama, Arkansas, Connecticut, Hawaii, Iowa, Kansas, Kentucky, Maine,* Maryland, Massachusetts,* Michigan, Mississippi, Missouri, Montana, New Hampshire.*

New Jersey, New Mexico,* New York, North Carolina,* North Dakota, Ohio, Oklahoma, Oregon, Tennessee, Texas, Utah, Vermont,* Washington, West Virginia, Wisconsin, and Wyoming.

III. State Legislatures Memorializing Congress to Repeal PSRO:

Georgia, Indiana, Kentucky, and Tennessee.

IV. Court Suits Involving PSRO Legislation.

A. The Association of American Physicians and Surgeons (AAPS) has filed suit in U.S. District Court for Northern Illinois (Chicago) to have the PSRO law declared unconstitutional on the grounds that it violates the First, Fourth, Fifth, Seventh, and Ninth Amendments.

The Council on Medical Staffs (CMS) has joined the AAPS in the litigation as an *amicus curiae.*

B. The Texas Medical Association (TMA) has filed suit in U.S. District Court for Western Texas (Austin) to challenge the constitutionality of the PSRO legislation on the basis of the First, Fourth, and Fifth Amendments. The lawsuit also seeks an injunction to prohibit the Secretary of Health, Education, and Welfare from entering into any contractual agreement with specific groups in Texas.

COSTS OF ELECTRONIC SURVEILLANCE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. KOCH. Mr. Speaker, for the information of our colleagues, I would like to append material from Prof. Herman Schwartz' article entitled "A Report on the Costs and Benefits of Electronic Surveillance—1972":

EXCERPTS FROM "A REPORT ON THE COST AND BENEFITS OF ELECTRONIC SURVEILLANCE—1972"

II. NATIONAL SECURITY SURVEILLANCE [1]

The Federal Government has been using wiretapping and bugging in so-called national security cases at least since 1940, when President Franklin D. Roosevelt approved it in the interests of national defense. The FBI, which began to develop an intelligence function of major proportions at this time, in addition to its efforts in investigating particular crimes, used wiretapping and bugging quite extensively. How much we do not know, but there are indications that it was quite extensive.[1]

In the 1960's the Justice Department developed a great concern about organized crime. The FBI had apparently downplayed this problem until then, but the new Attorney General, Robert F. Kennedy, went at

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* Positions of these State Medical Societies are based on a preliminary AMA poll, since they have not yet held their annual statewide conventions.

[1] Detailed analysis of the history of national security surveillance appears in Theoharis & Meyer, *The "National Security" Justification for Electronic Eavesdropping: An Elusive Exception,* 14 Wayne L. Rev. 749 (1968) Navasky & Lewin, *Electronic Surveillance* in Gillers and Watters (eds.), Investigating the FBI (Doubleday 1973)

it with truly religious zeal; the story is told in Victor Navasky's *Kennedy Justice*. There was still much uncertainty about the number of so-called "national security" taps and bugs, for the only information that was made available about this was in annual statements by Hoover before a friendly House Appropriations Committee in which he reported the number of telephone taps in operation on the day he was testifying. In a brief in the Supreme Court, in *United States v. U.S. Dist. Ct., E. D. Mich.*, 407 U.S. 297 (1972), the Government summarized the number of "'warrantless national security telephone surveillances operated by the Federal Bureau of Investigation in the past ten years . . . [as follows]: 1960–78: 1961–90; 1962–84: 1963–95; 1964–64; 1965–44; 1966–32; 1967–38; 1968–33; 1969–49; 1970–36," citing three congressional hearings. And in 1971, President Nixon declared:

"Now in the two years that we have been in office—now get this number—the total number of taps for national security purposes by the FBI, and I know because I look not at the information but at the decisions that are made—the total number of taps is less, has been less than fifty a year."

The figures in the Government's brief and in Nixon's statement have now been revealed to range from the disingenuously incomplete to blatantly false. Analysis of the excerpt from the Government's brief in the domestic security wiretap case, together with information obtained by Senator Edward F. Kennedy and made public in December 1971, discloses that:

(1) The figures submitted by the Government to the Supreme Court related solely to the number in operation on the day that Hoover testified—duly noted in the Government's brief in the Court of Appeals but inexplicably omitted from the Supreme Court brief;[2]

(2) The figure given by Nixon is far off the mark, despite his claim that he "look[ed] not at the information but at the decisions", whatever that means.

(3) The figures given by Nixon and in the Government's brief related solely to telephone taps installed by the FBI.

(a) They do not include microphone surveillances which, at least in the early 1960's, were as numerous as telephone taps. For example, Navasky's book contains a letter from Assistant Attorney General Herbert Miller to Senator Sam J. Ervin that on February 8, 1960, there were 78 telephone taps—the number given for 1960 by Hoover—and in addition 67 "electronic listening devices." See *Kennedy Justice* 88. Thus the total was really 145 on that date alone, and several times that for the whole year, if the 1969–71 figures for the relationship between the at-one-time and the annual total are an appropriate model.[3]

(b) They do not include surveillances made by other governmental agencies, federal and state. For example, New York Times reporter Seymour Hersh has obtained Army memoranda indicating that the Army engaged in electronic surveillance for national security purposes. (N.Y. Times, 9/1/72, p. 24, col. 1) Navasky and Lewin quote a former Justice Department official's statment that FBI "agents routinely inspected" bugs and taps by local officials. *Op. cit. supra* at 299–300. Moreover, they note that Hoover's testimony

"leaves open the possibility (indeed informed sources within the department indicate it is a fact) that although he has neglected to mention it to Congress, Mr. Hoover is not referring to all of the taps in which the Bureau is involved. (1) He may be omitting the long-term embassy taps which were put on in the first place—some as long ago as during World War II—not at the instigation of the FBI, but of other agencies, such as the State Department, but which the FBI services. (2) He is omitting all of the taps requested by foreign intelligence agencies such as the CIA, which are not permitted to tap domestically yet have domestic intelligence needs. The FBI handles those taps and passes on the information (which it also absorbs). (3) He is omitting the interception of teletype messages." *Op. cit. supra* at 300.

The actual totals of national security surveillances by the FBI in operation between June 1968 and December 1970, reported by the Justice Department to Senator Kennedy were as follows:

June–December 1968—56 (50 taps and 6 bugs).

1969—94 (81 taps and 13 bugs).

1970—113 (97 taps and 16 bugs).

These much higher figures are consistent with the fact that every time a war resister or dissident has been prosecuted, national security taps popped up not merely on him, but on many people subpoenaed, or in some way connected with him—see, e.g., Spock, Ellsberg, the Berrigans, Abbie Hoffman, Bradford Lyttle, Leslie Bacon, etc., to say nothing of the earlier FBI taps and bugs on Martin Luther King, Jr. and Elijah Muhammed. The defendant's brief in the domestic security wiretap case contains a list of those known to date.

On the basis of classified data supplied by the Justice Department, Senator Kennedy's staff also calculated that on the average, the 1969–70 devices were in operation from 6 to 16 times as long as the average court-approved surveillance—i.e., from 78.3 to 209.7 days, the average federal court-approved installation lasting about 13.5 days.[4] Since the average federal tap averaged about 56 people per interception over the period 1969–71 (491 installations and 27,299 people) or about 4 people per day of operation (56+13) this means that from 312 to 840 people were overheard each year on each of the approximately 100 annual FBI national security surveillances, or from about 31,000 to 84,000 persons each year. Even if one discounts somewhat for duplication in people (though the 56 person average on court-authorized surveillance is supposed to be without duplication) this figure may still be conservative, since the national security surveillances were often on organizations where the telephone usage is much greater than on the private homes that were the targets of much of the court-ordered variety. For example, there were 9 telephones at the Jewish Defense League offices that were tapped for 208 days.[5]

From these figures it is also possible to extrapolate a very rough and conservative estimate of the number of conversations overheard. Again, using the 1969–71 figures, the daily average of conversations overheard on federal 1969–71 surveillances was about 70 per installation. (The 900 average per installation divided by the 13 day average.) Since the national security taps lasted on the average from 78 to 208 days each, the number of conversations overhead annually is between 5,460 and 14,560 per installation or between 546,000 and 1,350,000 per year for the approximately 100 installations.

These figures are staggeringly high. They may actually be understated in many respects since some or many of the 100 installations may cover more than one device, as the JDL tap did, or one location. Furthermore, these figures omit the previously mentioned possibility of surveillance by other agencies, such as the Defense Department, CIA, or state agencies tapping on behalf of the federal government's security programs; they omit teletype interceptions as well.

Because the whole business is so secret, we have no way of knowing the concrete results of this massive surveillance; this spying is allegedly only for intelligence purposes and not for criminal prosecution, though it seems to be around wherever there is a criminal prosecution of a noted dissident. But in congressional testimony this past June, former Attorney General Ramsey Clark testified as follows:

"I have tried to estimate—I do not know that it is possible—the value of the [national security] taps that we have. I know that not one percent of the information that we have picked up has any possible use."

And in response to a question from Senator Kennedy: "What would be the impact on our national security if the Executive Branch were to eliminate all warrantless tapping at the present time?" Clark replied:

"I think the impact would be absolutely zero." Hearings before Senate Admin. Prac. & Proc. Subcommittee on June 29, 1972, on the impact of *U.S. v. U.S. Dist. Ct., E.D. Mich.*, 407 U.S. 297 (1972), trscpt pp. 62–63.

Last June, the Supreme Court dealt with one facet of this national security surveillance—the domestic variety. *United States v. U.S. Dist. Ct., E. D. Mich.*, 407 U.S. 297 (1972). In a unanimous opinion for eight members of the Court, Justice Powell writing, and Justice Rehnquist abstaining, the Court denied the Government the power to eavesdrop for purposes of domestic security without obtaining prior judicial approval, a power first openly sought in the Chicago Seven conspiracy trial and rejected by most federal lower courts. Unfortunately, the Court left open two possibilities for easy eavesdropping: (1) it virtually invited the Government to seek legislation authorizing judges to apply even looser standards for domestic security wiretapping than the already less-than-demanding standards of Title III; (2) it explicitly limited its decision to "domestic aspects of national security," and to "domestic organizations," defined as a group of American citizens "which has no significant connection with a foreign power, its agents or agencies." (n. 11) The Justice Department's narrow construction of this latter category can be seen from the facts that: (a) Justice felt constrained to turn off very few installations as a result of the decision, and apparently left a couple in operation, N.Y. Times, 6/30/72, p. 17, col. 2; (b) it installed a tap on the Jewish Defense League and kept it in operation for 208 days[6]—including a month *after* indictment—on the asserted justification that this tapping was for national security purposes; and (c) a conversation by one of Daniel Ellsberg's lawyers was overheard on a foreign national security tap even though, as Justice Douglas disclosed

[2] Fred Graham and Navasky & Lewin have raised the possibility that these figures were understated because Hoover turned off some of the taps the day before he testified, so his statement could be superficially accurate.

[3] These probably included a certain number of organized crime surveillances, though that aspect of the FBI's eavesdropping was still minor at that time, before Robert Kennedy became Attorney General.

[4] The figure is likely to be closer to the upper part of the range. Not only was the Jewish Defense League tap in for 208 days, but of the six domestic security taps turned off as the result of the *Keith* decision (*U.S. v. U.S. Dist. Ct.*), one was operated for 21 months, two for 18 months, one for 4½ months, one for 3 months, and one for 2 weeks. See letter from Deputy Asst. Atty. Genl. K. Maroney to the Kennedy Committee dated 8/2/72.

[5] That the figure is none too high is clear if one reflects for a moment on one's own business phone calls: it is more than possible to talk to more than 4 new people per day, especially if one includes both incoming and outgoing calls.

[6] Other long-term surveillance has come to light in national security cases. The Government's brief in the Supreme Court described the tap in a companion case as lasting 14 months. See also 22n.

with some surprise, the tap was on the phone of a foreign national, and not on a foreign agency or in any other discernible way connected with national security. *Russo v. Byrne*, 409 U.S. ____, 93 S. Ct. 433 (1972).

When the Army was caught in its massive surveillance program, it agreed to cleanse its files. The Department of Justice told Senator Kennedy's committee that virtually no effort had been made to cleanse the FBI files of information obtained by this illegal wiretapping and bugging. Furthermore, since at least some of it had been disseminated to state agencies without disclosing to them the source of this information, cleansing of the state files is probably impossible. From all indications, nobody has ever tried.

A great deal of electronic eavesdropping for security purposes has taken place and will probably continue; such surveillance catches a great number of people in an enormous number of conversations. Because this eavesdropping is not usually aimed at criminal prosecution, it will rarely come to light—and that is probably as intended by the Executive. The only hope for some kind of oversight is from Congress. Unfortunately, this particular Administration has succeeded beyond any other in denying information to Congress. The result, however, is that except for the summary statistics obtained by Senator Kennedy, we are not likely to obtain very much more; as a matter of fact, virtually all of Senator Kennedy's questions that sought information beyond the overall annual totals went unanswered.

III. COURT-ORDERED SURVEILLANCE

The issues here are essentially three; (1) how great an invasion of privacy is taking place, in terms of people, conversations, lengths of time, and other factors; (2) how much is this costing, in purely monetary terms; and (3) with what results?

A. The extent and distribution of electronic eavesdropping

This can best be explored on an annual basis, with federal and state figures summed for each year.

1968

1. State surveillance:

In 1968 the Johnson Administration was still in office, and Ramsey Clark, the Attorney General, considered wiretapping and bugging both useless and dangerous. The only court-authorized surveillance was therefore by the states, and of this, almost all was in New York.

a. Authorizations and Installations.

According to statistics in Appendix A and B of the 1968 Report, some 174 authorizations were obtained, of which some 167 seem to have been installed, and operative (2 installations were on dead or dismantled phones). Subsequent summaries in the 1969–71 reports state that only 147 were installed but the individual reports show application grants for 174 and installations for more than that. The 147 figure seems clearly wrong; the Administrative Office seems to have erroneously assumed that the absence of data for people or conversations overheard meant that there was no installation. For example, with respect to a good number of those not included in the 147, extensions were granted, see, e.g., Albany, N.Y., Clinton County, N.Y., Queens, N.Y., Nassau, N.Y., etc., and apparently resulted in some very lengthy operations, e.g., 180 days (Albany); 160 days (Nassau). Extensions would hardly be granted on devices that were not installed. The 147 figure is thus clearly too low, and we have used the 167 figure.

b. Offenses:

The breakdown of these authorizations and installations by offense is extremely interesting:

Authorization	Installations
Gambling, 70; drugs, 71; homicide, 21; kidnaping, 1; and others, 60.	Gambling, 18; drugs, 69; homicide, 20; kidnaping, 1; and others, 60.

Drugs obviously predominate at this time, with homicide and gambling next; "drugs" can include marijuana. This pattern did not last very long.

c. Place:

As noted earlier, the overwhelming proportion of the installations were in New York State and this continues. In 1968, New York accounted for 167 of the 174 authorizations, or 90%. Although this figure has inevitably fallen, New York, together with New Jersey, still accounts for most state wiretapping. Within New York, 60% of the installations were in just two boroughs: Brooklyn (66) and the Bronx (33).

The other installations were in Arizona (2), Georgia (3) and Massachusetts (1 or 2).

d. People overheard.

Tables A and B show that on the 147 installations for which reports of persons overheard were made, 3,799 people were overheard, on an average of 25 people per installation, somewhat lower than the 29 average appearing in the 1969 and later Administrative Office reports. If some 167 installations were made, then the total would become approximately 4,250 people overheard, assuming that the average of 25 persons applied to the additional 22; this is roughly equal to the 4,312 derived from multiplying the 29 average by the 147 in the 1969–71 Administrative Office reports.

The average number of persons overheard per installation, broken down by the offense, is as follows:

Gambling, 59; drugs, 23; homicide, 20; kidnaping, 22; and other 21.

e. Conversations.

The 147 installations for which figures are reported also show that some 56,282 conversations were overheard, or an average of 373 per installation. Here too, the 1969 Admin. Office Report gives a much higher average—454—and hence a higher total—66,716. Multiplying the new average of 373 by 167 installations, produces 62,291 a figure close to the figure derived from the Administrative Office's higher average and lower installation.

The average number of conversations overheard per installation, broken down by offense, is as follows:

Gambling, 551; drugs, 369; homicide, 363; kidnaping, 24; and other, 332.

The 1971 ACLU report used the averages from the 1969–71 reports. If the 147 figure is correct, then both the total conversations and people overheard should be reduced. However, if the 167 figure is the correct one, then the totals in the 1971 ACLU report are quite close—somewhat lower on persons and a bit higher on conversations.

f. Duration:

Although the Supreme Court condemned electronic surveillance lasting 60 days in *Berger v. New York*, 388 U.S. 41 (1966), this has apparently had no impact on either state judges or prosecutors. Although it is not certain that all of the installations remained in operation for as long as the authorization period, it appears that 32 of the 167 were in for 60 or more days, with 3 in for 100–199 days; an additional 46 were in for 30 to 59 days, and 86 were in for 20–29 days. Of these long term surveillances, 20 were in homicide cases, and 69 were in drug cases, with 57 in the other category. As noted earlier, the "homicide" category is not limited to murder cases, however—many are marked simply "homicide" and it is impossible to know what is really involved. More detailed data in later years shows that this is a looser category than it seems, including such things as threats, conspiracies, solicitation to commit homicide, as well as a few consummated murders.

g. Miscellaneous:

Extensions were freely granted—126. In addition, it appears that no original applications were denied though two extension applications were; indeed, in the four years for which reports are available, only two applications have been denied, both in 1969.

GEORGE MITCHELL ON PRIVACY

HON. BILL GUNTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1974

Mr. GUNTER. Mr. Speaker, in looking over the results in yesterday's primary election in Maine, I could not help noticing the success of a candidate who had taken a strong stand on an issue which many of us here in the Congress believe to be very important.

George Mitchell, the Democratic nominee for Governor issued a series of position papers in spite of what some commentators have said about this being a "non-issue" year. His position on the right to privacy interested me greatly as I believe it will all serious advocates of insuring the rights of our citizens to their precious right of privacy. I would also like to add that it is reassuring to me to know that issue oriented candidates like George Mitchell are successful and that people running for office in the various States are as concerned with the question of the right to privacy as we are here in Congress.

I would like to share Mr. Mitchell's comments with my colleagues:

STATEMENT BY GEORGE MITCHELL

ON THE RIGHT TO PRIVACY

The need to preserve the privacy of each individual has become acute, because as government at all levels seeks to accomplish more, and as it attempts more sophisticated tasks, it needs more information. Some of that information is the type which most citizens rightly regard as private matters—matters which they do not want made public, or even to be freely available to those in government.

Yet, most will agree that the answer to this problem of personal information in the hands of government cannot be simply to refuse to give such information to the government. For example, most citizens would object to having their income tax returns—with their income, their contributions to charities, and other matters—made public, although they surely concede that the government needs this information. This is true of many areas.

Nor would many of us be willing to give up government programs which could not function without such information.

Rather, we must insure that personal information provided to the government is needed for legitimate and authorized government purposes, that it is used only for those limited purposes, and it is seen only by those few government employees who must see it to accomplish those purposes.

Of course, this whole issue of privacy has taken on a new aspect due to Watergate. The Watergate Affair, and all the immoral and illegal activity associated with it, is not primarily a matter of privacy. But it does demonstrate that a great threat to our privacy exists from political leaders who are willing to manipulate the power of government to serve their own ends. In Watergate, not only did the Nixon Administration or the Nixon Reelection Campaign use private individuals to spy upon and wiretap others; just as harmful, they used information which the government legitimately possessed, such as

tax returns, for totally illegitimate purposes. This was a flagrant violation of the responsibilities of office and remains a potential threat to the privacy of every American.

One answer—the most obvious one—to this problem is to elect principled leaders. Of course, this must be done. But the experience of the past few years teaches us that we also must try to restrict access to and limit the private information which the government has in order to protect our privacy. Only with institutions and laws which are sensitive to and meet the threat to privacy, as well as leadership committed to preserving privacy, will the privacy of our citizens be adequately protected.

In this statement, I offer several proposals which I feel meet some of the problems in these areas and which represent a program to ensure that the privacy of our citizens is respected by our state government.

1. LIMITED ACCESS TO INFORMATION

First, access to personal or confidential information submitted to state government should be strictly limited to those "who need to know" that information in order to carry out a specific, legitimate government function. This policy should be contained in state regulations, and where appropriate, agencies should limit access to such information to a list of certain government employees.

I believe this policy, firmly embedded in our government's procedures, will aid in keeping confidential what should be confidential, whether it be tax information, confidential business information, state medical records, or other categories of information which deal with individuals' personal lives.

Not only should this information be restricted to those who have demonstrated a bona fide need to know, but also non-government agencies should never receive such information without the consent of the individual involved. Private parties, whether they are potential employers, credit agencies, insurance companies, or private investigators have no business receiving such information without the explicit approval of the person involved. This principle should also be contained in our agencies' regulations.

THE RIGHT TO CORRECT

In many instances, government files may contain incorrect or derogatory information about an individual, and these errors, unknown to that person, go uncorrected. In many instances this can be remedied by allowing each citizen to inspect the government file dealing with him or her and allowing that person to add a statement to the file and to request the government to correct any errors. This is the surest and the easiest way to eliminate inaccurate or harmful material and to let our citizens know what about him or her is in the government's files.

Such a proposal has been made on the federal level, where bipartisan legislation has been introduced in Congress. I believe we should apply it immediately at the state level.

Of course, certain files, by their very nature, would have to be excluded from this "right to correct" category. For example, current criminal investigative files cannot be made available to the subject of such an investigation while it is taking place. Also, certain medical files may have to be kept to an absolute minimum.

Indeed, as also suggested at the federal level, we should, where appropriate, apply the "right to correct" rule to non-governmental agencies which keep files on individuals such as credit bureaus, utilities, insurance companies and certain other businesses. These files, in private hands, can cause serious economic harm or humiliation to individuals. And of course, access to these files is not restricted. It seems only fair that people have a right to look at these files to correct mistakes which they may contain.

The "right to correct" principle will serve to do more than just correct errors. By knowing that individuals will have access to these files, both government and business will be more careful in collecting information and will restrict the information which they collect to that needed for legitimate purposes in order to avoid embarrassment and complaints.

3. STATE PRIVACY RULES TO CONTROL

Recently, it has become clear that even carefully drawn state regulations to protect privacy can be undermined by federal programs seeking state data. For example, Massachusetts is now battling the federal government to maintain the confidentiality of its criminal justice records in the face of a massive, federally sponsored, national computer program for all such information which has much weaker safeguards for privacy.

I believe that when a state government collects private information—whether it is tax information, health records, court records, or whatever—and the state promises to keep that information confidential, then the state should oppose any federal efforts to obtain that information unless equally stringent guarantees of privacy are imposed. I would oppose Maine's participation in any federal program which involved sharing such information without protecting the privacy as well as Maine does.

The Massachusetts example brings up another area of privacy that must be guarded: our police and court records. In this area, there is necessarily much derogatory and unsubstantiated information about people, whether it be an arrest report or investigative files. Such information should be kept closely guarded and strictly confidential from those outside the state criminal justice system until an innocent person is proven guilty by proper procedures. Just as a man should remain free until proven guilty, so too should his reputation remain free of accusation until he is found guilty.

4. PRIVACY IN OUR SCHOOLS

Privacy is especially important for our children. Our schools and, at times, other agencies of government deal with our children and with confidential information about our children. Because of this added access to such private information, there must be added vigilance to preserve its privacy. This has been done in many juvenile court systems, where many proceedings are not made public. I believe such special protection should be extended to other areas.

For example, it has recently come to public attention that certain federal government agencies, and in particular, the Office of Education, has been giving quesionnaires to children in order to evaluate certain programs. These have contained questions about social background, family life, and other matters which many people find offensive and intrusive. While I believe we must be careful to evaluate any such allegations, and we must not cripple government programs by unreasonably restricting the information they seek, we must also be vigilant in opposing federal or state efforts to gather facts from us or our children which intrude too far into our privacy.

What is particularly disturbing was the fact that these questionnaires were presented to the children by teachers—authority figures whom the children obeyed—without any consent or knowledge by the parents.

And more important, I think we must guard zealously records involving our children. Here the main issue is school records, which often deal with disciplinary problems, emotional difficulties, and family matters. In high schools and colleges, where counselling is often available, health or mental health records may be involved. With these files, which are needed for the proper functioning of our school system, we must exercise special care. For students do not and cannot maintain the privacy of their lives, and there are many outside parties, such as employers, who naturally look to such records for information.

To protect our children, I believe that school records involving personal matters should not be released to anyone outside the school system without the informed consent of the parents of the child involved. This simple protection will guard against any possible abuses of these records. Of course, once a child reaches 18, he or she would make the appropriate decision on release of these records.

I make these proposals knowing full well that they do not completely solve this difficult problem. But I believe they should be taken, because our privacy is so important that we should take reasonable steps to protect it.

At the national level we have in the past few years seen illegal wiretapping, surveillance and burglary by government agents. As government at all levels continues to grow, so does the need to restrain it from invasion of our privacy.

For these reasons, I believe we must act promptly to protect our citizens and to reassure them that their right to privacy will not be invaded or eroded.

HOUSE OF REPRESENTATIVES—*Thursday, June 13, 1974*

The House met at 12 o'clock noon.

Father Paul J. Asciolla, assistant administrator, Villa Scalabrini Home for Italian Aging, Northlake, Ill., offered the following prayer:

I was a stranger and you welcomed me.—Matthew 25: 35.

Almighty God, today the world is in a state of turmoil, blinded by its own prosperity. Man feels exalted by his conquest over matter and lords it over nature as its master, tearing the lifeblood out of its soil, taming the lightning, bringing confusion among the waters of the oceans.

Nations fall, rise, and renew themselves once more. Races reach out and intermingle. Through the noise and clatter of our machines, beyond all this feverish activity of work, in the upsurge of these gigantic achievements, Your sublime plan is maturing * * * the union of all peoples.

It will be a joyous day when all voices, be they in different tongues, will be lifted up in a single hymn of praise to You. Amen.

(Based on a prayer of Bishop John Baptist Scalabrini (1839–1905), founder of the Congregation of Scalabrini Fathers, Missionaries for Migrants.)

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries.